

ORDINANCE #23-00435

CITY OF MUSTANG RIDGE, TEXAS

ZONING ORDINANCE

(Replacing Ordinance #44)

TABLE OF CONTENTS

ARTICLE I. GENERAL PROVISIONS.....	1
Section 1-1. Purpose and Intent.	1
Section 1-2. Conflicting Ordinances.....	2
Section 1-3. Effect of Interpretation.	2
Section 1-4. Definitions.	2
Section 1-5. Zoning Upon Annexation.	36
ARTICLE II. ZONING DISTRICTS	37
Section 2-1. Zoning Districts Created.....	37
Section 2-2. Interpretation of Zoning District Boundaries.	37
Section 2-3. Interpretation of District Regulations.....	37
Section 2-4. Single-Family Residential Districts.....	38
Section 2-4a. Single-Family Residential Large Lot District (SF-L).	38
Section 2-4b. Single-Family Residential Medium Lot District (SF-M).	39
Section 2-4c. Single-Family Residential Small Lot District (SF-S).	39
Section 2-4d. Single-Family Residential Zero Lot Line District (SF-Z).	40
Section 2-4e. Single-Family Residential Townhouse District (SF-T).	41
Section 2-4f. Single-Family Residential Condominium District (SF-C).	41
Section 2-4g. Residential Duplex District (RD).	42
Section 2-4h. Single-Family Residential Rural District (SF-R).	42
Section 2-5. Multifamily Residential District (MF).	43
Section 2-6. Manufactured Home District (MH-1).	44
Section 2-6a. Purpose and Permitted Uses.	Error! Bookmark not defined.
Section 2-6b. Conditions and Limitations.	Error! Bookmark not defined.
Section 2-6c. Authorized in Specified Areas.....	Error! Bookmark not defined.
Section 2-6d. Standards.	Error! Bookmark not defined.
Section 2-6e. Site Development Regulations.	Error! Bookmark not defined.
Section 2-6f. Manufactured Home District (MH-2).	44
Section 2-7. General Business District (GB-1).....	46
Section 2-8. Local Retail District (LR).....	47
Section 2-9. Light Industrial District (LI).....	48
Section 2-10. Heavy Industrial District (HI).	50
Section 2-11. Agricultural (AG) District.	53
Section 2-13. Public District (P).....	53
Section 2-14. Planned Development District (PDD).	54

ARTICLE III. REGULATIONS	56
Section 3-1. Purpose and Intent.	56
Section 3-2. Prior Approvals.	56
Section 3-3. Administration and Enforcement.	56
Section 3-4. Certificates of Use and Occupancy.	56
Section 3-5. Accessory Uses and Structures.	57
Section 3-6. Accessory Apartments.	58
Section 3-7. Walls and Fences.	59
Section 3-8. Outside Storage and Display.	59
Section 3-9. Telecommunication Towers.	59
Section 3-10. Home Occupations.	61
Section 3-11. Group Homes.	62
Section 3-12. Present Illegal Uses.	62
Section 3-13. Signs.	62
Section 3-14. Landscaping.	62
ARTICLE IV. ZONING APPLICATIONS AND AMENDMENTS	63
Section 4-1. Initiation of Zoning Amendments and Changes.	63
Section 4-2. Requirements for Zoning Amendment Application.	63
Section 4-3. Nonconforming Uses.	64
Section 4-4. Conditional Use Permits - Special Exceptions.	66
Section 4-5. Variances.	69
ARTICLE V. PLANNING AND ZONING COMMISSION	72
Section 5-1. Planning and Zoning Commission Creation.	72
Section 5-2. Planning and Zoning Commission Powers and Duties.	73
Section 5-3. Planning and Zoning Commission Voting Procedures.	73
Section 5-4. Planning and Zoning Commission Conflict of Interest.	74
Section 5-5. Planning and Zoning Commission Meetings.	74
ARTICLE VI. BOARD OF ADJUSTMENT	75
Section 6-1. Board of Adjustment Creation.	75
Section 6-2. Board of Adjustment Authority.	75
Section 6-3. Board of Adjustment Conflict of Interest.	76
Section 6-4. Board of Adjustment Meetings.	76
Section 6-5. Appeals to the Board of Adjustment.	77
Section 6-6. Judicial Review.	78
ARTICLE VII. PARKING REQUIREMENTS	79
ARTICLE VIII. LANDSCAPING REQUIREMENTS	87
ARTICLE IX. SCHEDULE OF USES	88
Section 9-1. Legend for Interpreting Schedule of Use.	88
ARTICLE X. VIOLATION, ENFORCEMENT AND PENALTIES	101
Section 10-1. Violation.	101
Section 10-2. Enforcement.	101
Section 10-3. Penalties.	102

ARTICLE I. GENERAL PROVISIONS

Section 1-1. Purpose and Intent.

(a) This Ordinance is intended to promote the health, safety, and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the City.

(b) To accomplish these ends, this Ordinance is designed to achieve the following goals and objectives:

(1) Promote the health, safety, morals, and general welfare of the citizens of the City of Mustang Ridge and to create and maintain conditions under which the citizens and their environment can exist in productive and enjoyable harmony while fulfilling the social, economic, and other requirements of present and future generations.

(2) Ensure that all new developments are in general agreement and conformance with the Comprehensive Plan to ensure a harmonious pattern of development.

(3) Ensure that new development will be adequately served by streets, utilities, schools, parks, and other community facilities and that older developed areas can be maintained as healthy neighborhoods.

(4) Ensure that appropriate allocations of various land uses will be provided to meet future population levels and types.

(5) Create quality zoning controls that allow some flexibility for superb, creative development.

(6) Promote infill development of various types in appropriate areas to reduce urban sprawl and duplication of public services thereby saving tax dollars and preserving agricultural land.

(7) Protect residential areas from conflicting land uses by providing adequately landscaped buffer zones between conflicting areas.

(8) Encourage commercial, industrial, and high-density development to locate at the most economic and environmentally desirable locations.

(9) Ensure that industrial activity does not deplete the resources and quality of the land intended for current and future generations.

(10) Promote a quality of development both within the City and within the City's extraterritorial jurisdiction to direct orderly and systematic growth.

Section 1-2. Conflicting Ordinances.

Whenever any provision of this Ordinance imposes a greater requirement or a higher standard than is required in any State or Federal Statute or any other City Ordinance or regulation, the provision of this Ordinance shall govern. Whenever any provision of any State or Federal Statute or other City Ordinance or regulation imposes a greater requirement or a higher standard than is required by this Ordinance, the provision of such State or Federal Statute or other City Ordinance or regulation shall govern.

Section 1-3. Effect of Interpretation.

The interpretation and application of the provisions of this Ordinance shall be under the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended under this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern.

Section 1-4. Definitions.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined in this Article. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. All other words and terms not expressly defined shall have their general meaning, as interpreted by the Zoning Administrator, otherwise, Webster's Dictionary, latest edition, shall be used. It shall be noted, there are other Articles within this Ordinance that define terms that are specific to that Article.

Accessory structure means in a residential district, a subordinate building detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, tool house, bath, or greenhouse as a hobby (not as a business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business or occupancy by any long-term or paying guests.

Accessory use means a use that is customarily a part the principal use, a use which is clearly incidental, subordinate, and secondary to the permitted use, and which does not change the character thereof, including, but not limited to, garages, bathhouses, greenhouses, or a storage or tool shed. See *Accessory structure*.

Adjacent means abutting and directly connected to or bordering.

Administrative or research facilities means a facility used for the management of an enterprise or research and development activities such as improving technologies, developing products and scientific research.

Agriculture means the production, raising, breeding or maintenance of plants and animals including, but not limited to, forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horse or goats, game animals, exotics, fish and any mutations or hybrids, including the breeding and grazing of any or all such species; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; nurseries; florals; ornamental and greenhouse products; or lands devoted to a conservation easement, soil conservation or forestry management program. This does not include hunting and the commercial slaughter of poultry, livestock, or other animals.

Alcoholic beverage means alcohol, or any beverage containing more than one-half of one percent (1%) of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Alcoholic beverages, off premises, means alcoholic beverages that are sold for off-premises consumption. Alcoholic beverages for off-premises consumption may be bought and sold only within the following zoning districts; GB-1, LR, LI, and HI, in connection with a use for which alcoholic beverage sales is authorized under this Chapter.

Alcoholic beverages, on premises, means alcoholic beverages that are sold for on-premises consumption. Alcoholic beverages for on-premises consumption may be bought and sold only within the following zoning districts; GB-1, LR, LI, and HI, in connection with a use for which alcoholic beverage sales is authorized under this Chapter.

Alley means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street.

Amortization means a method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

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

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

Animal means any animate being that is not a human.

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

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

Apartment means a room or group of rooms used as a dwelling for a one-family unit, which includes full kitchen facilities for the preparation of meals and cooking therein.

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

Apartment house, apartment building or apartments means a building or portion thereof used or intended to be used as a home for five or more families or households living independently of each other and equipped for preparation of food.

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

Approval means the final approval in a series of required actions. For instance, the approval date of a planned unit development zoning application is the date of council approval of the final site plan.

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

Assisted living facility means an establishment that furnishes food and shelter to four or more persons who are unrelated to the proprietor and provides personal care services.

Assisted-retirement living means a use providing 24-hour supervision and assisted living for more than 15 residents not requiring regular medical attention. This classification includes personal care homes for the physically or mentally impaired, and persons 60 years of age or older.

Attendant building means a building used to house the workplace of the manager or attendant of a public or private parking lot.

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

Auto repair, major, means a business specializing in major repair of motor vehicles entirely within an enclosed building, including any use listed in this definition, as well as any use not listed as minor vehicle servicing:

- (1) Auto glass, seat cover and muffler shop;
- (2) Auto painting or body rebuilding shop;
- (3) Tire retreading and capping;
- (4) Body, fender, clutch, transmission, differential, axle, spring, and frame repairs;
- (5) Major overhauling of engines requiring removal there from of cylinder head or crankcase pan and any associated engine rebuilding;

- (6) Repair of radiator requiring removal from the vehicle;
- (7) Repair of truck, trailer, farm or industrial equipment, or other machinery/supplies;
- (8) Brake work, other than minor maintenance such as disc pad replacement and minor brake adjustment.

Auto repair, minor, means a business specializing in minor, routine, periodic, preventive maintenance of a motor vehicle conducted entirely within an enclosed building, including the following:

- (1) Servicing of spark plug, batteries, distributors, and distributor parts and including minor engine tune-ups;
- (2) Tire servicing and flat repair but not recapping or regrooving;
- (3) Radiator cleaning and flushing (on a vehicle);
- (4) Fuel pump, oil pump, and related maintenance;
- (5) Minor servicing of carburetors;
- (6) Emergency wiring repairs;
- (7) Minor motor adjustment not involving removal of the head or crank case;
- (8) Quick oil and filter change;
- (9) Servicing hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat belts, windshield wipers, mirrors, and installation of vehicle accessories such as radios;
- (10) Lubrication, greasing, and washing;
- (11) Disc pad replacement and minor brake adjustment.

Auto Sales means the display and/or sale of transportation vehicles.

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

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

Bakery means a place for baking and/or selling baked goods.

Bar means any business establishment required to have a state license for the sale of alcoholic beverages other than beer, for on-premises consumption.

Barn means a structure intended for the purpose of storing farming and ranching related equipment or housing livestock; such a structure shall conform to all construction and design standards of the district in which it is constructed. This term also includes agricultural structure(s).

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

Billboard means a sign advertising product(s) not made, sold, used or served on the premises displaying such sign, or a sign having a height greater than 12 feet or a width greater than 18 feet, including supports.

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

Board means the City Board of Adjustment.

Board of Adjustment means a committee appointed by the City Council to consider appeals from certain administrative actions pursuant to V.T.C.A., Local Government Code § 211.008, and that is given the authority set forth in this Chapter and in V.T.C.A., Local Government Code § 211.009.

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

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

Buffer yard means an area of land, together with a specified amount of planting thereon, and any structures that may be required between land uses to eliminate or minimize conflicts between adjacent uses.

Building means any structure intended for shelter, occupancy, housing or enclosure for persons, animals, or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Building acre means the area within the total subdivision boundary upon which living unit equivalents (LUEs) can be built and is calculated by subtracting from the total area of the subdivision the sum total of floodplain area, park area, hike and bike trail area and street right-of-way area (i.e., buildable acre equals total acres of subdivision less sum total of floodplain area, park area, hike, and bike trail area and right-of-way area).

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

Building Ordinance means the Building Codes and related Ordinances of the City providing standards, requirements and regulations for site development and the construction and erection of buildings and structures within the City, including, but not limited to, the Electrical Code, Plumbing Code, Building Code, and Minimum Housing Code, adopted by the City Council from time to time.

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

Building plot means the land, lots, or tract of land upon which buildings are located, or upon which they are to be constructed, including yards.

Building setback line means the lines designating the interior limit of the area of a lot within which structures may be erected. The building lines provide the boundaries of the buildable area of any given lot and the foundation and wall of any structure or building shall not be erected between a building setback line and the corresponding lot line. Every part of the building setback line shall be open and unobstructed, except for ordinary projections of windowsills, eaves, roof extensions and other architectural features not to exceed 18 inches into the building setback line. Air conditioning compressors may be permitted within side yard building setback dimension when placed adjacent to wall of structure or building.

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

Caliper means the trunk diameter of a tree at 12-inches above ground level for replacement trees or purchased trees.

Carport means a structure with one or more sides, covered with a roof, and constructed specifically for the storage of one or more motor vehicles.

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

Centerline of a waterway means the centerline of the waterway and refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by:

- (1) The low flow line; or
- (2) The center of the two-year floodplain.

Childcare center, intermediate, means a facility (including nonresidential structures) which provides custodial care and supervision for less than 24 hours a day for between seven and 12 children, excluding foster and group homes. The facility must contain a minimum 150 square feet of floor area for each child.

Childcare center, large, means a facility where over 12 children receive custodial care and supervision for less than 24 hours a day, excluding foster and group homes.

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

Child care or child development facilities means any children's home, orphanage, institution, private home, residence, or other place, whether public, parochial, or private, operated for profit or not, which keeps, cares for, has custody of or is attended by four or more children under 16 years of age at any one time, who are not members of the immediate family or any natural person operating any such place, during any part or all of the 24 hours in a day. Also, any institution, home, or other place, whether public, parochial, or private, conducted for profit or not, which keeps, cares for, has custody of or is attended by any number of children, under 16 years of age, who are not members of the immediate family of any natural person operating such a place, who are mentally or physically handicapped, under medical or social supervision, and not within a hospital, 24 hours a day.

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

City means the City of Mustang Ridge, Texas, and its representatives.

City Building Official or building official means the designated building official for the City.

City Council or council means the City Council of the City.

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

City limits or within the City means the, or within the, incorporated boundaries of the City.

City Manager means the chief administrative officer of the City or his designated representative.

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

City standard details and specifications means a library of City approved drawings and technical data representing typical drainage, transportation, erosion and sedimentation control, and utility appurtenances to be constructed for City acceptance.

Cleaning or laundry self-service shop means an establishment providing customers with self-service laundry and/or dry-cleaning facilities and does not include a commercial laundry or cleaning plant.

Cleaning shop or laundry, small, means a custom cleaning shop not exceeding 2,500 square feet of floor area.

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

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

Club. See *Social club.*

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

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

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

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

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

Commission means the City Council until such time as the Planning and Zoning Commission of the City of Mustang Ridge is created.

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

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

Communication services means an establishment engaged in providing broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms,

and photocopy and reproduction mechanisms. The term "communication services" excludes broadcast towers.

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

Community center, public, means a building and grounds owned or leased and operated by a governmental body for the social, recreational, health or welfare of the community served.

Compounding or fabrication, light, means the making of jewelry, compounding of perfume, small instruments or pharmaceuticals, and similar work or processes.

