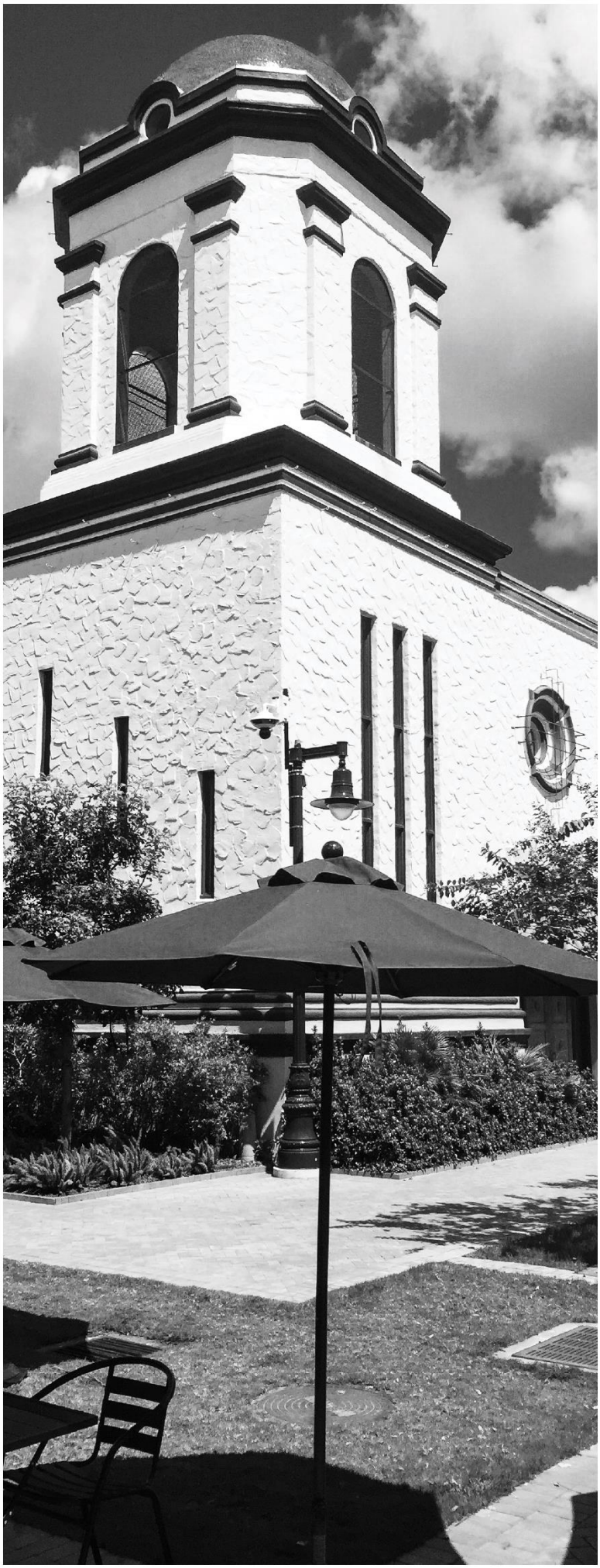
CITY OF BROWNSVILLE

Unified Development Code



Adopted

DECEMBER 1, 2020

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ARTICLE 1. GENERAL PROVISIONS

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1.1 TITLE

This Unified Development Code of the City of Brownsville, Texas shall be known as, and may be cited and referred to as, the "UDC".

1.2 AUTHORITY

These regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically Chapters 211 and 212 of the Texas Local Government Code.

1.3 EFFECTIVE DATE

The effective date of this UDC, adopted as Ordinance Number 2020-235.95, shall be March 31, 2021.

1.4 TRANSITIONAL PROVISIONS

1.4.1 APPLICATIONS SUBMITTED BEFORE EFFECTIVE DATE

A. Complete applications that are pending approval before the effective date of the UDC must be reviewed and approved in accordance with the regulations in effect before the UDC was adopted. Refer to **1.3 Effective Date** for the effective date of the UDC.