Comprehensive or Master Plan. The Comprehensive Plan of the City and adjoining areas adopted by the Planning and Zoning Commission and approved by the City Council, including all its revisions. The Comprehensive or Master Plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, and other public and private developments and improvements, to include detailed plans for water, sewer, etc. The term "Comprehensive or Master Plan" means the overall development plan for the community adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for the following:

- (1) Land intensities;
- (2) Land subdivision;
- (3) Circulation; and
- (4) Community facilities, utilities, and services.

Conditional use means an additional use which may be permitted in a district, subject to meeting certain conditions or procedures established by the City Council.

Conditional use permits means a use that is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions contained in this Ordinance.

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

Conservation easement means a nonpossessory interest held by a governmental body empowered to hold an interest in real property under the laws of this State or the United States; other qualified entity, pursuant to Section 170(h) of the Internal Revenue Code (26 USC 170h), as amended; or a charitable corporation, charitable association, or charitable trust in real property that imposes limitations or affirmative obligations designed to retail or protect property or assure its availability for agricultural, forest, recreational or open space use.

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

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

Convalescent home means any structure used or occupied by three or more persons recovering from illness or being provided geriatric care for compensation.

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

Council, whenever the term “Council” or “City Council” or “the Council” is used, it shall mean the City Council of the City of Mustang Ridge, Texas.

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

County appraisal district means the Travis or Caldwell County Appraisal District.

Court means an open, unoccupied space, bounded on more than two sides by the walls of a building. The term:

- (1) "Inner court" means a court entirely surrounded by the exterior walls of a building.
- (2) "Outer court" means a court having one side open to a street, alley, yard, or other open space.

Critical root zone means a circular area around a significant tree equal to one foot in radius for each one-inch caliper, and the center of the circular area located at the trunk.

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

Dance hall or nightclub means an establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the City.

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

Day care, nursery or kindergarten means a facility that provides, for less than 24 hours a day, whether for profit or not, care training, education, custody, treatment, or supervision for more than six children under 14 years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility.

Density means the quantity of an item per unit area, for example, the number of dwelling units per acre.

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

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

Development means the construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing, or removing vegetation, or the deposit of refuse, waste, or fill. The term "development" does not include the following:

- (1) Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming.
- (2) Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover.

Diameter at Breast Height (DBH) means the diameter of a mature tree measured at 4.5 feet above natural ground. This measurement is normally used for existing trees.

Distribution center means a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

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

Dormitory means any structure specifically designed to house student tenants associated with a university, college, or other school having and maintaining an educational curriculum and course requirements equal to or better than the standards established for public colleges and schools by the State.

Double frontage lot. See *Reverse frontage lot.*

Drainageway. See *Waterway.*

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

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

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

Dwelling means any building or portion thereof built on-site which is designed for or used exclusively for residential purposes.

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

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

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

Equestrian facility means a structure or area for horseback riding activities including boarding, training, lessons and shows.

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

Extraterritorial jurisdiction or *ETJ* means that geographic area outside the corporate boundaries of the City as established pursuant to V.T.C.A., Local Government Code §§ 42.021 and 42.022.

Fabricating means the process of assembling using standardized parts.

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

Family home means a facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed 12 at any given time.

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

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

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

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

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

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

Floodplain means that land which lying within a stream channel or adjacent to a stream channel within which flooding frequently occurs, the elevation above sea level of which shall be as established by a Flood Insurance Rate Map (FIRM) issued or approved by Federal Emergency Management Act (FEMA), or in absence of such, as established as part of the land development by licensed professional engineer and approved by the City. It is land that is required to be kept open and nonurbanized in order to maintain upstream floodplain characteristics and ensure continued adequate drainage of adjacent land.

Floor Area Ratio (FAR) means the maximum square footage of total floor area permitted for each square foot of land area.

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

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

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

Fraternity, sorority, or group student housing means a building occupied by and maintained exclusively for students affiliated with an academic or vocational institution.

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

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

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

Garage means an enclosed structure in which one or more motor vehicles are parked for residential purposes.

Garage, public, means an accessory building or an accessory portion of a main building, except a private garage, used or designed to be used for the storage of motor vehicles.

Garage sale means and includes all sales commonly known or advertised as garage sale, lawn sale, attic sale, rummage sale, flea market sale, or any similar casual sale of goods or merchandise which is advertised by any means whereby the public at large is or can be made aware of such sale in a residential area.

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

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

General acute care hospital means a health care facility that provides inpatient or outpatient services delivered to patients experiencing acute illness or trauma as licensed by the State as a general or special hospital. See *Licensed general hospital*.

Golf course, commercial, means a golf course or driving range privately owned but open to the public for a fee and operated as a commercial venture.

Grade means the following:

- (1) The slope of a road, street, other public way, or utility line specified in terms of percent;
 - (2) The topographic relief of a parcel of land;
 - (3) The average elevation at ground level of the buildable area of a lot or parcel of land.
- Grading means any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut, or filled condition.

Grain elevator means a facility for the temporary storage of large quantities of agricultural grain.

Greenhouse, commercial, means a facility for the growing and commercial distribution of plant materials.

Grocery/supermarket means an establishment for the display, preparation and retail sale of foods and associated items.

Group home means a building that provides food and shelter, personal guidance, care, habitation services and supervision to persons with disabilities. It must be a community-based residential home operated by the Texas Department of Mental Health and Mental Retardation or a community center organized under Section 3.01 of the Texas Mental Health and Mental Retardation Act (Texas Health and Safety Code Section 534.001), or an entity subject to the Texas Non-Profit Corporation Act, or an entity certified by the Texas Department of Human Services as a provider, under the medical assistance program servicing persons in intermediate care facilities, for persons with mental retardation.

Half-story means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Halfway house means a dwelling unit used as a single-housekeeping unit for not more than six persons who have demonstrated a tendency towards alcoholism, drug abuse, antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons.

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

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

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

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

Home occupation means a commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without the installation of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, and which does not cause the generation of other than normal noise, pedestrian, and vehicular traffic. It is an accessory to a residential use subject to the following limitations:

- (1) The home occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioners;
- (2) The residential character of the lot and dwelling shall be maintained, the exterior of the dwelling shall not be structurally altered, and no additional buildings shall be added on the property to accommodate the home occupation;
- (3) The occupation shall not produce external noise, vibration, smoke, odor, fumes, electrical interference, or waste runoff outside the dwelling unit or on the property surrounding the dwelling unit; and
- (4) No vehicle used in connection with the home occupation which requires a commercial

driver's license to operate shall be parked on any street adjacent to the property.

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

Hospital means a clinic or institution licensed by the State as a clinic or hospital where humans are given medical treatment. In patient stays.

Hotel means a building in which lodging is provided and offered to individual transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes, pressing shop, barbershop, or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through and inside a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boardinghouse, a lodging house, or an apartment. To be classified as a hotel, an establishment shall contain a minimum of six individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and the use and upkeep of furniture.

Hotel/motel means a building occupied or used as a temporary abiding place of individuals or groups of individuals who are lodged with or without meals for compensation.

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

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

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

Institution for the care of substance dependent persons means an institution offering resident or outpatient treatment to alcoholic or narcotic patients.

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

Kennel means a place in which five or more dogs or cats at least six months of age are kept, boarded, or trained, by the owners of the dogs or cats or by persons providing facilities and care with or without compensation.

Kindergarten or preschool means any private school, operated for profit or not, attended by four or more children at any one-time during part of a 24-hour day, which provides a program of instruction for children below the first-grade level in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

Landscaping means a planted area containing trees, shrubs, and ground covers providing a transition between structures on a site and the property line, adjacent structures and/or public rights-of-way.

Laundry facilities means a commercial laundering establishment which cleans clothing, carpeting, drapes and other cloth or synthetic fiber materials using a chemical process. Such establishments may also include self-service laundering facilities.

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

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

Licensed general hospital means a short term, acute care, general hospital that:

- (1) Is an institution duly licensed in and by the State in which it is located and is lawfully entitled to operate as a general, acute care hospital;
- (2) For compensation from or on behalf of its patients, is primarily engaged in providing inpatient diagnostic and therapeutic services for the diagnosis, treatment, and care of two or more unrelated individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, or pregnancy by or under the supervision of physicians;
- (3) Has organized, functioning departments of medicine and surgery;
- (4) Provides 24-hour nursing service by or under the supervision of licensed registered nurses;
- (5) Regularly maintains, at a minimum, clinical laboratory services, diagnostic X-ray services, treatment facilities including surgery or obstetrical care or both, and other definitive medical or surgical treatment of similar extent;
- (6) Is not predominantly a skilled nursing facility, nursing home, custodial care home, health resort, spa or sanatorium, place for rest, place for the aged, place for the treatment or rehabilitative care of mental or nervous conditions, place for the treatment or rehabilitative care of alcoholism or substance abuse or addiction, or place for hospice care.

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

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

Live/work units means a dwelling unit that allows 25 percent (25%) of the floor area to be used as workspace, subject to home occupation limitations.

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

Local health district means the Travis or Caldwell County Health District.

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

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

Lot area means the net area of a lot exclusive of any portion of streets, alleys, or rights-of-way.

Lot, corner, means a lot abutting upon two or more streets at their intersection.

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

Lot, interior, means any lot other than a corner lot.

Lot lines means the lines bounding a lot as defined in this section.

Lot line, front, means that lot line adjacent to street right-of-way. In the case of a corner lot, only one lot line shall be designated as the front lot line.

Lot line, rear, means that lot line opposite the front lot line of said lot not intersecting with the front lot line.

Lot line, side, means any lot line which intersects the front lot line of said lot.

Lot width. See Minimum lot width.

Manufactured home means a structure constructed on or after June 15, 1976, according to the rules of the United State Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 feet or more in length, or, when erected on site, is a minimum of 800 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with an engineered foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. Anything less than the length and/or width specified in this definition shall not be allowed in a Manufactured Home Park and shall not be installed, located, or placed on any lot, land, or other location within the corporate limits of the City of Mustang Ridge. This term does not include recreational vehicles or tiny homes.

Manufactured home park means a unified development for manufactured housing spaces arranged on a tract of land in compliance with this Ordinance, pertaining to subdivision, with the individual lots or parcels being held under a common ownership and rented or leased to the occupants.

Manufactured home subdivision means a unified development for manufactured housing spaces arranged on a tract of land in compliance with this Chapter and Chapter 41, pertaining to subdivision, with the individual lots or parcels being developed and sold to occupant owners.

Manufactured housing. See *Manufactured home*.

Massage parlor means an establishment that provides massage or other physical therapy by licensed physical therapists.

Master Plan means the overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for:

- (1) Land intensities;
- (2) Land subdivision;
- (3) Circulation; and
- (4) Community facilities, utilities, and services.

Maximum structure height is the distance from the lowest foundation level to the highest roof peak. Chimneys, roof vents and other appurtenances are not included in the determination.

Medical office/center means a walk-in facility for medical, obstetrical, or surgical care limited to day use only.

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

Minimum lot width means the horizontal dimension (arc length if a curved line) shown on the plat along the street line, or on cul-de-sac lots, the minimum lot width is measured along the front building setback line.

Mobile home means a movable or portable structure constructed prior to June 15, 1976, that is eight feet, or more, in width and 40 feet, or more, in length constructed to be towed on its own integral chassis, as defined in V.T.C.A., Occupations Code § 1201.003.

Modular component means a structure or building module as defined in V.T.C.A., Occupations Code § 1202.001(5), that is inspected and permitted by and under the jurisdiction and control of the department of licensing and regulations, that is transportable in one or more sections and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air conditioning

and electrical systems contained in the component. The term "modular component" does not include a mobile home or a manufactured home.

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

Motor freight terminal means any premises where cargo is stored and where trucks, including tractor and trailer units, load, and unload cargo on a regular basis. This definition shall also include facilities for the temporary storage of loads and cargo prior to shipment.

Multifamily dwelling means a building that contains more than two dwelling units.

Multi-family residential, restricted, means multiple-family residences, containing five or fewer dwelling units which are located above the first floor of a structure that has a nonresidential use, such as an office or retail shop, operating on the first floor.

Multiple building complex means more than one principal building on a building plot or lot.

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

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

Natural state means substantially the same conditions of the land which existed prior to its development, including but not limited to the same type, quality, quantity and distribution of soils, ground cover, vegetation, and topographic features.

Neighborhood means the area of the City characterized by residential land uses which is bounded by:

- (1) Physical features, such as river, major street, lack of access, buffer; and/or
- (2) Political features, such as voting districts, subdivision boundaries.

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

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

Nightclub means an establishment required to have a State permit for the sale of alcoholic beverages and in which 50 percent (50%) or more of the monthly gross revenues are from the sale of alcoholic

beverages; or any business or commercial establishment in which alcoholic beverages are consumed and live entertainment is provided.

Nonconforming lot means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Ordinance from which this Chapter is derived, but which fails by reason of such adoption revision or amendment to conform to the present requirements of the zoning district.

Nonconforming structure or building means a structure or building the size dimensions or location of which was lawful prior to the adoption, revision, or amendment of the Ordinance from which this Chapter is derived, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district.

Nonconforming use means any use lawfully existing at the time of passage of the Ordinance from which this Chapter is derived, which does not, by reason of design or use, conform to the regulations of the District in which it is situated.

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

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

Official County Records means the Official Public Records of Travis or Caldwell County, Texas.

Off-site improvements means any required improvement which lies outside of the property being developed.

Off-street parking means an enclosed or unenclosed area, not on a public street or alley, established for or used for the parking of a motor vehicle.

Off-street parking as expansion of retail or commercial use means an off-street parking lot located adjacent or contiguous to a retail, commercial or office district.

Off-street parking space means an area of privately owned land not less than nine feet by 18½ feet not on a public street or alley, with an all-weather surface. A public street, private street or joint-use driveway shall not be classified as such, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space; provided that, not more than 25 percent (25%) of any required off street parking spaces may be compact parking spaces of not less than 128 square feet (eight feet by 16 feet) exclusive of the driveways connecting said space with the street or alley.

On-Site parking means an area used for the storage of motor vehicles located wholly within a single lot whose use is dedicated to that particular lot.

Open or outdoor storage means the keeping, in an unroofed area, of any goods, junk, material, merchandise, in the same place for more than 24 hours.

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

Outdoor storage means the storage of large quantities of materials or products associated with an industry or business. Such storage requires a structure designed for and/or devoted to the containment of the item or items, such as an oil storage tank or grain elevator.

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

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

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

Parking space means an area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than 9 feet by 18 feet, exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile. Durably surfaced means an improved surface for all weather access.

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

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

Paved area means an area surfaced with asphalt, concrete, or similar pavement, providing an all-weather surface. Gravel is not an acceptable paved surface.

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

Permeable pavement means a paving material that permits water penetration.

Permit issuing authority means the building official or other City officer, employee or agent designated by lawful authority to issue the applicable permit.

Permitted use means a use specifically allowed in the applicable zoning districts without the necessity of obtaining a conditional use permit.

Personal care facility means a facility that provides supervised living arrangements for persons with physical or mental disabilities, which by reason of Federal or State law, is not subject to the limitations set forth in deed restrictions of single-family zoning districts.

- (1) The term "personal care facility" includes a community-based residential home operated by:
 - (a) The Texas Department of Mental Health and Mental Retardation;
 - (b) A community center operated under V.T.C.A., Health and Safety Code § 534.001 et seq., which provides services to disabled persons;
 - (c) A nonprofit corporation; or
 - (d) Any entity certified by the State department of human resources as a provider under the intermediate care facilities for the mentally retarded program.
- (2) The term "personal care facility" includes homes for the handicapped as defined in 42 USC 3602(h).

Personal service means an establishment engaged in providing services of a personal nature. Typical uses includes beauty shops and barbershops, tailor, and shoe repair services.

Personal service shop means an establishment for the purpose of supplying limited personal services such as, but not limited to, barbershops or shoe, boot, or beauty shops.

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

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

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

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

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

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

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

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

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

Product assembly services means an establishment engaged in the on-site assembly of nonhazardous products.

Product development services, general, means development and testing of nonhazardous products related to research services. See *Research services, general*.

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

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

Property owners association means an incorporated, nonprofit organization operating under recorded land agreements through which:

- (1) Each lot and/or homeowner in a subdivision or planned unit development or PUD is automatically a member;
- (2) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property; and
- (3) The charge, if unpaid, becomes a lien against the property .

Property owners association (POA) neighborhood park means a privately owned parcel of land, within a subdivision, dedicated solely for recreational use by persons in such subdivision and their guests, and maintained by the residents of said subdivision.

Psychiatric and rehabilitation hospital means hospitals known and licensed as psychiatric and substance abuse hospitals are primarily engaged in providing diagnostic, medical treatment, and monitoring services for inpatients who suffer from mental illness or substance abuse disorders. The treatment often requires an extended stay in the hospital. These establishments maintain inpatient beds and provide patients with food services that meet their nutritional requirements. They have an organized staff of physicians and other medical staff to provide patient care services. Psychiatric,

psychological, and social work services are available at the facility. These hospitals usually provide other services, such as outpatient services, clinical laboratory services, diagnostic X-ray services, and electroencephalograph services. The primary activities of firms in this industry are:

- (1) Psychiatric hospitals, except convalescent.
- (2) Alcoholism rehabilitation hospitals.
- (3) Children's hospitals, psychiatric or substance abuse.
- (4) Detoxification hospitals.
- (5) Drug addiction rehabilitation hospitals.
- (6) Hospitals for alcoholics.
- (7) Hospitals, addiction.
- (8) Hospitals, mental, except mental retardation.
- (9) Hospitals, psychiatric, except convalescent.
- (10) Hospitals, psychiatric pediatric.
- (11) Hospitals, substance abuse.
- (12) Mental hospitals, except mental retardation.
- (13) Mental health hospitals.
- (14) Rehabilitation hospitals, alcoholism, and drug addiction.

Public means:

- (1) With respect to land and interests in land within the City limits, the City;
- (2) With respect to land and interests in land within the extraterrestrial jurisdiction limits, the general public; and
- (3) With respect to the provision of any services or products by a business establishment, the general public.

Public grounds or *building* means a facility such as office buildings, and maintenance yards and shops required by branches of local, State, or Federal government for service to an area such as highway department yard or a City, county, or school service center.

Public use means places of noncommercial public assembly or administrative functions where the primary activity is contained within a building, including but not limited to churches, schools, and government buildings.

Quarry means a tract of land of 50 acres or more for which any portion is used as a commercial operation for the extraction, processing, sale or use of soil, sand, shale, gravel, limestone, or other similar rock materials, but not oil or natural gas, for any commercial purpose.

Quarry operations means the operations necessary to develop and operate a quarry, including but not limited to mining, drilling, blasting, crushing, processing, or other similar activities, and the accessory buildings, structures, machinery, and facilities related thereto as more particularly described in Article VI, Division 2 of this Chapter.

Radio, television, microwave, and similar towers means structures supporting antennas for transmitting or receiving any portion of the radio spectrum but excluding noncommercial antennas installation for home use of radio or television.

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

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

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

Recreation vehicle means a motorized vehicle or non-motorized trailer designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

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

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

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

Recycling operations, indoor, means a recycling operation which is fully enclosed within permanent walls and roof of a building or, if windows and doors are present, which is capable of enclosure to ensure compliance with the required performance standards in the construction/manufacturing or transportation/utilities districts as appropriate. The outside storage of recyclable materials in conjunction with the recycling operation inside a building is prohibited in a W District. A dust collection system may be located outside the main building.

Recycling operations, outdoor, means a recycling operation which occurs in the open, or partially within a building and partially in the open.

Regulatory 100-year floodplain means the 100-year floodplain as defined by the Federal Emergency Management Act (FEMA).

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

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

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

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

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

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

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

Restaurant, drive-thru, means an establishment where food and/or beverages are sold in a form ready for consumption, where a portion of the pick-up and consumption of food may take place from an automobile. The term "drive-thru restaurant" includes fast-food restaurants.

Retail food store means a retail establishment selling meats, fruits, vegetables, bakery products, dairy products, light hardware, and other similar items which are purchased for use and/or consumption off the premises. The term "retail food store" may be a drive-in or supermarket.

Retail sales means the sale or rental of commonly used goods and merchandise for personal or household use. Typical uses may include department stores, furniture stores, or establishments providing the following products or services:

- (1) Home furnishings and appliances, household cleaning and maintenance products;
- (2) Drugs, cards, stationery, notions, books, tobacco products, cosmetics, or specialty items;
- (3) Apparel, jewelry, fabrics, and like items;
- (4) Cameras or photography services;
- (5) Household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, or office supplies;
- (6) Bicycles, wallpaper, carpeting, and floor covering; or
- (7) Automotive parts and accessories (excluding service and installation).

Retail sales and service means a business established for the sale of goods or services to consumers, usually in small quantities (as opposed to wholesale).

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

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

Right-of-way, parkway, means that area within the public right-of-way (ROW) between the back of curb or edge of pavement and the right-of-way boundary line.

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

Sale of produce grown on-site means roadside stands or other temporary structures constructed for the sale of agricultural or horticultural products raised substantially on the premises.

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

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

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

School, commercial trade, means a business organized to operate for a profit and offering instruction and training in a trade such as welding, bricklaying, machinery operation, mechanics, and similar trades.

School, public, private or denominational, means a school under the sponsorship of a public, religious or private entity and having a curriculum that is equal to or better than the minimum curriculum requirements specified by the State, or by an institution or organization that establishes curriculum standards that are accepted by the State, for public elementary or secondary schools, or for colleges

or universities, as applicable, including preschools and kindergarten schools, but not including trade or commercial schools.

Screening means the establishment of an opaque fence or barrier for the purpose of obscuring a particular land use, structure, or activity from sight. Screening can include the use of landscaping.

Secondary use means a support use to the principal, permitted use that remains incidental to the principal use, both in building square footage and, when applicable, in gross sales. A space that utilizes 90 percent (90%) of its space for the primary, permitted use purposes, can use the balance for the secondary use.

Self-service storage means a structure or portion of a structure used for storage, mainly of excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.

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

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

Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. See Article VIII of this Chapter for related definitions and development standards pertaining to sexually oriented businesses.

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

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

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

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

Significant tree means a living tree that the City desires to preserve to the greatest extent possible. A list of significant trees can be provided by City staff.

Single-family, attached, means the use of a series of sites for two or more dwelling units, constructed with common or abutting walls and each located on a separate lot within the total development site.

Single-family, detached, means the use of a lot for only one dwelling unit.

Single-family dwelling means a building designed for or occupied exclusively by one household. See *Single-family, detached*.

Site plan means the plan showing the use of the land, to include locations of buildings, drives, sidewalks, parking facilities and other structures to be constructed.

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

Social club means a building or portion thereof or premises used or operated for a social, educational, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

Special exception also a conditional use permit means a use that is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions contained in this Ordinance. One or the other.

Specialty surgical and diagnostic hospital means a licensed hospital that offers services, facilities, and beds for use for more than 24 hours for two or more unrelated individuals who are regularly admitted, treated, and discharged and who require services more intensive than room, board, personal services, and general nursing care. These hospitals are primarily engaged in providing diagnostic and medical treatment to inpatients with a specific type of disease or medical condition (except psychiatric or substance abuse). The term "specialty surgical and diagnostic hospital" includes hospitals providing long-term care for the chronically ill and hospitals providing rehabilitation, restorative, and corrective services to physically challenged or disabled people are included in this industry. These establishments have an organized staff of physicians and other medical staff to provide patient care services, diagnostic X-ray services, clinical laboratory services, treatment facilities, and/or other definitive medical treatment. Special surgical diagnostic hospitals maintain inpatient beds and provide patients with food services that meet their nutritional requirements. These hospitals may provide other services, such as outpatient services, operating room services, physical therapy services, educational and vocational services, and psychological and social work services.

Square foot or square feet means the square footage computed from the outside dimensions of the dwelling or structure, excluding attached garages, attics, basements, open or screened porches.

Stable means an accessory building for quartering horses when the stable building is set back from all adjacent property lines at least 50 feet, is at least 100 feet from any adjacent residence and when the site contains minimum area of one acre.

State means the State of Texas.

State health department means the Texas Department of Health or the Texas Commission on Environmental Quality (TCEQ), as applicable.

Storage and distribution means an establishment offering wholesaling, storage, and warehousing services of nonhazardous materials in enclosed structures.

Storage garage means any premises and structure used exclusively for the storage of more than five automobiles.

Story means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Street means any public or private right-of-way which affords the primary means of vehicular access to abutting property.

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

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

Structural alterations means any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

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

Structure means any building, or anything constructed or erected on the ground, or which is attached to something located on the ground. The term "structure" includes buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel and permanent signs. Sidewalks and paving shall not be considered structures unless located within a public utility or drainage easement.

Structure, principal, means the principal structure which fulfills the purpose for which the building plot is intended.

Subacute hospital means hospital care designated for patients who have been hospitalized for an acute illness and who need additional care before returning home. Subacute patients do not require intensive hospital treatment, but can benefit from additional restorative care, therapies, or educational programs. Typically, patients who will benefit from subacute care have undergone major surgeries, such as hip or knee replacements, or have had strokes, pneumonia or other illnesses that qualify them for skilled care. A subacute care unit helps patients stay near their families and loved ones while receiving the medical attention they need.

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

Swimming pool, commercial, means a swimming pool with accessory facilities that is not a part of the municipal or public recreational system or a private swim club and that is available to the general public for a fee.

Swimming pool, private, means a swimming pool constructed for the exclusive use of the residents of a single-family, duplex, multiplex or multifamily dwelling, or other residential dwelling, located and fenced in accordance with City regulations and not operated as a business or maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Tavern means an establishment required to have a State permit for the sale and on-premises consumption of beer, that is not licensed or permitted to sell any other alcoholic beverage.

Telecommunication tower means radio, wireless telephone, television, microwave, short wave radio and/or any other tower used exclusively for communication purposes. Make a by right zoning location with conditions, commercial or industrial.

Telephone exchange means switching relay and transmitting equipment, but not including public business facilities, storage, or repair facilities.

Temporary field or construction office means a structure or shelter used in connection with a development or building project, for housing on site the temporary administrative and supervisory functions, and for sheltering employees and equipment, related to the development.

Theaters means a structure or area for the presentation of plays, motion pictures, concerts, etc.

Tourist home means a building other than a hotel where lodging is provided and offered to the public for compensation for not more than 20 individuals and open to transient guests.

Townhouse means a structure on an individual lot, which is one of a series of three or more dwelling units designed for single-family occupancy, which dwelling units are structurally connected, immediately adjacent to and abutting each other between individual dwelling units. A condominium apartment (as defined in V.T.C.A., Property Code Ch. 82) in a condominium structure may be considered a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses shall be considered a townhouse project.

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

Trailer camp or park means an area designed, arranged, or used for the parking or storing of one or more auto trailers and/or recreational vehicles which are occupied or intended for occupancy as temporary living quarters by individuals or families.

Transportation services means a facility for loading, unloading, and interchange of passengers and baggage, between modes of transportation, including bus terminals, railroad stations and public transit facilities utilizing park and ride stations.

Tree means any self-supporting woody plant species which normally grows to an overall minimum height of 15 feet.

Tree survey means a scaled drawing accurately showing the location, caliper, and critical root zone of significant trees in relation to the property boundaries.

Truck stop means a facility for the parking, refueling, washing and repair of tractor-trailer trucks or buses. These facilities may also include retail sales of food or other items and temporary sleeping quarters.

Upholstery shop means a business establishment engaged in the installation of soft covering material such as fabric and underpadding for furniture and other objects. Except however, with respect to motor vehicles, it shall only include interior upholstery. In no event shall an upholstery shop include the manufacture or building of furniture or other objects.

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

Used asphalt means previously used asphalt or previously used asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material.

Utilities other than listed means any utility requiring a franchise, such as closed-circuit television, distribution of steam, hot or chilled water or similar service requiring the use of public streets or easements.

Variance means an adjustment in the application of the specific regulations of this Chapter to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Variety store means a retail commercial establishment which supplies a variety of household goods, toys, limited light hardware items, candy, some clothing and other general merchandise.

Veterinary hospital means an establishment offering veterinary services and clinics for pets, small and/or large animals. Typical uses include pet clinics, care, treatment and temporary housing of livestock and large animals, with temporary housing of large animals permitted in an attached or adjacent roofed building, with three or more sides having walls or a solid fence extending from the foundation to at least three-quarters of the distance to the roofline.

Veterinary services means an establishment offering veterinary services and clinics for pets and small domestic animals, with all activities and work indoors.

Video rental store means an establishment engaged in the sale or rental of motion pictures or games.

Vines means any woody or herbaceous plants which may cling by twining, by means of aerial rootlets or by means of tendrils, or which may simply sprawl over the ground or other plants.

Warehouse means an establishment engaged in the storage of merchandise or commodities in an enclosed structure.

Warehousing means the storage in an enclosed building of materials and goods. This definition also includes all office, distribution, and sales space. This definition does not include motor freight terminals.

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

Waterway means any natural or manmade channel conducting stormwater from a two-year storm event at a depth of eight inches or more and at a rate of five cubic feet per second or more. Street pavement shall in no instance be considered a waterway.

Wholesaling means the sale of commodities for the purpose of resale, as to retailers rather than directly to consumers.

Wood yard means a tract of property used for the storage of wood either for use as firewood or as a building material. Usually, the area is fenced for safety and security reasons.

Working days means Monday through Friday exclusive of the City's recognized holidays.

Wrecking yard means any lot, tract, or building or structure upon which used automobiles or parts of used automobiles or other motor vehicles are stored for the primary purpose of obtaining parts for resale as an automotive or motor vehicle part.

Yard means an open space at grade between the principal and accessory buildings and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

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

Yard, front, means a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street easement line and the main building or any projections thereof other than the projections of the usual steps, balconies, or bays, or unairconditioned porch. On corner lots the front yard shall be considered as parallel to the street upon which the yard has its least dimension.

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

Yard, rear, means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of steps, balconies, or bays, or unairconditioned porches, accessory dwellings, or detached garages.

Yard, side, means a yard between the main building and the sideline of the lot, extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of any building on the lot, or any projections thereof.

Zero-lot-line lot means a single-family lot that has a side wall along or near one of the lot lines so that a usable yard of a minimum of ten feet from the side lot line to the building line is created on the other side of the lot. In no case shall any part of a structure or building, including architectural features, be constructed so as to encroach upon or over the vertical extension of a lot line.

Zoning means the division of a municipality into districts in an effort to achieve compatible land use relationships, and the associated establishment of regulations governing the use, placement, spacing and size of land and buildings in order to achieve that compatibility.

Zoning Administrator means the City Administrator, or such other person designated by the City Council to receive and process plats, site plans, applications for amendments to this Ordinance, the Zoning Map, or the Comprehensive Plan.

Zoning District means a classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

Zoning Map means the official map showing the division of the City into districts which is a part of this Chapter.

Zoning, spot, means the zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the Comprehensive Plan.

Zoning strip means, typically, commercial and/or retail zoning proposed to accommodate commercial or retail development, fronting a portion of a major street, usually one lot deep.

Zoo, private, means a facility housing and displaying live animals, reptiles, or birds, privately owned, and operated for a fee or for the promotion of some other enterprise.

Zoo, public, means a publicly owned zoo or similar facility owned and operated by a governmental entity or nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

Section 1-5. Zoning Upon Annexation.

(a) All territory annexed into the City shall be automatically classified as Agricultural (AG) unless an alternative zoning is established at the time of annexation by City Council.

(b) The zoning of a land parcel after annexation must meet the requirements for notification and public hearings as set forth in this Ordinance and all other applicable State laws.

(c) The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation. No annexation application may be made conditioned upon the approval of any particular zoning classification.