B. Application submitted after the effective date specified in **1.3 Effective Date** will comply with the application and review procedures established by the UDC.

1.4.2 PERMIT ISSUED BEFORE THE EFFECTIVE DATE

A. Any building, structure or other activity for which a building permit was issued before the effective date specified in **1.3 Effective Date** may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, structure or activity does not fully comply with provisions of these regulations.

B. If the permitted construction or activity is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the building, structure or other activity is subject to compliance with the regulations that became effective as of the date in **1.3 Effective Date**.

1.4.3 PREVIOUS VIOLATIONS

The adoptions of these regulations does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous subdivision and zoning regulations that occurred before the effective date specified in **1.3 Effective Date**.

1.5 APPLICABILITY

The provisions of the UDC shall apply to all public and private use and development of properties within the corporate limits of the City of Brownsville, except as provided by state or federal law or as otherwise expressly stated in the UDC.

1.6 COMPLIANCE WITH THE UDC

1.6.1 PURPOSE

The UDC is adopted for the purposes of:

A. Protecting and promoting the public health, safety, and general welfare of the community;

B. Protecting and preserving areas of historical, cultural and architectural significance;

C. Implementing the policies and goals of the comprehensive plan and other relevant, officially adopted plans of the City;

D. Providing for orderly growth and land development;

E. Providing adequate infrastructure capacity for roads, water, wastewater, and drainage and providing public services, such as parks, fire and public safety that contribute to a higher quality of life for Brownsville residents;

F. Promoting fiscal and environmental resiliency with sustainable practices for transportation, utility, and stormwater design;

G. Promoting design standards to protect, preserve and enhance unique character of the historic district, and promoting quality development in the City;

H. Ensuring that the City and County land development practices, procedures and processes are regionally and nationally competitive; and

I. Establishing review and approval procedures that are as expeditious, efficient, and cost-effective as possible, while at the same time ensuring careful and competent review.

1.6.2 LAND DEVELOPMENT POLICIES

A. Land may not be used for any purpose other than one that is allowed by the provisions of the UDC.

B. A building or structure may not be erected, located, moved, reconstructed, extended, or structurally altered except as allowed by the UDC.

C. Buildings, structures, and land may be used and occupied only in compliance with the provisions of the UDC.

D. All lots created or modified must comply with all applicable provisions of the UDC.

1.7 CONFLICTING PROVISIONS

1.7.1 CONFLICT WITH STATE OR FEDERAL REGULATIONS

If the provisions of this UDC are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

1.7.2 CONFLICT WITH OTHER CITY REGULATIONS

If the provisions of the UDC are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

1.7.3 CONFLICT WITH PRIVATE AGREEMENTS AND COVENANTS

The UDC does not interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this UDC impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of the UDC governs. The City is not responsible for monitoring or enforcing agreements or covenants among private parties.

1.8 RULES OF LANGUAGE AND CONSTRUCTION

1.8.1 USAGE OF TERMS

The following terms contained in the UDC shall be defined as follows:

A. The words “must,” “will,” “shall” and “may not” are mandatory.

B. The word “may” be permissive, not mandatory or required.

C. The word "person" includes a firm, association, organization, partnership, limited liability company, trust, or corporation, as well as an individual.

1.8.2 COMPUTATION OF TIME

A. References to “days” are to calendar days unless otherwise expressly stated. Reference to “business days” are references to regular City government working days.

B. A day concludes at the close of business. Any materials received after the close of business will be considered to have been received the following day.

1.8.3 DELEGATION OF AUTHORITY

A. Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

B. References to the "city" are references to the City of Brownsville Planning and Redevelopment Department and Public Works and Engineering Department.

C. References to the "planning director" shall refer to the City of Brownsville Planning and Redevelopment Director, and his/her appointed designee.