ARTICLE II. ZONING DISTRICTS

Section 2-1. Zoning Districts Created.

The City may be divided into classes of residential, office, commercial, industrial, and special zoning districts as presented in this Ordinance. The location and boundaries of the zoning districts established by this Ordinance are as indicated on the map attached as *Exhibit A* entitled "Official Zoning Map of the City of Mustang Ridge, Texas" and incorporated fully herein.

The zoning districts and regulations are described herein beginning with Section 2-4 following Section 2-3.

All property within the City of Mustang Ridge at the time of this ordinance adoption shall maintain their Legacy Zoning Classification per City of Mustang Ridge Ordinance No. 44.

Section 2-2. Interpretation of Zoning District Boundaries.

In the event that uncertainties exist with respect to the intended boundaries of the various zoning districts as shown on the official zoning map, the following rules shall apply:

- (1) Where zoning district boundaries of the City appear to follow streets, alleys or highways, such boundaries shall be construed as the centerlines of those streets, alleys, or highways.
- (2) Where zoning district boundaries appear to follow lines of lots or parcels of record, such lot or acre lines shall be construed to be such boundary.
- (3) Where a zoning district divides a parcel of land, the location of such boundary shall be determined by the use of the zoning map scale as measured to the nearest foot unless such line can be more accurately determined by geometric or land surveying computations.
- (4) Where indicated district boundaries are approximately following city boundaries, such boundaries shall be construed to be the district boundaries.
- (5) Where district boundaries are indicated as approximately following a creek, stream, or marsh, the centerline of the creek, stream or marsh shall be construed to be the district boundary.
- (6) All areas of the City which are under water are considered to be within a zoning district and controlled by applicable district regulations.

Section 2-3. Interpretation of District Regulations.

(a) Permitted uses and conditionally permitted uses are listed for the various zoning districts governed by this Ordinance. Any use not specifically permitted in a specified district or districts as a use by right or a conditional permit use shall be prohibited.

(b) No structure shall hereafter be built or moved, and no structure or land shall hereafter be occupied, except for a use that is permitted as a use by right or a conditional use permit as regulated by the provisions for such use and the applicable district requirements of this Ordinance.

(c) No use of a structure or land that is designated as a conditionally permitted use in any district shall be established or hereafter changed to another use designated as a conditional use, unless a conditional use permit has been secured from the City Council or their assigned Commission.

(d) No sign, fence, wall, accessory use or structure or home occupation shall be hereafter established, altered, or enlarged unless in accordance with the provisions of this Ordinance.

(e) Within each zoning district there are additional regulations referenced that are directly applicable to uses permitted in the district.

Section 2-4. Single-Family Residential Districts

Section 2-4a. Single-Family Residential Large Lot District (SF-L).

(a) The purpose of the Single-Family Residential Large Lot District (SF-L) is to stabilize and protect the owner-occupied housing characteristics of the district as large lot development and to promote and encourage a suitable environment for living.

(b) General regulations of the SF-L District:

SF-L DISTRICT

Minimum lot square footage	10,500 square feet
Minimum lot width	70 feet
Minimum lot depth	120 feet
Minimum front yard	35 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to street	15 feet
Minimum rear yard	20 feet
Minimum dwelling unit size	1,600 square feet
Maximum impervious cover	50 percent (50%)
Maximum structure height	35'

(c) Each lot shall provide at least 2 off-street parking spaces.

(d) SF-L shall utilize urban street sections.

Section 2-4b. Single-Family Residential Medium Lot District (SF-M).

(a) The purpose of the Single-Family Residential Medium Lot District (SF-M) is to stabilize and protect the owner-occupied housing characteristics of the district as medium lot development and to promote and encourage a suitable environment for living.

(b) General regulations of the SF-M District:

SF-M DISTRICT

Minimum lot square footage	7,200 square feet
Minimum lot width	60 feet
Minimum lot depth	100 feet
Minimum front yard	15 feet
Minimum garage yard	20 feet
Minimum side yard	7.5 feet
Minimum side yard, adjacent to street	15 feet
Minimum rear yard	25 feet
Minimum dwelling unit size	1,200 square feet
Maximum impervious cover	55 percent (55%)
Maximum structure height	35'

(c) Each lot shall provide at least 2 off-street parking spaces.

(d) SF-M shall utilize urban street sections.

Section 2-4c. Single-Family Residential Small Lot District (SF-S).

(a) The purpose of the Single-Family Residential Small Lot District (SF-S) is to stabilize and protect the owner-occupied housing characteristics of the district as small lot development and to promote and encourage a suitable environment for living.

(b) General regulations of the SF-S District:

SF-S DISTRICT

Minimum lot square footage	4,800 square feet
Minimum lot width	40 feet
Minimum lot depth	100 feet
Minimum front yard	15 feet
Minimum garage yard	20 feet

Minimum side yard	5 feet
Minimum side yard, adjacent to street	15 feet
Minimum rear yard	10 feet
Minimum dwelling unit size	1,000 square feet
Maximum lot coverage	60 percent (60%)
Maximum structure height	35'

(c) Each lot shall provide at least 2 off-street parking spaces.

(d) SF-S shall utilize urban street sections. .

(e) Garages can be alley or street loaded.

Section 2-4d. Single-Family Residential Zero Lot Line District (SF-Z).

(a) The purpose of the Single-Family Residential Zero Lot Line District (SF-Z) is to stabilize and protect the owner-occupied housing characteristics of the district as a zero-lot line or garden home district and to promote and encourage a suitable environment for living.

(b) General regulations of the SF-Z District:

SF-Z DISTRICT

Minimum lot square footage	4,800 square feet
Minimum lot width	40 feet
Minimum lot depth	100 feet
Minimum front yard	15 feet
Minimum garage yard	20 feet
Minimum side yard*	10 feet
Minimum side yard, adjacent to street	15 feet
Minimum rear yard	10 feet
Minimum dwelling unit size	1,000 square feet
Maximum lot coverage	65 percent (60%)
Maximum structure height	35'

* Side yard shall be provided on one side, with one side wall of the dwelling unit abutting the property line and has no doors.

(c) Each lot shall provide at least 2 off-street parking spaces located at the rear of the home.

(d) SF-Z shall utilize urban street sections.

(e) Each lot shall have garages at the rear of home. The garages can be alley or street loaded.

Section 2-4e. Single-Family Residential Townhouse District (SF-T).

(a) The purpose of the Single-Family Residential Townhouse District (SF-T) is to stabilize and protect the owner-occupied housing characteristics of the district as a townhouse district and to promote and encourage a suitable environment for living.

(b) General regulations of the SF-T District:

SF-T DISTRICT

Maximum density	10 Units / acre
Minimum lot width	30 feet
Minimum lot depth	110 feet
Minimum front yard	20 feet
Minimum side yard	10 feet to side not abutting another unit
Minimum side yard, adjacent to street	15 feet
Minimum rear yard	15 feet
Minimum dwelling unit size	800 square feet
Maximum impervious cover	70 percent (70%)
Maximum structure height	35'

(c) Each unit shall provide at least 2 off-street parking spaces.

(d) SF-T shall utilize urban street sections.

Section 2-4f. Single-Family Residential Condominium District (SF-C).

(a) The purpose of the Single-Family Residential Condominium District (SF-C) is to allow residential housing in compliance with the Texas Uniform Condominium Act, V.T.C.A., Property Code Ch. 82, with individual units having a minimum of 500 square feet living area, inclusive of separate sleeping, living and kitchen facilities.

(b) General regulations of the SF-C District:

SF-C DISTRICT

Minimum lot square footage	2 Acre Minimum
Minimum lot width	60 feet

Minimum front yard	25 feet
Minimum side yard	5 feet
Minimum side yard, adjacent to street	15 feet
Minimum rear yard	15 feet
Minimum dwelling unit size	500 square feet
Maximum impervious cover	70 percent (70%)
Maximum structure height	45'

(c) Each bedroom shall provide at least 1.5 off-street parking spaces.

(d) SF-C shall utilize urban street sections.

Section 2-4g. Residential Duplex District (RD).

(a) The purpose of the Residential Duplex District (RD) is to allow residential rental housing and to promote and encourage a suitable environment for living. Duplex construction is regulated under the one and two-family building code.

(b) General regulations of the RD District:

RD DISTRICT

Minimum lot square footage	6,000 square feet
Minimum lot width	60 feet
Minimum lot depth	110 Feet
Minimum front yard	20 feet
Minimum side yard	5 feet
Minimum side yard, adjacent to street	15 feet
Minimum rear yard	15 feet
Minimum dwelling unit size	600 square feet
Maximum impervious cover	60 percent (60%)
Maximum structure height	35'

(c) Each unit shall provide at least 2 off-street parking spaces.

(d) RD shall utilize urban street sections.

Section 2-4h. Single-Family Residential Rural District (SF-R).

(a) The purpose of the Single-Family Residential Rural District (SF-R) is to establish a zoning district that allows 0.50 acre lots that are served by individual aerobic or advanced treatment on-site septic facilities utilizing sub-surface disposal. Minimum lot size based on water service type shall follow

current TCEQ regulations.

(b) General regulations of the SF-R District:

SF-R DISTRICT

Minimum lot square footage	0.50 Acre Minimum
Minimum lot width	80 feet
Minimum front yard	25 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to street	20 feet
Minimum rear yard	15 feet
Minimum dwelling unit size	1,000 square feet
Maximum impervious cover	40 percent (40%)
Maximum structure height	35'

(c) Each lot shall provide at least 2 off-street parking spaces.

(d) SF-R shall utilize rural street sections.

Section 2-5a. Multifamily Residential District 1 (MF-1).

(a) The purpose of the Multifamily Residential District (MF-1) is to provide housing development at higher densities. A mix of housing types, single-family rentals, triplex, quadplex, or small multi-family apartment buildings, are permitted. More than one dwelling unit can be placed on one lot.

(b) General regulations of the MF-1 District:

MF-1 DISTRICT

Minimum lot size	Two acres
Minimum street yard	20 feet
Minimum side yard	15 feet; 45 feet when building is more than 1 story and adjacent to SF district
Minimum rear yard	25 feet; 45 feet when building is more than 1 story and adjacent to SF district
Minimum dwelling unit size	400 square feet
Maximum Impervious Cover	80 percent (80%)
Max units per acre	12 units per buildable acre
Maximum Building Height	3 Stories

(c) Landscaping requirements are contained in the City's Landscaping Ordinance.

(d) Parking requirements are described in Article VII: Parking Requirements.

Section 2-5b. Multifamily Residential District 2 (MF-2).

(a) The purpose of the Multifamily Residential District (MF-2) is to provide residential housing associated with typical apartment development. More than one dwelling unit can be placed on one lot.

(b) General regulations of the MF-2 District:

MF-2 DISTRICT

Minimum lot size	Two acres
Minimum street yard*	30 feet
Minimum side yard	15 feet; 45 feet when building is more than 1 story and adjacent to SF district
Minimum rear yard	25 feet; 45 feet when building is more than 1 story and adjacent to SF district
Minimum dwelling unit size	400 square feet
Maximum Impervious Cover	80 percent (80%)
Max units per acre	24 units per buildable acre
Maximum building height	4 stories

* This applies to adjoining public streets, not internal private drives.

(c) Landscaping requirements are contained in the City's Landscaping Ordinance.

(d) Parking requirements are described in Article VII: Parking Requirements.

Section 2-6. Manufactured Home District (MH).

Section 2-6a. Manufactured Home District (MH).

(a) The purpose of the Manufactured Home District (MH) is to encourage the most appropriate use of land for manufactured housing development purposes, to encourage design standards which will create pleasing appearances, and to provide sufficient open space for light, air, and recreation.

(b) See schedule of uses in Article IX for permitted and conditional uses.

(c) General regulations of the MH District:

MH DISTRICT

Minimum lot size	One Acre
Minimum lot width	125 feet
Minimum lot depth	200 feet
Minimum front yard	25 feet
Minimum side yard	15 feet
Minimum side yard, adjacent to street	15 feet
Minimum rear yard	20 feet
Minimum dwelling unit size	800 square feet
Maximum impervious cover	50 percent (50%)
Maximum structure height	1 story

(d) Additional regulations of the MH District:

(1) A manufactured housing development shall occupy a site of not less than two acres in size and subdivision standards shall meet the City’s subdivision regulations.

(2) Manufactured housing units shall meet all standards set by the U.S. Department of Housing and Urban Development and shall be installed per Article 1201 of the Texas Occupations Code and Title 10, Article 80 of the Texas Administrative Code, as amended.

(3) All manufactured housing units shall provide proper skirting around the base of the home within 30 days of placement on property (no plywood, lattice, plastic sheeting, roofing materials, or vinyl floor materials permitted). Permissible skirting materials include, but are not limited to, brick, stone, masonry, cement, faux stone, vinyl material made specifically for manufactured home skirting, or other suitable materials approved by the City.

(4) No manufactured housing units older than five (5) years of age, from the date of the issuance of the installation permit, shall be allowed to be installed within the City of Mustang Ridge City limits.

(e) Landscaping requirements are contained in the City’s Landscaping Ordinance. In addition, landscaping plans for a lot shall be provided to the City within 30 days of placement of a manufactured house on a lot.

(f) Each lot shall provide at least 2 off-street parking spaces.

(g) MH District shall utilize rural street sections.

Section 2-7. General Business District (GB-1).

(a) The General Business District (GB-1) is established to provide areas for retail facilities that are larger than those generally located in the LR District, such as large grocery stores, bookstores, automotive services, large-scale offices, and the like. Areas zoned for GB-1 should have convenient regional access via major thoroughfares, and major collector streets are primary locational considerations. Hotel/motel uses, and community scale retail are permitted within GB-1 Districts. See the permitted use chart for a full list of permitted uses in GB-1.

(b) General regulations of the GB-1 District:

GB-1 DISTRICT

Minimum lot area	0.50 acre
Minimum lot width	None
Minimum lot depth	100 feet
Minimum front yard	25 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to SF district	15 feet plus one additional foot for each additional one foot in height above 15 feet
Minimum rear yard	15 feet
Minimum rear yard, adjacent to SF district	25 feet
Maximum impervious cover	75 percent (75%)
Maximum structure height	45'

(c) Additional regulations of the GB-1 District:

(1) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited unless in accordance with the outdoor storage section of this Ordinance.

(2) Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by fence, planting or other suitable visual barrier.

(3) All exterior lighting designed for security, illumination, parking lot illumination or advertising and which is placed within this zoning district shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties.

(d) Landscaping requirements are contained in the City's Landscaping Ordinance.

(e) Parking requirements are described in Article VII: Parking Requirements.

Section 2-8. Local Retail District (LR).

(a) The Local Retail District (LR) general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed.

(b) General regulations of the LR District:

LR DISTRICT

Minimum lot area	0.50 acre
Minimum lot width	None
Minimum lot depth	100 feet
Minimum front yard	20 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to SF district	15 feet plus one additional foot for each additional one foot in height above 15 feet
Minimum rear yard	15 feet
Minimum rear yard, adjacent to SF district	25 feet
Maximum impervious cover	70 percent (70%)
Maximum structure height	35'

(c) Additional regulations of the LR District:

(1) See Schedule of Uses in Article IX for permitted and conditional uses.

(2) All business shall be conducted entirely within a building. Outside storage and/or display of any type shall be prohibited unless in accordance with the outdoor storage section of this Ordinance.

(3) Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by fence, planting, or another suitable visual barrier.

(4) All exterior lighting designed for security, illumination, parking lot illumination or advertising and which is placed within this zoning district shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties.

(d) Landscaping requirements are contained in the City's Landscaping Ordinance.

(e) Parking requirements are described in Article VII: Parking Requirements.

Section 2-9. Light Industrial District (LI).