D. References to the "city engineer" shall refer to the City of Brownsville Engineering or Public Works Director, and his/her appointed designee.

E. References to the "public water and wastewater provider" shall refer to the Water and Wastewater Engineering Director of the respective **Retail Public Utility** and his/her appointed designee responsible for reviewing and approving construction plans for the construction or modification of water and wastewater facilities.

F. References to the "electric service provider".shall refer to the electric provider's authorized representative responsible for reviewing electric plans and issuing an electric certificate.

1.9 VIOLATIONS AND ENFORCEMENT

1.9.1 VIOLATIONS

Unless otherwise expressly allowed by the UDC or state law, any violation of a provision contained in the UDC—including any of the following—are subject to the remedies and penalties provided for in the UDC.

A. To use land, buildings or other structures in any way that is not consistent with the requirements of the UDC;

B. To erect a building or other structure in any way not consistent with the requirements of the UDC;

C. To install or use a sign in any way not consistent with the requirements of the UDC;

D. To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under the UDC without obtaining such required permits or approvals;

E. To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity for which a permit or approval has been granted under this UDC or under previous standards of the City in any way inconsistent with such permit or approval or any conditions imposed on the permit or approval;

F. To violate the terms of any permit or approval granted under the UDC or under previous standards of the City or any condition imposed on the permit or approval;

G. To obscure, obstruct or destroy any notice required to be posted under the UDC;

H. To violate any lawful order issued by any authorized public official;

I. To continue any violation after receipt of notice of a violation; or

J. To fail to install or maintain required landscaping and screening material.

1.9.2 RESPONSIBILITY FOR ENFORCEMENT OF THE UDC

All departments, officials, and employees vested with the authority to review, recommend or issue development approvals, permits or licenses must act in accordance with the provisions of the UDC.

1.9.3 ENFORCEMENT

The City has the right to execute the following actions to remedy any City violations:

A. Fines

Any person violating any provisions of the UDC or failing to comply with any of its requirements may be deemed as an offense or misdemeanor punishable by a fine of not to exceed two thousand dollars ($2,000) for all violations concerning fire safety, public health and sanitation and shall be fined no more than five hundred dollars ($500) for all other violations of this chapter. A separate offense will be issued for every day that violation is not addressed.

B. Withhold Permits

1. The **Planning Director** may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements upon which there is an uncorrected violation of a provision of the UDC or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for the violation in question.

2. The **Planning Director** may deny or withhold all permits, certificates, or other forms of authorization on any land where an uncorrected violation exists. The **Planning Director** may also withhold all permits,

certificates, or other forms of authorization on any other land owned by the owner of land on which an uncorrected violation exists. This enforcement provision may be used regardless of whether the property for which the permit or other approval is sought is the property in violation.

3. Instead of withholding or denying a permit or other authorization, the **Planning Director** may grant such authorization subject to the condition that the violation be corrected

C. Revoke Permits

1. A permit, certificate or other form of authorization required under the UDC may be revoked by the **Planning Director** when the **Planning Director** determines:
   a. That there are unapproved significant, material departures from approved plans or permits;
   b. That the development permit was procured by false representation or was issued by mistake; or
   c. That any of the provisions of the UDC or approval previously granted by the City are being violated.
2. Written notice of revocation must be served upon the owner, the owner's agent, or contractor, or upon any person employed on the building or structure for which such permit was issued. If no persons can be served with notice, the notice must be posted in a prominent location.

D. Issue a Stop Work Order

With or without revoking permits, the **Planning Director**, building official or any department head may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of the UDC or of a permit or other form of authorization issued under this or previous City codes.

E. Injunctive Relief

The City may seek an injunction or other equitable relief in court to stop any violation of the UDC or of a permit, certificate or other form of authorization granted under the UDC or previous City codes.

F. Abatement

The City may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

G. Forfeiture and Confiscation of Signs on Public Property

Any sign installed or placed on public property, except in compliance with **5.3** or any applicable section of the UDC will be considered forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this chapter, the City has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

H. Other Penalties

The City may seek such other penalties and remedies as are provided by law.

I. Continuation of Previous Enforcement Actions

Nothing in the UDC prohibits the continuation of previous enforcement actions, undertaken by the City pursuant to previous valid ordinances and laws.

1.9.4 PERSON SUBJECT TO PENALTIES

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies and enforcement actions.

1.10 TECHNICAL MANUALS

1.10.1 TECHNICAL MANUALS

A. The following technical manuals apply to all development in the City limits and ETJ and are adopted by reference:

1. City of Brownsville "*Minimum Requirements for Drainage Report and Plans*," as adopted or may be amended in the future;
2. City of Brownsville "*Criteria for Design of Drainage Improvements and Subdivision*," as adopted of may be amended in the future;
3. Cameron County District No. 1, "*Master Drainage Plan,"* as adopted of may be amended in the future; and
4. "Guidance for Sustainable Stormwater Drainage on the Texas Coast for Nonpoint Source Pollution & Flood Management" 2nd Edition;

B. Any manuals adopted in the future by the Engineering Department are also adopted by reference.

1.11 SEVERABILITY

If any portion of the UDC is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the UDC and in no way affects or diminishes the validity of the remainder of the UDC.

ARTICLE 2. ADMINISTRATION AND REVIEW PROCEDURES

Article Contents

2.1 Review and Decision-Making Bodies

2.2 Development Review Process

2.3 Application Submittal Procedures

2.4 Notice And Public Hearing Requirements

2.1 REVIEW AND DECISION-MAKING BODIES

This section outlines the review and decision-making bodies authorized by the City Commission to review and act on the development application listed in **Table 2.1-1. Summary of Approval Authorities**, and contained in the UDC.

2.1.1 CITY COMMISSION

The standards governing the **City Commission** are contained within Article V (Administrative Provisions) of the City Charter. They shall have the powers and duties that are expressly identified in the UDC, including hearing and acting on, specific use permits, zoning map and text amendments and other development applications listed in **Table 2.1-1. Summary of Approval Authorities**.

2.1.2 PLANNING AND ZONING COMMISSION

A. Composition

The **Planning & Zoning Commission** will be composed of seven regular members and one special member, for a total seven (7) members.

B. Qualifications

Each member of the **Planning & Zoning Commission** shall meet the following requirements:

1. Reside inside this City's territorial jurisdiction, except one member shall reside in the City's extra-territorial jurisdiction.
2. Comply with all laws applicable to a member of a deliberative, non-advisory board.

C. Appointment and Term

Members of the **Planning & Zoning Commission** shall be appointed by the City Commission for a three-year term.

D. Powers and Duties

The **Planning & Zoning Commission** will serve as an advisory committee to the City Commission. They shall have the powers and duties that are expressly identified in the UDC, including hearing and acting on, specific

use permits, zoning map and text amendments and other development applications listed in **Table 2.1-1. Summary of Approval Authorities**.

2.1.3 BOARD OF ADJUSTMENT

A. Composition

The **Board of Adjustment** (BOA) will be composed of seven (7) regular members.

B. Appointments and Terms

Members of the **Board of Adjustment**, including alternates, shall be appointed by the **City Commission** and shall serve for a two-year term.

C. Powers and Duties

1. Members of the **Board of Adjustment** shall have the powers and duties that are expressly identified in the UDC, including hearing and acting on applications for variances, special exceptions, and appeals of an administrative decision as listed in **Table 2.1-1. Summary of Approval Authorities**.
2. Each case before the **Board of Adjustment** must be heard by at least seventy-five (75) percent of the board members.