(a) The purpose of the Light Industrial District (LI) is to provide an area for large business parks, light industry, and office warehousing that will not generate nuisance-like activities such as noise, smoke, or heavy traffic volumes. This district should not generate traffic in residential areas and should not be located adjacent to residential areas unless proper provisions are made for screening, traffic, noise, and similar impacts. Such districts should be located with easy access to Arterial Streets and nonresidential Collector Streets to facilitate transportation logistics. Likewise, such districts may be located in close proximity to other commercial zoning districts.

(b) See schedule of uses in Article IX for permitted and conditional uses.

(c) General regulations of the LI District:

LI DISTRICT

Minimum lot area	1 acre
Minimum lot width	100 feet
Minimum lot depth	200 feet
Minimum front yard	40 feet
Minimum side yard	15 feet
Minimum rear yard	50 feet
Minimum rear yard, adjacent to Residential districts	50 feet
Minimum side yard, adjacent to Residential districts	30 feet
Maximum impervious cover	75 percent (75%)
Maximum structure height	45 feet

(d) Additional regulations of the LI District:

(1) All exterior lighting designed for security, illumination, parking lot illumination or advertising and which is placed within this zoning district shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties.

(2) Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by fence, planting, or another suitable visual barrier.

(3) No industrial operation or use shall cause, create, or allow the emission of air contaminants which at the emission point or within the bounds of the property are:

(A) In violation of the standards specified by the Texas Commission on Environmental Quality (TCEQ) or successor agencies including but not limited to those in the Texas Administrative Code Title 30 or standards specified by the Texas Department of Health including, but not limited to, those in the Texas Administrative Code Title 25; or

(B) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in the subsection above, except that when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered in compliance with this section.

(4) The emission of particulate matter from all sources shall not exceed the level specified by TCEQ regulations including by not limited to those in the Texas Administrative Code Title 30 or the regulation specified by the Texas Department of Health including, but not limited to, those in the Texas Administrative Code Title 25.

(5) Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including but not limited to paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line of the tract on which the use is located.

(6) No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the property line boundary or any point beyond the tract on which such use or operation is located. Where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, a quorum of the Planning and Zoning Commission shall determine whether the odor threshold has been crossed.

(7) No commercial or industrial use involving the manufacture or storage of petrochemical compounds or products which decompose by detonation shall be permitted in the City, except that chlorates, perchlorates, phosphorous, and similar substances, and compounds in quantities of one gallon or less for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Zoning Official and the Fire Department. The storage of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film solvents and petrochemical products for industrial purposes shall be allowed only after a conditional use permits for such use has been granted in conformance with the terms of Article IV of this Ordinance.

(8) No commercial or industrial operation or use permitted under the terms of this Ordinance shall emit toxic or noxious matter in concentrations across the boundary property line of the tract on which such operation or use is located.

(9) No use permitted under the terms of this Ordinance shall at any time create earthborn vibration which when measured at the boundary property line of the source operation exceeds the limits of the displacement set forth in the table below:

Table 1. Displacement Limits for Vibration

Frequency Cycles per Second Displacement in Inches

Cycles per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0007
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

(10) No use or operation shall be located or conducted, so as to produce intense glare or direct illumination across the boundary property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of the adjacent property.

(e) Landscaping requirements are contained in the City’s Landscaping Ordinance.

(f) Parking requirements are described in Article VII: Parking Requirements.

Section 2-10. Heavy Industrial District (HI).

(a) The Heavy Industrial District (HI) is intended to provide a location for manufacturing and industrial activities that may generate some nuisances. Industrial uses are not appropriate adjacent to any residential uses. Traffic generation will likely include heavy vehicles, making access to a minor or major Arterial or a freeway necessary. The Heavy Industrial District (HI) should not be permitted adjacent to or within one thousand (1,000) feet of any residential district, except the Agricultural (AG) District.

(b) See Schedule of Uses in Article IX for permitted and conditional uses.

(c) General regulations of the HI District:

HI DISTRICT

Minimum lot area	2 acres
Minimum lot width	180 feet
Minimum lot depth	200 feet
Minimum front yard	50 feet
Minimum side yard	20 feet
Minimum rear yard	50 feet
Minimum rear yard, adjacent to Residential districts	See Section 2-10a
Minimum side yard, adjacent to Residential districts	See Section 2-10a
Maximum impervious cover	80 percent (80%)
Maximum structure height	35 feet

(d) Additional regulations of the HI District:

(1) All exterior lighting designed for security, illumination, parking lot illumination or advertising and which is placed within this zoning district shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties.

(2) Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by fence, planting, or another suitable visual barrier.

(3) No industrial operation or use shall cause, create, or allow the emission of air contaminants which at the emission point or within the bounds of the property are:

(A) In violation of the standards specified by the Texas Commission on Environmental Quality (TCEQ) or successor agencies including but not limited to those in the Texas Administrative Code Title 30 or standards specified by the Texas Department of Health including, but not limited to, those in the Texas Administrative Code Title 25; or

(B) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in the subsection above, except that when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, performance shall be considered in compliance with this section.

(4) The emission of particulate matter from all sources shall not exceed the level specified by TCEQ regulations including but not limited to those in the Texas Administrative Code Title 30 or the regulation specified by the Texas Department of Health including, but not limited to, those in the Texas Administrative Code Title 25.

(5) Open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter; or which involve dust or other particulate air contaminant generating equipment including but not limited to paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted such that dust and other particulate matter so generated are not transported across the boundary property line of the tract on which the use is located.

(6) No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the property line boundary or any point beyond the tract on which such use or operation is located. Where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, a quorum of the Planning and Zoning Commission shall determine whether the odor threshold has been crossed.

(7) No commercial or industrial use involving the manufacture or storage of petrochemical compounds or products which decompose by detonation shall be permitted in the City, except that chlorates, perchlorates, phosphorous, and similar substances, and compounds in quantities of one gallon or less for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Zoning Official and the Fire Department. The storage of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film solvents and petrochemical products for industrial purposes shall be allowed only after a conditional use permits for such use has been granted in conformance with the terms of Article IV of this Ordinance.

(8) No commercial or industrial operation or use permitted under the terms of this Ordinance shall emit toxic or noxious matter in concentrations across the boundary property line of the tract on which such operation or use is located.

(9) No use permitted under the terms of this Ordinance shall at any time create earthborn vibration which when measured at the boundary property line of the source operation exceeds the limits of the displacement set forth in the table below:

Table 1. Displacement Limits for Vibration

Frequency Cycles per Second Displacement in Inches

Cycles per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0007
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

(10) No use or operation shall be located or conducted so as to produce intense glare or direct illumination across the boundary property line from a visible source of illumination nor shall any

such light be of such intensity as to create a nuisance or detract from the use and enjoyment of the adjacent property.

- (e) Landscaping requirements are contained in the City’s Landscaping Ordinance.
- (f) Parking requirements are described in Article VII: Parking Requirements.

Section 2-11. Agricultural (AG) District.

(a) The purpose of the Agricultural (AG) District is to preserve valuable agricultural land in certain areas of the City. This land is presently used for agricultural purposes and does not yet have access to urban services such as utilities. These agricultural lands should continue to be used for agricultural purposes until needed for urban purposes in conformity with the orderly growth of the City.

(b) General regulations of the AG District:

AG DISTRICT

Minimum lot area	3 acres
Minimum lot width	200 feet
Minimum lot depth	300 feet
Minimum front yard	35 feet
Minimum side yard	20 feet
Minimum rear yard	30 feet
Maximum impervious cover	30 percent (30%)
Maximum structure height	65 feet

Section 2-13. Public District (P)

(a) The purpose of the Public District (P) is to provide for the siting of public parks and recreational facilities and for governmental buildings of the City, County, State, or Federal governments. This district is also intended to provide for other public and institutional uses such as EMS and fire stations, health care facilities, schools, and churches, without regard to public or private ownership. With City Council approval, this zoning classification may be applied to properties situated anywhere within the City limits.

- (b) See Schedule of Uses in Article IX for permitted and conditional uses.
- (c) Landscaping requirements are contained in the City’s Landscaping Ordinance.
- (d) Parking requirements are described in Article VII: Parking Requirements.

Section 2-14. Planned Development District (PDD).

(a) The Planned Development District (PDD) is a zoning district that allows flexibility in development standards and accommodates multiple uses as integrated land use units either by a single owner or a combination of owners. A PDD may be used to permit new or innovative concepts in land use not permitted by other zoning districts, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

(1) To provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties;

(2) To provide an environment within the layout of a site that contributes to a sense of community and a coherent living style;

(3) To encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape, and size; and to provide for open space;

(4) To provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure;

(5) To encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or topography.

(b) The following evaluation and design criteria will be applied to master site plans in the PDD:

(1) Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil removal.

(2) In regard to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and insofar as practicable, do not detract from the design of the proposed structures and neighboring properties.

(3) Private streets and gates may be approved as part of the application but are not required.

(4) The maximum height of structures shall be as prescribed for each land-use category or category of uses.

(5) Setbacks shall be governed by the PDD plan.

(6) *Lighting.* All outdoor lighting shall be shielded to limit impacts on residential units and reduce light pollution.

(7) Utilities and infrastructure shall meet the standards of the City's subdivision regulations and most recently adopted International Codes.

(c) The zoning of a PDD shall be that shown on the development site plan approved and made a part of the adoptive ordinance and any written special conditions within or attached to the adoptive ordinance or development plan. The ordinance granting a PDD shall include a statement as to the purpose and intent of the PDD granted therein, as well as a general statement citing the reason for the PDD request.

(d) PDD zoning can include mixed uses but must show an improvement to allow uses within a PDD over the standard base districts as special conditions and increased benefit for this zoning category.

ARTICLE III. REGULATIONS

Section 3-1. Purpose and Intent.

No building or structure hereafter shall be erected, and no existing building or structure shall be moved, altered, added to, or enlarged, nor shall any land or structure be used or arranged for any purpose or manner other than those permitted within the assigned zoning districts and specific provisions of this Ordinance.

Section 3-2. Prior Approvals.

Nothing in this Ordinance shall be deemed to require any change to plats, lots or buildings previously approved administratively prior to the effective date of the Ordinance.

Section 3-3. Administration and Enforcement.

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator. The Zoning Administrator shall have all necessary authority to administer and enforce the provisions of this Ordinance, including the remedying of any condition found in violation of this Ordinance, the bringing of legal action to ensure compliance with this Ordinance or other appropriate action or proceeding. Enforcement may be sought through civil and/or criminal courts, as provided by law.

Section 3-4. Certificates of Use and Occupancy.

(a) Policy and application. Certificates of Occupancy shall be required for any of the following:

- (1) Occupancy and use of any structure or building hereafter erected or structurally altered.
- (2) Change in use of an existing building to a use of a different classification.

No occupancy of any new, or altered portion of any, structure or building, or any such building or structure for which there is a change of use, shall take place until a certificate of occupancy therefore shall have been issued by the City Building Official.

(b) Procedure.

- (1) New and altered structures. Written application for a Certificate of Occupancy for a new building, or for an existing building which is to be altered, shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued within three days after a written request for the same has been made to said City Building Official or his agent

after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Chapter and all applicable City Codes and Ordinances.

(2) 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 the City Building Official. If the proposed use is in conformity with the provisions of this Chapter, the Certificate of Occupancy shall be issued within three days after the application for same has been made.

(c) Approval. Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Certificates of Occupancy shall be kept in file in the office of the City Building Official or his agent and copies shall be furnished on request to any person having proprietary or tenancy interests in the building or land affected.

(d) Temporary certificate of occupancy. Pending the issuance of a regular Certificate of Occupancy, a temporary certificate may be issued by the City Building Official for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners, or of the City, relating to the use or occupancy of the premises or any other matter covered by this Chapter.

(e) Nonconforming uses. A Certificate of Occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Chapter. Application for such Certificate of Occupancy for a nonconforming use shall be filed with the City Building Official by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of the Ordinance from which this Chapter is derived. It shall be the duty of the City Building Official to issue a certificate of occupancy for a lawful nonconforming use, and the refusal of the City Building Official to issue a Certificate of Occupancy for such nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of the Ordinance from which this Chapter is derived.

Section 3-5. Accessory Uses and Structures.

(a) Accessory uses are permitted in any zoning district, but only in connection with, incidental to, and on the same lot as, a principal structure which is in use and permitted in such district. Walls and fences are regulated separately.

(b) Except as necessary for ongoing construction activity, the storage or overnight parking of buses and commercial vehicles rated over one ton is prohibited in any residential zoning district.

(c) In residential districts, no motor homes, recreational vehicles, trailers, or boats shall be parked on the street right-of-way. Parking of any of the above cited vehicles shall be permitted on an approved parking area of a front yard of a residential lot. No such vehicle shall be used for any form of extended habitation on a residential lot and no such vehicle may be connected to a private or public utility for an extended period of time.

(d) No accessory structure shall be located in a front yard.

(e) No accessory building may be placed within the limits of a recorded easement, alley or required fire lane.

(f) No accessory structure other than garages, barns and structures for agricultural use shall exceed a single story of 16 feet in height. Garages may be as tall as 30 feet in height provided that the garage shall meet the primary structure's side yard setback on all lot lines and that the height of the garage shall not exceed the height of the primary residential structure. Barns and other agricultural structures must not exceed the district height requirements.

(g) Satellite dish antennas, satellite receiving dishes and similar antenna structures are considered accessory structures. These structures shall be permitted in any zoning district under the following conditions:

(1) No satellite dish antennas, satellite receiving dishes or similar structures may be located within a front yard;

(2) In residential districts, no satellite dish antennas, satellite receiving dishes or similar structures may be more than ten feet in height measured at ground grade if they are attached to the ground, nor may they exceed district height requirements if attached to a residence, nor may they extend more than three feet when attached to the residence;

(3) The design and placement of the antenna, satellite dish or similar structure incorporates appropriate landscaping and screening measures as outlined in the Landscaping Ordinance of the City.

(h) Swimming pools, that are in-ground and 2,000 gallons of water or over, may occupy a required rear or side yard, provided that such pools are not located closer than ten feet to a rear lot line or ten feet to a side lot line. Swimming pools are not permitted in the front yard. A pedestrian space of at least three feet in width shall be provided between pool walls and the protective fences or barrier walls of the pool. Swimming pools shall be completely enclosed within a fence at least 48 inches tall. This fence must not be made from climbable material, like chain links for instance.

Section 3-6. Accessory Apartments.

One accessory apartment may be maintained within a single-family detached dwelling in the Single-Family Zoning Districts, contingent upon approval as a conditional use, and subject to the following:

(1) An accessory apartment shall have a floor area of not less than 300 square feet. Standard upstairs detached garage apartments would be allowed providing they do not exceed an area of 50 percent (50%) of the primary structure.

(2) The accessory apartment shall have a bathroom and kitchen facilities.

Section 3-7. Walls and Fences.

Walls and fences, berms and similar items that may restrict passage or vision or simply enhance private property may be located within required yards as defined by building setbacks except as follows:

- (1) No walls or fences located within the front yard shall exceed a height of 36 inches as measured from the grade at the point of placement. No walls or fences or similar items other than landscaping within rear yards shall exceed a maximum height of eight feet. Rear yard fences that are taller than 36 inches may extend to the front corners of the primary structure.
- (2) In the Industrial Districts, fences in the front yard may be up to six feet in height, constructed of approved building materials. Approved building materials exclude pallet type material, corrugated material, and chain link fences.
- (3) These provisions shall not be interpreted to prohibit the erection of an open-mesh type fence enclosing any school or playground site or business or industrial activity for security purposes.
- (4) Walls and fences, hedgerows and other dense landscaping which occur on corner lots and exceed 36 inches in height are prohibited for at least 20 feet from the intersection of street right-of-way lines.
- (5) In all Residential Districts, walls and fences that adjoin property lines shall not be electrified, barbed, or otherwise secured in a manner inappropriate or dangerous to the neighborhood.
- (6) Barbed wire or razor-edged fencing above six feet is permitted in Commercial and Industrial Districts and around telecommunications facilities located in AG zoning.
- (7) Barbed wire, razor edge, or low voltage electric fencing for the enclosure of livestock or farming equipment with no height restriction is permitted in the Agricultural District.