2.1.4 HISTORIC PRESERVATION COMMISSION

A. Purpose

1. The **City Commission** has declared that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or district of historical and cultural importance and significance necessary to promote the economic, cultural, educational, and general welfare of the public.
2. The **Historic Preservation Commission** (HPC) will:
   a. Protect and enhance the landmarks and districts which represent distinctive elements of the City's historic, architectural, and cultural heritage;
   b. Foster civic pride in the accomplishments of the past;
   c. Protect and enhance the City's historical sites' attractiveness to visitors and the support and stimulus to the economy thereby provided;
   d. Ensure the harmonious, orderly, and efficient growth and development of the City;
   e. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City; and
   f. Encourage stabilization, restoration, and improvements of such properties and their values.

B. Composition

1. The **Historic Preservation Commission** will be composed of seven (7) members and it is recommended that it be composed of the disciplines listed in below (refer to **2.1.3C.1**).
2. At least five (5) members of the **Historic Preservation Commission** will be of the following disciplines:
   a. Architect, planner, or representative of a design profession;
   b. Historian;

c. Real estate broker;

d. Attorney;

e. Heritage tourism professional;

f. Historic property owner; or

g. Professional engineer.

3. All commission members, regardless of background, shall have a known and demonstrated interest, competence or knowledge in historic preservation within the City.

C. Appointment and Term

Members of the **Historic Preservation Commission** shall be appointed by the City Commission for a two-year term. Board members may be appointed for subsequent terms without a limit on the number of terms they may serve on the commission. The term of **Historic Preservation Commission** members will be staggered.

D. Powers and Duties

1. The **Historic Preservation Commission** will serve as an advisory committee to the **Planning & Zoning Commission** and the **City Commission**.

2. The **Historic Preservation Officer** (HPO) will serve as an advisor to the **Historic Preservation Commission** by providing to the commission a professional recommendation for each case that comes before the board. The recommendation will be accompanied with supporting information gathered from the City's ordinance, best industry practice and historical resources. The **Historic Preservation Officer** will serve as the **Historic Preservation Commission** representative.

3. The **Historic Preservation Commission** shall be empowered to:

a. Make recommendations for employment of staff and professional consultants as necessary to carry out the duties of the **Historic Preservation Commission**.

b. Prepare rules and procedures as necessary to carry out the business of the **Historic Preservation Commission**, which shall be ratified by the **City Commission**.

c. Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic district within the City.

d. Create committees from among its membership and delegate to these committees responsibilities to carry out the purposes of this ordinance.

e. Maintain written minutes which record all actions taken by the commission and the reasons for taking such actions.

f. Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.

g. Recommend to the **City Commission** the conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.

h. Recommend to the **City Commission** the designation of resources as landmarks and historic districts.

i. Recommend to the City Commission the designation of historic, architectural, and cultural landmarks and the delineation of historic districts.

j. Recommend to the **City Commission** the delisting of historic, architectural and cultural landmarks with guidance of the HPO to support the HPC's recommendation.

k. Recommend to the **City Commission** the acquisition of a landmark structure by the City where its preservation is essential and where private preservation is not feasible.

l. Recommend to the **City Commission** the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the City.

m. Recommend to the **City Commission** the inclusion of qualifying historical sites in the City's local tax exemption program for historical sites. Specifically, historical sites in the City designated as National Register of Historic Places (NRHP), Recorded Texas Historic Landmark (RTHL), Local Primary Designated Resources (LPDR), or that have had substantial rehabilitation.

n. Approve or disapprove applications for certificates of appropriateness (refer **4.2.5**) that involve exterior changes to the historic properties and infill projects located in the historic district.

o. Approve or disapprove application for certificates of appropriate that involve modifications to the public right-of-way and parks located in the City's historic district and overlays.

p. Approve or disapprove the annual review of the historical sites included in the City's local tax exemption program. Specifically, historical sites in the City designated as National Register of Historic Places (NRHP), Recorded Texas Historic Landmark (RTHL), Local Primary Designated Resources (LPDR), or that have had substantial rehabilitation.