Section 3-8. Outside Storage and Display.

The outside storage, display or sale of goods, products or equipment is permitted only in the Industrial and Commercial Districts (GB-1) of occupied property and within the property lines.

Section 3-9. Telecommunication Towers.

(a) For the purpose of this Ordinance, Telecommunication Towers shall include radio, wireless telephone, television, microwave, short wave radio and/or any other tower used exclusively for communication purposes as interpreted by the Zoning Administrator.

(b) No Telecommunication Tower shall be located within 500 feet of a residential district unless the applicant can otherwise demonstrate by providing coverage, interference, and capacity analysis that the proposed location of the antenna is necessary to meet the frequency reuse and spacing needs of the wireless telecommunications facility and to provide adequate coverage and capacity to areas which cannot be adequately served by locating the tower in a less sensitive area. 300' will suffice. No towers will be allowed within 100' of a residential structure or a commercial day care.

(c) Towers or structures supporting telecommunication antenna or otherwise conforming to all the applicable provisions of this Ordinance are hereby subject to approval of a conditional use permit. Except in Industrial Zoning. Limit tower height to 120' and only allow monopoles.

(d) The minimum setback from the base of the tower to any property line or to any adjacent nonresidential structure shall be equal to one-half (1/2) the height of the tower. Fall zones are typically 25 percent (25%) of the tower heights. Include a provision for providing an engineered fall zone letter for less than 1/2 but never 1/4 height.

(e) The following general criteria shall be considered in determining the appropriateness of sites for a communication tower when considering a conditional use permit:

(1) Whether the proposed tower is to be located in an area where it would be unobtrusive to surrounding uses and would not substantially detract from the local aesthetic or neighborhood character;

(2) Where the application represents a request for multiple use of a proposed tower; mandatory

(3) Whether the application exhibits how the site and the tower and/or antenna will be designed and arranged to accommodate future multiple users. Mandatory for any tower in excess of 90' 2 carriers are required on tower and in lease space.

(f) In the event the tower and antenna array shall serve as the primary use of the property, any accessory facility or building greater than 100 square feet will be designed so as to be architecturally compatible with principal structures on the site and shall be compatible with the surrounding natural or built environment. Typically, now using outdoor equipment so this can be revised for commercial tracts to include a steel or wrought iron fencing.

(g) Advertising or signage provided for any use other than to provide warning or equipment instruction and/or other information pertinent to the safe operation of the facility on any portion of the tower and/or antenna or any other accessory facility shall be prohibited.

(h) Each tower shall maintain a gray or other neutral colored finish.

(i) If at any time the use of the tower and/or antenna ceases, the owner or lessee of the tower and/or antenna shall dismantle and remove it within six months after ceasing to use it, unless a binding lease agreement with another wireless communications provider on the same tower has been executed in which case an additional six months shall be granted. If the use does not begin within the additional six months, the owner or lessee of the tower and/or antenna shall dismantle and remove it immediately.

Section 3-10. Home Occupations.

(a) A home occupation shall be conducted only by persons residing on premises. The use of the home for commercial enterprise purposes shall be incidental and subordinate to the use of the home as a dwelling.

(b) The home occupation shall not result in the alteration of the appearance of the residential dwelling unit or the lot on which it is located. There shall be no storage or display of goods outside of a completely enclosed structure.

(c) The home occupation shall be conducted within the dwelling or fully enclosed accessory building.

(d) The home occupation shall not involve the use or storage of explosives, flammable or hazardous materials and may not involve any process that produces smoke, dust, odor, noise, or vibration, which is harmful to surrounding properties.

(e) The home occupation shall not involve the delivery and storage of materials at a frequency beyond that which is reasonable to the residential use of the property.

(f) Any use which generates traffic to and from the home in excess of what is normally associated with a single-family dwelling shall not be permitted as a home occupation. Adequate parking shall be provided.

(g) There shall be no group instruction, assembly, or activity, nor any display that will indicate from the exterior that the dwelling is being utilized in part for any purpose other than that of a residential dwelling. There shall be no advertising on the premises.

(h) Home occupation uses include the following:

(1) Artist, sculptor, or photographer;

(2) Author or composer;

(3) Computer programmer or Internet service provider;

(4) Childcare provider -- babysitting for not more than five children; conditional use permit required. Private;

(5) Tailor or seamstress;

(6) Professional office;

(7) Tutoring;

- (8) Telephone answering service;
- (9) Music teacher, limited to two students at any one time;
- (10) Caterer, with a conditional use permit.

Section 3-11. Group Homes.

- (a) No structural alterations shall be permitted that will cause the group home to be substantially distinguishable from other surrounding residential properties.
- (b) All group homes shall meet every State statutory licensing requirement.
- (c) No signs shall be permitted.
- (d) All exterior lighting designed for security, illumination, parking lot illumination shall be designed in such a manner as to ensure that it does not extend into adjacent residentially zoned properties.

Section 3-12. Present Illegal Uses.

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless such use is allowed in the district pursuant to this Article. Such uses shall be considered prior nonconforming uses. Nonconforming uses may be continued as a use but cannot be expanded in size, scale or mass without a rezone or conditional use permit.

Section 3-13. Signs.

- (a) All new signs and modifications or repairs to existing signs are subject to the regulations set forth in the Sign Ordinance, as amended, of the City of Mustang Ridge.
- (b) The address of each lot in a district shall be identified by signage posted on a lot and containing lettering and/or numbering clearly visible from the street and/or roadway in accordance with the City's Sign Ordinance.

Section 3-14. Landscaping.

All landscaping performed will be subject to the regulations contained in the Landscaping Ordinance, as amended, of the City of Mustang Ridge.

ARTICLE IV. ZONING APPLICATIONS AND AMENDMENTS

Section 4-1. Initiation of Zoning Amendments and Changes.

The City Council may amend, supplement, or change by ordinance, the text of the Zoning Ordinance, the zoning district boundaries of the Official Zoning Map or the zoning district classification of property whenever the public necessity, convenience, general welfare, or good zoning practice requires. Any such amendment may be initiated by:

- (1) City Council on its own motion;
- (2) Recommendation by the Planning and Zoning Commission to the City Council;
- (3) Petition of the owner, contract purchaser with the owner's written consent or the owner's agent with owner's written consent of the property which is the subject of the proposed amendment via a zoning amendment application;
- (4) Any person who is a real property owner within the city limits, may petition the City Council for a change or amendment to the provisions of this Ordinance via a zoning amendment application.

Section 4-2. Requirements for Zoning Amendment Application.

(a) Each application for a change in a zoning classification (rezoning) or a change to a zoning regulation shall be made in writing on a form provided by the City. An application shall be filed with the Zoning Administrator of the City and shall be accompanied by payment of the appropriate fee to be charged by the City for administering the zoning application. The zoning application shall contain sufficient information relative to the amendment requested.

(b) A date for a public hearing before the Planning and Zoning Commission on a filed application will be set within 30 days of receipt of a completed written application. accepted

(c) Before the 10th day before the public hearing, written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. When any amendment relates to a change of a zoning regulation or to the general text of this Ordinance, notice of the public hearing of the Planning and Zoning Commission shall be given by publication in a newspaper of general circulation in the City before the 15th day before the date of the hearing, without the necessity of notifying property owners by mail. The notice shall state the time and place of the hearing and the nature of the subject to be considered. Notice requirements under this subsection are in addition to those requirements contained in Chapter 211 of the Texas Local Government Code, as amended.

(d) The Commission shall hold a public hearing on an application prior to making its recommendation and report to the City Council.

(e) Following the public hearing, the Commission may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application and forward its recommendation to the City Council for a public hearing before the City Council.

(f) Notice of a public hearing before City Council shall be given by publication in a newspaper of general circulation in the City stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication. The Planning and Zoning Commission and City Council may hold a public joint hearing. Notice requirements in this subsection are in addition to those requirements contained in Chapter 211 of the Texas Local Government Code, as amended.

(g) After a public hearing before the City Council, the City Council action and vote shall be in accordance with Chapter 211 of the Texas Local Government Code, as amended. If the Planning and Zoning Commission recommends that a proposed change to a regulation or boundary be denied, or if a protest is filed with the Zoning Administrator against a proposed amendment, supplement or change, the proposed change shall not become effective except by a three-fourths (3/4) vote of all the members of the City Council. A protest must be written and signed by the owners of at least 20 percent (20%) of either:

(1) the area of the lots or land covered by the proposed change or legal description;

(2) the area of the lots on land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

In computing the percentage of land area, the area of streets and alleys shall be included.

(h) A change to zoning districts and zoning regulations shall comport with the City's Comprehensive Plan.

(i) Upon a denial of an application, the City Council may not reconsider an application on the same matter until after six months of its decision unless a substantive change in conditions is shown unless specific changes are instituted within the zoning case.

Section 4-3. Nonconforming Uses.

The purpose of this section is to regulate and limit the development and continued existence of uses, structures and lots established prior to the date of adoption of this Ordinance and annexed subsequent to the adoption of this Ordinance and which do not conform to the requirements of this Ordinance. Certain nonconformities may continue, but the intention is to curtail substantial investment in nonconformities and to bring about their eventual improvement to a conforming status or elimination in order to preserve the integrity and the desired character of the City. This section is not intended to impose unnecessary hardships on individuals who have established certain uses before the enactment of this Ordinance, or before the annexation of the subject property to the City. Certain privileges are

accorded such uses. Rather, it is the long-range objective that such uses will be eliminated by attrition or other means.

(a) Conditions for Continuation. Any use of land or structures lawfully existing on the effective date of this Ordinance or the effective date of any amendment to this Ordinance, that is not permitted in the district in which the use is located, may be continued subject to the following conditions:

(1) A nonconforming use of land may be continued, including through a transfer of ownership, provided that no nonconforming use of land shall be extended to occupy a greater area of land than was occupied on the effective date of this Ordinance or the effective date of an amendment to this Ordinance.

(2) No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this Ordinance or the effective date of an amendment to this Ordinance.

(3) When a nonconforming use of land, or structure, or structure and land is discontinued, it shall be deemed to be abandoned and subsequent use shall conform to the regulations of the district in which the land, structure or both are located. A nonconforming use shall be considered abandoned when:

(a) The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 consecutive days; or

(b) A nonconforming building, structure, or land, or portion thereof, which is, or hereafter, becomes vacant and remains unoccupied for a period of 90 consecutive days; or

(c) Any building, structure or land on the nonconforming premises becomes vacant for a period of 90 consecutive days; or

(d) A nonconforming use has been replaced by a conforming use; or

(e) Statutory permits and/or licenses required for operation of a nonconforming use have been revoked or have not been obtained; in this event, the use is deemed abandoned immediately.

(4) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(5) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building.

(6) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

(7) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction, for the purpose of this subsection, is defined as damage to an extent of more than 50 percent (50%) of the replacement cost at the time of destruction.

(b) Conversion. Passage of this Ordinance does not convert nonconforming uses existing at the time of its adoption into a conforming use.

(c) Extent of Non-Conforming Use. The existence of a non-conforming use on a part of a lot or tract shall not be construed to establish a non-conforming use on the entire lot.

(d) Operation of Non-Conforming Use. The nonconforming use of land or buildings must be maintained and operated in accordance with statutory and/or municipal regulations to retain its nonconforming status. Upon a finding by the Zoning Administrator of a substantial lack of noncompliance with rules and regulations required for operation, the nonconforming use will be deemed illegal and may not be resumed. Continuation of an illegal use will be subject to penalties as provided by this Ordinance.

(e) Screening. The City Council may require that a nonconforming use be screened from view of the street or surrounding property or may require the elimination of any nuisance factor caused by a nonconforming use.

(f) Conditional Use Permits/Special Exceptions. The limitations of this Ordinance shall not apply to structures or lots whose nonconforming features are the subject of a special exception that has been granted by the Board of Adjustment or a modification or condition that has been approved by the BOA.

Section 4-4. Conditional Use Permits - Special Exceptions.

Conditional Use Permits are authorized within given designated zoning districts and issued under the standards, controls, limitations, performance criteria, restrictions, and other regulations of this Ordinance.

(a) All applications for Conditional Use Permits shall be reviewed using the following criteria:

(1) The proposed use shall be closely related to:

(A) The City's Comprehensive Plan;

(B) The intent and purpose of the zoning district in which the use is proposed to be located;
and

(C) The character of adjacent properties, the surrounding neighborhoods and existing and proposed development.

(2) The proposed use shall be adequately served by essential services such as streets, drainage facilities, fire protection and water and sewer facilities.

(3) The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic, or historic importance.

(4) The proposed use shall be designated, sited, and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods. All CUPs should include and be tied to a site plan.

(b) Standards for consideration in issuing a conditional use permit include, but are not limited to:

(1) More restrictive sign standards;

(2) Additional open space, landscaping, or screening requirements;

(3) Additional yard requirements;

(4) Special lighting requirements;

(5) Time limitations on hours of operation;

(6) Additional off-street parking and loading requirements;

(7) Additional utility, drainage, and public facility requirements;

(8) Additional right-of-way and public access requirements;

(9) Additional requirements to ensure compatibility with the Comprehensive Plan; and

(10) Conditions for renewal, extension, expiration and/or revocation of the Conditional Use Permit. Terms or life of use. The CUP runs with the use not the land.

(c) Requirements for a Conditional Use Permit:

(1) An application for a Conditional Use Permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located and shall be accompanied by an application fee in accordance with the City's fee schedule.

(2) If the request for a Conditional Use Permit has been denied by the City Council, a request in substantially the same form shall not be resubmitted within one year of the date of denial.

(3) The application shall include:

(A) A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.

(B) A written statement of the compatibility uses with the following: Site plan with-

(i) The Comprehensive Plan.

(ii) The applicable zoning district.

(iii) The surrounding properties.

(iv) Current and future neighborhood conditions.

(v) Pedestrian and vehicular traffic patterns, on-site and off-site.

(vi) Adequate public facilities.

(vii) In addition, upon request by the City:

(a) The architectural elevations and floor plans of proposed building(s).

(b) Parking and site circulation analysis.

(c) Photographs of the property and surrounding area.

(d) Action by City Council:

(1) The City Council shall hold a public hearing on an application in accordance with this Article, after which they may make appropriate changes to or impose appropriate conditions upon the proposed conditional use.

(2) A concurring vote of 75 percent (75%) of the members of the City Council shall be required to approve a Conditional Use Permit.

(e) Expiration and revocation:

(1) Whenever a Conditional Use Permit is approved by the City Council, the conditional use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as specified, or, if no such time has been specified, then within two years from the approval date of such permit.

(2) If the conditional use or construction has not commenced in accordance with the above provisions, then the conditional use permit shall automatically expire without notice and become null and void.

(3) If the use or activity should cease for any reason for a continuous period of two years or more, the conditional use permit shall automatically terminate without notice and become null and void.

(4) The approval of a new conditional use permit shall be required prior to any subsequent reinstatement of the use.

(5) A conditional use permit shall be revocable upon written order of the City Council at any time because of the failure of the owner or operator of the use covered by the permit to observe all requirements with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were imposed in issuing the same. A revoked permit shall become null and void. Not a building permit or engineering drawings – This will still be required.

Section 4-5. Variances.

(a) Interpretative criteria. In reviewing requests for variances, the Board of Adjustment may be guided by these interpretative criteria: Zoning only

(1) A Variance may be granted for an error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Subchapter or an ordinance adopted under this Subchapter.

(2) Authorize in specific cases a Variance from the terms of a Zoning Ordinance if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance is observed and substantial justice is done; and

(3) A Variance is to be denied if conditions or circumstances relied on for a variance were self-created by the person having an interest in the property in disregard of City regulations.

(4) The variance shall not violate the goals of the Comprehensive Plan for the City.

(5) The variance shall not have an adverse effect on neighborhood properties or unreasonably interfere with the respective owners' enjoyment thereof.

(6) The fact that lots, structures, uses or dimensional conditions on properties or structures within 200 feet of the property involved are, because they are nonconforming or

because of previously granted variances similar to the condition which would be created by the variance requested shall be relevant to but not determinative of the granting of the requested variance.

(7) A Variance is to be denied if conditions or circumstances relied on for a variance were self-created by the person having an interest in the property in disregard of City regulations.

(8) The variance shall not violate the goals of the Comprehensive Plan for the City.

(9) The fact that lots, structures, uses or dimensional conditions on properties or structures within 200 feet of the property involved are, because they are nonconforming or because of previously granted variances similar to the condition which would be created by the variance requested shall be relevant to but not determinative of the granting of the requested variance.

(10) When considering variance requests for nonresidential projects, consideration shall be given to whether granting the variance furthers achievement of the land planning principles set forth in the City's Comprehensive Plan.

(b) Application. An application for a Variance shall be made in writing in a form prescribed by the City and shall be accompanied by an application fee in accordance with the City's fee schedule. The application shall include a site plan and additional information as may be requested in order to properly review the application. Such information may include but is not limited to plat plans, site and building plans, and contour maps. If the Applicant is not the legal owner of the property, a statement from the owner that the Applicant is the authorized agent of the owner should be provided with the application.

(c) Burden on applicant. The Applicant bears the burden of proof in establishing the facts that may justify a variance.

(d) Public hearing and Notice. The City Council shall hold a public hearing on an application for a variance notice shall be as provided in Section 4-2 of this Ordinance.

(d) Conditions. The City Council may impose such conditions, limitations, and safeguards as it deems appropriate upon the grant of any variance.

(f) Violation. Violation of any such condition, limitation or safeguard imposed by the City Council shall constitute a violation of this Ordinance.

(g) Writing required. The City Council shall make its findings in writing on a variance application after the hearing.

(h) Expiration. Any rights authorized by a variance which are not exercised within one year from the date of granting such variance shall lapse.

ARTICLE V. PLANNING AND ZONING COMMISSION

Section 5-1. Planning and Zoning Commission Creation.

(a) A Planning and Zoning Commission, "Commission", may be created. When the Board is approved, the provisions of this section shall apply. Prior to implementation, the City Council will function as the Planning Commission.

(b) The Commission shall consist of five members, each appointed by a majority vote of the City Council for a term of two years and may be removed from office at any time by a majority vote of the full City Council. Commission members shall serve on a voluntary basis with no compensation. No terms for Commissioners.

(c) Members of the Commission may serve simultaneously on any other City Board or Commission, except for the City Council or the Board of Adjustment.

(d) Expiration of terms shall be staggered. Members may be reappointed with no limitation on the number of terms one member may serve.

(e) A Commission member's position is automatically considered vacant if the member is absent for:

(1) Three consecutive, regular meetings; or

(2) Four regular meetings (cumulative) during the preceding 12-month period. Exceptions shall be granted if absences are due to unusual circumstances beyond the member's control.

(f) The Commission shall elect from among its membership, a chairperson, vice-chairperson, and may elect a secretary. Each officer shall hold office for one year.

(g) The Commission shall make rules, regulations, and bylaws for its own governance, subject to approval by the City Council, and shall include provisions for the following:

(1) Regular and special meetings (other than executive sessions);

(2) A record of its proceedings, to be open for inspection by the public;

(3) Reporting to the City Council regularly; and

(4) Reviewing the comprehensive plan regularly.

Section 5-2. Planning and Zoning Commission Powers and Duties.

(a) The Commission shall have the powers and authority relating to zoning boundaries and zoning regulations and subdivision regulations within the City limits and the extraterritorial jurisdiction in accordance with Sections 211 and 212 of the Texas Local Government Code, as amended.

(b) The Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations to the City Council regarding amendments to the Comprehensive Plan, zoning boundary changes, amendments to zoning regulations, and zoning to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted for review and other planning related matters delegated to the Commission by the City Council.

(c) The duties of the Commission shall be to:

(1) Recommend revisions or amendments to the Comprehensive Plan and the land use map.

(2) Review all subdivision plans, plats, replats or resubdivision to be presented to the Council and to submit the plan, plat, replat or resubdivision with its recommendation at a Council meeting following submission to the Commission provided that such plan, plat, replat or resubdivision was submitted by the developer or owner in proper form according to the City's Ordinances and Texas Local Government Code, Chapter 212, and provided that the plan, plat, replat or resubdivision was timely submitted to the Commission.

(3) Review and make recommendations to the City Council on all matters and applications concerning zoning, except applications and requests for conditional use permits and variances, in accordance with the City's Ordinances and State law and to determine whether such zoning requests are in conformity with the Comprehensive Plan.

(4) Hold public hearings as may be required by the City's Ordinances and State law.

(5) Review and approve or deny requests for signs in accordance with the City's Sign Ordinance.

(6) Assist in the drafting and revision of ordinances relating to the above-mentioned duties.

Section 5-3. Planning and Zoning Commission Voting Procedures.

(a) The Commission will follow the parliamentary procedure adopted by the City Council, such as *Robert's Rules of Order, Newly Revised*.

(b) A quorum shall consist of a majority of members of the Commission. Motions shall carry with a simple majority vote.

Section 5-4. Planning and Zoning Commission Conflict of Interest.

(a) A Commission member shall not vote or participate in any deliberations regarding a matter before the Commission if the member has any substantial interest in any tract within 200 feet of the property in question.

(b) A substantial interest exists where the Commission member: They need to be able to recuse themselves on other related conflicts:

(1) Has an equitable or legal ownership interest in a tract with a fair market value of \$2,500.00 or more; or

(2) Acts as a developer of the tract; or

(3) Receives in a calendar year funds exceeding ten percent (10%) of the member's gross annual income for the previous year from a business that has an equitable or legal ownership interest in the tract with a fair market value of \$2,500.00; or

(4) Has an ownership interest in a business entity and:

(A) The business entity:

(i) Has an equitable or legal ownership interest in the tract with a fair market value of two thousand five hundred dollars (\$2,500.00); or

(ii) Acts as a developer of the tract; and

(B) The Commission member: owns any percentage is a conflict

(i) Owns ten percent (10%) or more of the voting stock or shares;

(ii) Owns ten percent (10%) more of the fair market value; or

(iii) \$5,000.00 or more of the fair market value; or

(5) Is related within the first degree of consanguinity (blood or adoption) or affinity (marriage) to a person who has a substantial interest.

Section 5-5. Planning and Zoning Commission Meetings.

(a) Meetings of the Planning and Zoning Commission shall be held monthly unless no application is up for review and consideration.

(b) Meetings shall be conducted in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

ARTICLE VI. BOARD OF ADJUSTMENT

Section 6-1. Board of Adjustment Creation.

(a) A Board of Adjustment, "BOA", may be created. As such time as the BOA is approved, the provisions of this Section shall apply. Prior to implementation the City Council will function as the BOA in accordance with Section 211.008 of the Texas Local Government Code, as amended.

(b) The Board of Adjustment will consist of the five members of the governing body of the City of Mustang Ridge, *i.e.*, the City Council.

Section 6-2. Board of Adjustment Authority.

(a) The Board of Adjustment or BOA shall have the authority to:

(1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance;

(2) Authorize, in specific cases, a variance from the terms of this Ordinance if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed, and substantial justice is done;

(3) Hear and decide conditional use permits – special exceptions to the terms of a zoning ordinance; and

(4) Hear and decide other matters authorized by this Ordinance.

(b) The concurring vote of 75 percent of the City Council members is necessary to:

(1) Reverse an order, requirement, decision, or determination of an administrative official;

(2) Decide in favor of an applicant on a matter on which the board is required to pass under this Zoning Ordinance; or

(3) Authorize a variance from the terms of this Ordinance.

(c) The City Council shall have the power to grant or modify conditional use permits – special exceptions.

(d) In the event that a zoning amendment request is pending before the Board of Adjustment, the Planning and Zoning Commission and City Council shall neither hear nor grant any conditional use permit - special exceptions with respect to the subject property until final disposition of the zoning amendment.

Section 6-3. Board of Adjustment Conflict of Interest.

(a) A Board of Adjustment member shall not vote or participate in any deliberations regarding a matter before the Board of Adjustment if the member has any personal interest in the property in question, whether such interest is direct, indirect, financial, or otherwise.

(b) A Board of Adjustment member shall not vote or participate in any deliberations regarding a matter before the Board of Adjustment if the member has any substantial interest in any tract within 200 feet of the property in question.

(c) A substantial interest exists where the Board of Adjustment member:

(1) Has an equitable or legal ownership interest in a tract with a fair market value of \$2,500.00 or more; or

(2) Acts as a developer of the tract; or

(3) Receives in a calendar year funds exceeding ten percent (10%) of the member's gross annual income for the previous year from a business that has an equitable or legal ownership interest in the tract with a fair market value of \$2,500.00; or

(4) Has an ownership interest in a business entity and:

(A) The business entity:

(i) Has an equitable or legal ownership interest in the tract with a fair market value of two thousand five hundred dollars (\$2,500.00); or

(ii) Acts as a developer of the tract; and

(B) The Board of Adjustment member:

(i) Owns ten percent (10%) or more of the voting stock or shares; owns any percentage

(ii) Owns ten percent (10%) more of the fair market value; or

(iii) \$5,000.00 or more of the fair market value; or

Section 6-4. Board of Adjustment Meetings.

(a) Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. All cases to be heard by the BOA shall always be heard by at least four of the members.

(b) When meeting as the Board of Adjustment, the City Council cannot function as the City Council. Board of Adjustment hearings may be held on the same day as City Council meetings and identified separately from City Council meetings and hearings.

(c) Board of Adjustment meetings shall be conducted in accordance with Texas Open Meetings Act, Section 551 of the Texas Government Code, as amended.

Section 6-5. Appeals to the Board of Adjustment.

(a) The appellant must file, with the City Council and the official from whom the appeal is taken, a written notice of appeal specifying the grounds for the appeal.

(b) The appeal must be filed within 15 days after the decision has been rendered.

(c) Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the City Council all papers constituting the record of action that is appealed.

(d) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the City Council facts supporting the official's opinion that a stay would cause imminent peril to life or property.

(e) The appellant party may appear at the appeal hearing in person, by agent or attorney, or *in absentia*.

(f) The City Council shall decide the appeal within 30 days after the written request (notice of appeal) was received, after which time the written request shall be deemed automatically approved if no formal action is taken.

(g) The City Council may reverse or affirm, in whole or in part, or modify the BOA administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination. Denial may only be reversed by the City Council by a 75 percent (75%) affirmative vote.

(h) A member or members of the City Council may not bring an appeal on behalf of a property owner, other than himself/herself, to the BOA. An appeal must be requested by the owner of the property being considered.

(i) Board of Adjustment findings on appeals.

(1) The final decision of the Board shall be in writing and shall concisely state all pertinent and material facts upon which its findings are based and references to applicable sections of the chapter or rules that the Board relied upon in reaching its decision. The final decision shall be verified by the City Secretary.

(2) The Board shall forward its findings to the applicant in writing and the secretary of the Board of Adjustment.

(3) The Board's final decision shall be immediately filed with the Board of Adjustment office, which shall be maintained by the Board's secretary. The time and date that the Board's final decision is filed with the Board's office shall be stamped on the face of the decision.

(j) No appeal may be filed by the same applicant within 365 days of the date upon which the Board denied such appeal, request, or application, unless other property in the immediate vicinity has, within the 365-day period, been changed or acted on by the Board so as to alter the facts and conditions upon which the previous Board action was based. Such change of circumstances shall permit the rehearing of an appeal, request, or application by the Board prior to the expiration of the 365-day period, but such conditions shall in no way have any force in law to compel the Board to reconsider the appeal, request, or application. Such subsequent rehearing shall be considered entirely on its merits and the peculiar and specific conditions related to the property with reference to which such proceeding is brought.

Section 6-6. Judicial Review.

Any person or persons, jointly or severally, aggrieved by any decision of the Board or any taxpayer, or any officer, department, or board of the City may present, within ten days of the date the City Council decision is filed in the Board's office, a petition to a court of competent jurisdiction for review in accordance with Chapter 211 of the Texas Local Government Code, as amended.

ARTICLE VII. PARKING REQUIREMENTS

Parking requirements are provided in Table VII-I: Parking Requirements:

Part 1 - Motor Vehicles

Use Classification	Minimum Off-Street Parking Requirement	Off-Street Loading Requirement
<i>Residential Uses</i>		
Cottage - special use Mobile home residential Single-family residential Small lot single-family residential Townhouse residential Urban home special - use	2 spaces for each dwelling unit	None
Secondary apartment - special use Two family residential	Principal unit: 2 spaces Secondary unit: 1 space	None
Accessory apartment Condominium residential Multifamily residential	Efficiency dwelling unit: 1 space 1 bedroom dwelling unit: 1.5 spaces Dwelling unit larger than 1 bedroom: 1.5 spaces plus 0.5 space for each additional bedroom	None
Duplex residential Single-family attached residential -Standard -If larger than 4,000 sq. ft. or more than 6 bedrooms	4 spaces 4 spaces or 1 space for each bedroom, whichever is greater	None
Bed and breakfast residential	1 space plus 1 space for each rental unit	None
Group residential	1 space plus 1 space for each 2 lodgers or tenants	Schedule C
Retirement Housing	80% of the parking otherwise required by this table for the residential use classification	Schedule C
<i>Commercial Uses</i>		
Agricultural sales and service	Schedule A	Schedule C
Art gallery	1 space for each 500 sq. ft.	None
Art workshop	Schedule B	None
Automotive rentals	Schedule A	Schedule B
Automotive repair service	1 space for each 275 sq. ft.	Schedule C
Automotive sales	Schedule A	Schedule C

Automotive washing		None
• Automatic (full service)	1 space for each 2 employees plus 6 queue spaces for each queue line	
• Manual (coin-operated)	3 queue spaces for each queue line	
Bail bond services	1 space for each 275 sq. ft.	None
Building maintenance services	Schedule A	Schedule C
Business support services		
Business and professional offices	1 space for each 275 sq. ft.	Schedule C
Business or trade school	Schedule B	Schedule B
Campground		
Carriage stable		
Cocktail lounge or dance hall		Schedule C
• <2,500 sq. ft.	1 space for each 100 sq. ft.	
• 2,500—10,000 sq. ft.	1 space for each 50 sq. ft.	
• <10,000 sq. ft.	1 space for each 25 sq. ft.	
Commercial blood plasma center	1 space for each 275 sq. ft.	Schedule C
Commercial off-street parking	None	None
Communication services	Schedule A	Schedule C
Construction sales and services		
Consumer convenience services	Schedule B	None
Consumer repair services	1 space for each 275 sq. ft.	Schedule C
Convenience storage	1 space for each 4,000 sq. ft.	Schedule B
Drop-off recycling collection facility	Schedule B	Schedule B
Electronic prototype assembly	1 space for each 275 sq. ft.	Schedule C
Electronic testing	1 space per 300 sq. ft.	Schedule C
Equipment repair services	Schedule A	Schedule C
Equipment sales		
Exterminating services	1 space for each 1,000 sq. ft.	Schedule C
Financial services		Schedule C
• Building	1 space for each 275 sq. ft.	
• Drive-in service	8 queue spaces for each service lane	
• ATM (drive-up)	2 queue spaces for each service lane	
• ATM (walk-up)	None	
Food preparation	Schedule A	Schedule C
Food sales	1 space for each 275 sq. ft.	Schedule C
Funeral services	1 space for each 5 persons capacity	Schedule B
Furniture or carpet store	1 space for each 500 sq. ft.	Schedule C

General retail sales and services (convenience or general)	1 space for each 275 sq. ft.	Schedule C
Hotel-motel	1.1 spaces for each room	Schedule C
• Other uses within hotel-motel	If not an accessory use, 80% of the parking otherwise required by this table for the use	
Indoor entertainment		Schedule C
• Meeting hall	1 space for each 50 sq. ft.	
• Dance halls with liquor sales	See cocktail lounge	
• Theater (live or motion picture)	1 space for each 4 seats within auditorium	
Indoor sports and recreation (except billiard parlor or bowling alley)	1 space for each 500 sq. ft.	Schedule B
• Billiard Parlor	1 space for each 100 sq. ft.	
• Bowling Alley	1 space for each 275 sq. ft.	
Kennels	1 space for each 1,000 sq. ft.	Schedule B
Laundry services	Schedule A	Schedule C
Liquor sales	1 space for each 275 sq. ft.	Schedule C
Marina	0.7 spaces for each boat slip	None
Medical offices		Schedule C
• Free-standing medical clinic or office or a limited hospital facility	1 space for each 200 sq. ft.	
• Within a shopping center or mixed-use building	1 space for each 275 sq. ft.	
Monument retail sales	Schedule A	Schedule C
Outdoor entertainment Outdoor sports and recreation	Schedule B	Schedule B
Pawn shop services Personal improvement services Personal services Pet services	1 space for each 275 sq. ft.	Schedule C
Pedicab storage & dispatch	Schedule B	Schedule B
Plant nursery Printing and publishing Recreational equipment maintenance and storage Recreational equipment sales	Schedule A	Schedule C
Regional shopping mall	1 space for each 275 sq. ft.	Schedule C
Research services Research assembly services Research testing services	1 space for each 275 sq. ft.	Schedule C

Research warehousing services	Schedule A	Schedule C
Restaurant		Schedule C
• ≤2,500 sq. ft.	1 space for each 100 sq. ft.	
• >2,500 sq. ft.	1 space for each 75 sq. ft.	
• If no customer service or dining area is provided	1 space for each 275 sq. ft.	
Drive-in service	8 queue spaces for each service lane	
Scrap and salvage services	Schedule A	Schedule C
Service station		Schedule B
• Fuel sales	See Transportation Criteria Manual Section 9.4.5	
• Lubrication service	1 parking space for each bay and 3 queue spaces for each bay	
Software development	1 space for each 275 sq. ft.	Schedule C
Special use historic	The parking required for the use by this table	Schedule B
Stables	Schedule B	Schedule B
Vehicle storage	None	None
Veterinary services	1 space for each 500 sq. ft.	Schedule B
Industrial Uses		
Basic industry	Schedule A	Schedule C
Custom manufacturing	Schedule A	Schedule C
General warehousing and distribution	Schedule A	Schedule C
Light manufacturing	Schedule A	Schedule C
Limited warehousing and distribution	Schedule A	Schedule C
Recycling center	Schedule A	Schedule C
Civic Uses		
Administrative services	1 space for each 275 sq. ft.	Schedule C
Aviation facilities	Schedule B	Schedule B
Camp		
Cemetery		
Club or lodge	1 space for each 5 persons capacity	Schedule B
College and university facilities		Schedule B
• Dorm or other residence	1 space for each 2 residents	
• Gymnasium or classroom	1 space for each 500 sq. ft.	
• Administrative or office	1 space for each 275 sq. ft.	
Communication service facilities	Schedule A	Schedule C
Community events Community recreation (private or public)	Schedule B	Schedule B

Congregate living Convalescent services	1 space for each 4 beds, plus 1 space for each 2 employees (largest shift)	Schedule C
Convention center Counseling services	Schedule B	Schedule B
Cultural services	1 space for each 500 sq. ft.	Schedule B
Day care services (commercial, general, or limited)	1 space for each employee	Schedule B
Detention facilities	Schedule B	Schedule B
Family home	2 spaces for each dwelling unit	None
Group home	Schedule B	None
Guidance services		Schedule B
• Residential	1 space for each 4 beds	
• Nonresidential	1 space for each 275 sq. ft.	
Hospital service (general)	1 space for each 4 beds, plus 1 space for each 2 employees (largest shift)	Schedule C
Hospital services (limited)	1 space for each 200 sq. ft.	Schedule C
Local utility services	Schedule B	Schedule B
Maintenance and service facilities Major utility facilities	Schedule A	Schedule B
Military installations Park and recreation services	Schedule B	Schedule B
Postal facilities	Schedule B	Schedule C
Public assembly	1 space for each 5 persons capacity	Schedule B
Public or private primary educational facilities	1.5 spaces for each staff member	Schedule B
Public or private secondary educational facilities	1.5 spaces for each staff member plus 1 space for each 3 students enrolled in 11th and 12th grades	Schedule B
Qualified community garden Railroad facilities	Schedule B	Schedule B
Religious assembly		Schedule B
• Within mixed use shopping center or building	1 space for each 275 sq. ft.	
• Stand-alone	Schedule B	
Residential treatment	1 space for each 4 residents	Schedule B
Safety services Telecommunication tower	Schedule B	Schedule B
Transitional housing	1 space for each 4 beds, plus 1 space for each 2 employees (largest shift)	Schedule C
Transportation terminals	Schedule B	Schedule B
<i>Agricultural Uses</i>		

Animal production	None	None
Crop production		
Community garden	Schedule B	None
Horticulture	Schedule B	None
Support housing		
Urban farm		

Schedule A

The minimum off-street parking requirement for a use is the sum of the parking requirements for the activities on the site, in accordance with the following table:

Activity	Requirement
Beer or ale sales for on-site consumption at a brewery	
<2,500 sq. ft.	1 space for each 275 sq. ft.
2,500—10,000 sq. ft.	1 space for each 100 sq. ft.
>10,000 sq. ft.	1 space for each 50 sq. ft.
Office or administrative activity	1 space for each 275 sq. ft.
Indoor sales, service, or display	1 space for each 500 sq. ft.
Outdoor sales, services, or display	1 space for each 750 sq. ft.
Indoor storage, warehousing, equipment servicing, or manufacturing	1 space for each 1,000 sq. ft.
Outdoor storage, equipment servicing, or manufacturing	1 space for each 2,000 sq. ft.
Commercial off-street parking requires one bike parking space for every 10 motor vehicle parking spaces.	

Schedule B

The City Administrator, or their designee, shall determine the minimum off-street motor vehicle parking requirement, minimum off-street bicycle parking requirement, and minimum off-street loading requirement for a use that is subject to this Schedule. In making a determination, the City Administrator, or their designee, shall consider the requirements applicable to similar uses, the location and characteristics of the use, and appropriate traffic engineering and planning data. Bike parking requirements shall follow Schedule C, Part 2.

**Schedule C
Off-Street Loading Requirement**

Square Feet of Floor Area	Minimum Number Of Off-Street Loading Spaces
0—10,000	0
10,001—75,000	1
75,001—150,000	2
150,001—300,000	3
Over 300,000	1 for each 100,000

Part 2 – Bicycles

Use Classification	Minimum Off-Street Parking Requirement
Residential uses other than condominium residential or multifamily residential	None
Commercial uses:	
Carriage stable	
Scrap and salvage services	
Stable	
Vehicle storage	
Industrial uses:	
Resource extraction	
Stockyards	
Civic uses:	
Detention facilities	
Local utility services	
Agricultural uses	
Commercial uses:	2 spaces
Agricultural sales and services	
Automotive rentals	
Automotive repair services	
Automotive sales	
Automotive washing	
Building maintenance services	
Campground	
Commercial off-street parking	
Convenience storage	
Equipment repair services	
Equipment sales	

Exterminating services	
Civic uses:	
Aviation facilities	
Cemetery	
Convalescent services	
Residential uses:	5 spaces or 5% of the motor vehicle spaces required by this Article, whichever is greater
Condominium residential	
Multifamily residential	
Commercial uses not listed above	
Industrial uses not listed above	
Civic uses not listed above	

ARTICLE VIII. LANDSCAPING REQUIREMENTS

All landscaping improvements, tree removal, and tree preservation shall be done in accordance with the Landscaping and Tree Preservation Ordinance, as amended, of the City of Mustang Ridge.

ARTICLE IX. SCHEDULE OF USES

The Chart in this Article outlines the types of uses allowed in each of the zoning districts contained in Article II.

Section 9-1. Legend for Interpreting Schedule of Use

The Legend is as follows:

(a) Districts

SF-L:	Single-Family Residential Large Lot District
SF-M:	Single-Family Residential Medium Lot District
SF-S:	Single-Family Residential Small Lot District
SF-Z:	Single-Family Residential Zero Lot Line District
SF-T:	Single-Family Residential Townhouse District
SF-C:	Single-Family Residential Condominium District
RD:	Residential Duplex District
SF-R:	Single-Family Residential Rural District
MF-1:	Multifamily Residential District 1
MF-2:	Multifamily Residential District 2
MH:	Manufactured Home District
GB-1:	General Business District
LR:	Local Retail District
LI:	Light Industrial District
HI:	Heavy Industrial District
AG:	Agricultural District
P:	Public District

PDD: Planned Development District

(b) Uses:

C: Conditional Use Permit

X: Permitted Use

USES	SF-L	SF-M	SF-S	SF-Z	SF-T	SF-C	RD	SF-R	MF-2	MF-1	MH	GB-1	LR	LI	HI	AG	P	PDD
Automobile Repair												X		X	X			
Automobile wrecking yard															C			
Bakery												X	X					C
Bakery, wholesale												X						
Bank												X						
Bar or tavern												C						
Barbershop or beauty shop												X	X					
Bed and breakfast	C							C				C				X		C
Bingo hall												X						
Book or video store (not adult)												X	X					
Bowling alley												X						
Building materials sales												C		X				
Bus station or terminal												C						
Cabaret												C						

USES	SF- L	SF- M	SF- S	SF- Z	SF- T	SF- C	RD	SF- R	MF- -1	MF- 2	MH	GB- 1	LR	LI	HI	AG	P	PDD
Convenience Store												X	X					
Convenience Store with gas station												X	C					
Dancehall or nightclub												X						
Department store												X						
Detention center																	X	
Discount store												X	C					
Drugstore												X	C					
Electrical energy generating plant														X				
Electrical substation														X				
Equestrian facility																X		
Exercise facility												X	C	X				
Fabrication												C		X				
Farmers market												X	C					X

USES	SF- L	SF- M	SF- S	SF- Z	SF- T	SF- C	SF- RD	SF- R	MF- 1	MF- 2	MH	GB- 1	LR	LI	HI	AG	P	PDD
Manufacturing of pottery/ceramic products												C	C	X	X			
Massage parlor												C						
Medical appliance sales												C						
Medical laboratory												X						
Medical office/clinic												X	C					
Model studio												C						
Motor freight terminal														X	X			
Movie theater/theater													X					
Multiple-family housing									X	X								
Nursing home/assisted living									X			X						
Office equipment sales and repair												X	C					
Offices, general												X						C

USES	SF-L	SF-M	SF-S	SF-Z	SF-T	SF-C	SF-R	SF-1	SF-2	SF-1	SF-2	MF-1	MF-2	MH-1	GB-1	LR-1	LI-1	HI-1	AG-1	P-1	PDD-1		
One-family dwelling unit (attached)						X	X															C	
One-family dwelling unit (detached)	X	X	X	X	X	X	X															C	
Optical dispensary															X								
Park or playground (public)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	C	C	X	X		C
Pawnshop															X		X						
Personal service															X	X							
Pest control															X	X							
Pet sales															X	C							
Photocopies															X	C							
Photographer															X	C							
Printer															X	X							
Produce stand, outdoor																C					X		
Public building	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					X	C

USES	SF-L	SF-M	SF-S	SF-Z	SF-T	SF-C	RD	SF-R	MF-1	MF-2	MH	GB-1	LR	LI	HI	AG	P	PDD
Radio or television transmitting station												X						
Radio, television, wireless phone, or microwave tower												C			X			
Recreational vehicle park											C							C
Recreational vehicle sales												C		X				
Recycling collection facility															X			
Repair and service shop												X		C				
Repair of appliances												X		C				
Restaurant												X		C				
Restaurant, fast-food												X		C				
Retail sales/personal service												X		C				

USES	SF-L	SF-M	SF-S	SF-Z	SF-T	SF-C	SF-RD	SF-R	MF-1	MF-2	MH	GB-1	LR	LI	HI	AG	P	PDD
Swimming pool (commercial)												C	C					
Tattoo/Piercing												C						
Taxidermist												X		X				
Telecommunications tower												X			X			
Telephone exchange, switching relay or transmitting station												X		X				
Theater (not adult)												X						
Tire dealer												X						
Tool and light vehicle rental and sales												X	C	X				
Town home					X					X								
Travel agency												X	X					
Truck or bus washing												C		X				
Truck stop												C		X				

ARTICLE X. VIOLATION, ENFORCEMENT AND PENALTIES

Section 10-1. Violation.

- (a) It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, begin the excavation thereof, or use any building or land in violation of any regulation in or any provision of this Ordinance.
- (b) Any violation of this Ordinance is hereby declared to be a nuisance.
- (c) An offense under this Ordinance is a misdemeanor.

Section 10-2. Enforcement.

- (a) In case any building is erected, constructed, or reconstructed, altered, repaired, or converted, or any building or land is found to be in violation of this Ordinance, the Building Inspector, Zoning Administrator, and/or the City Council shall institute any appropriate action to put an end to such violation.
- (b) Right of Entry. Upon presentation of proper credentials at the request of the land occupier or owner, the Zoning Administrator or other agent of the City may enter upon any property, vacant lots, or premises in the City to perform any duty imposed by this Ordinance.
- (c) Stop Work. The Zoning Administrator or authorized agent may issue a Stop Work Order to immediately halt work on a property that is in violation of this Ordinance. Such order may permit limited work to occur that is necessary to stabilize and secure the site.
- (d) Notice of Violation.
 - (1) If the Zoning Administrator or authorized agent has reason to believe that any of the provisions of this Ordinance are being violated, he/she shall provide or send a written Notice of Violation to the person responsible for such violation(s). Such notice shall state the nature of the violation(s) and provide a thirty (30) day grace period to correct the violation(s).
 - (2) Notice of violation shall be given:
 - (A) by certified mail addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located. A notice returned "refused" or "unclaimed" does not affect the validity of the notice and notice is considered delivered; or
 - (B) by publication at least once in the local or official newspaper.

(e) Penalty commence. If at the end of the 30-day grace period the violation has not, in the judgment of the Building Inspector, Zoning Administrator, or authorized agent, been satisfactorily corrected, then civil and/or criminal penalties and other remedies available by law shall be sought.

Section 10-3. Penalties.

(a) Any person violating this Ordinance is subject to the following:

(1) Civil and criminal penalties. The City shall have the power to administer and enforce the provisions of this Ordinance and to seek civil and criminal penalties.

(2) Criminal prosecution. Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this Ordinance is violated shall constitute a separate offense.

(3) Civil remedies. Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance, and to seek remedies as allowed by law, including, but not limited to the following:

(A) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and

(B) A civil penalty up to one thousand dollars (\$1,000.00) a day (with each day constituting a separate offense and separate violation) when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and

(C) Other available relief.

(4) Any person violating this Ordinance is subject to suit for injunctive relief as well as prosecution for civil and criminal violations.

(b) In any civil or criminal action commenced by the City under this Ordinance, the City shall be entitled to recover from the defendant reasonable attorney's fees, costs of suit, and any other costs of enforcement, including, but not limited to, inspection costs.

Exhibit A

**Official Zoning Map
of the
City of Mustang Ridge, Texas**

Reference of a Large-Scale Map is on file with City Records

Appendix 1

Zoning Regulations

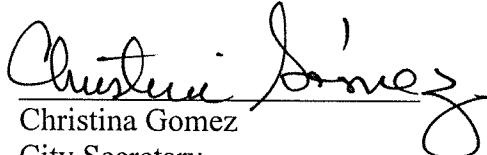
These regulations are on file with City records at City Hall.

PASSED AND APPROVED this 13th day of February, 2023.



Mayor David Bunn
City of Mustang Ridge

ATTEST:



Christina Gomez
City Secretary