q. Assist the **Historic Preservation Officer** in preparing the annual report to the **Planning & Zoning Commission**, **City Commission**, and the Texas Historical Commission (THC) a report summarizing the HPC'S decisions and actions during the previous year.

r. Assist the **Historic Preservation Officer** in preparing specific design guidelines for the review of historic landmarks, districts and overlays.

s. Accept on behalf of the City government the donation of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of the **City Commission**.

t. Upon request of the **City Commission**, **Planning Director**, any taxing unit, or any historical commission, the board shall have the authority to give nonbinding advice concerning any of the following matters located inside the board's geographic authority:

(i) The historic value of specific resources.

(ii) The potential impact of the sale, lease, or rental of certain public property.

(iii) The potential impact of certain proposed expenditures of public funds.

(iv) The historic value of existing or proposed voluntary incentives.

(v) The potential impact on historic resources of permit applications.

4. The HPC will have the final decision-making authority on the applications listed in **Table 2.1-1. Summary of Approval Authorities**.

E. Continuing Education and Training

1. Within one hundred twenty (120) days of initial appointment, each board member shall attend an orientation training concerning the responsibility, authority, and procedure of the board. Such training shall be provided by the **Historic Preservation Officer**.

2. At least once a year one or more of the commission members shall attend a continuing education or training course regarding historical preservation offered by either the Texas Historical Commission or another state or national preservation agency.

    a. In circumstances, in which all members are not able to attend a continuing education or training course, at least one (1) committee member will provide a summary of the course subject matter to the rest of the commission.

2.1.5 DEVELOPMENT REVIEW COMMITTEE

A. Composition

1. The **Development Review Committee** (DRC) is an advisory group comprised of City staff members who are responsible for enforcing the development standards of the UDC.
2. Members of the **Development Review Committee** shall be composed of persons from various City departments, which have an interest in the development review and approval process including:
   a. **Planning Director**;
   b. City Engineer;
   c. Fire Marshal;
   d. Any city Staff member appointed by the Planning Director.
3. Representatives of the external agencies shown in **Figure 2.1-1** may at times also be part of the **Development Review Committee** these include the following:
   a. Brownsville Metropolitan Planning Organization (MPO) transportation planner;
   b. Cameron County Representative;
   c. Public water and wastewater provider; or
   d. Electric service provider;

B. Powers and Duties

The **Development Review Committee** shall have the authority to review and comment on any application listed in **Table 2.1-1** and the responsibilities listed below:

1. Enforce the City's development standards contained in the UDC;
2. Propose updates and make changes to the City's development standards and criteria manuals with approval of the City's board and commissions;
3. Provide expertise and technical assistance to the City's board and commissions on development applications; and
4. Implement and update the City's master plans regarding utilities, roadways, and land use.

C. Coordination with External Public Agencies

1. Although the **Development Review Committee** is mainly composed of City staff, the **Development Review Committee** also requires the applicant to coordinate with external public agencies during the City's development process when necessary (refer to **2.1.6 External Public Agencies**).
2. A general summary of the **Development Review Committee** and the involvement of the external public agencies is provided in **Figure 2.1-1. Summary of General Responsibilities of the DRC and External Public Agencies**.

2.1.6 EXTERNAL PUBLIC AGENCIES

A. Coordination with Public Water and Wastewater Providers

1. The city limits and ETJ are serviced by various public water or wastewater providers and it is the responsibility of the applicant to determine the public utility provider that services their property.
2. The applicant will be responsible for coordinating and receiving the necessary plan approval(s) from the public water or wastewater provider when constructing or modifying water and wastewater utilities.
3. It is highly recommended that a property owner, applicant or developer schedule a pre-development meeting prior submitting any development application to the City or external public agencies to understand the City's development process and when the approval of the public utility service providers are required as a pre-requisite for city approval.
    a. A representative from the public water or wastewater provider will attend the pre-development meeting to inform the applicant of their application process and requirements.

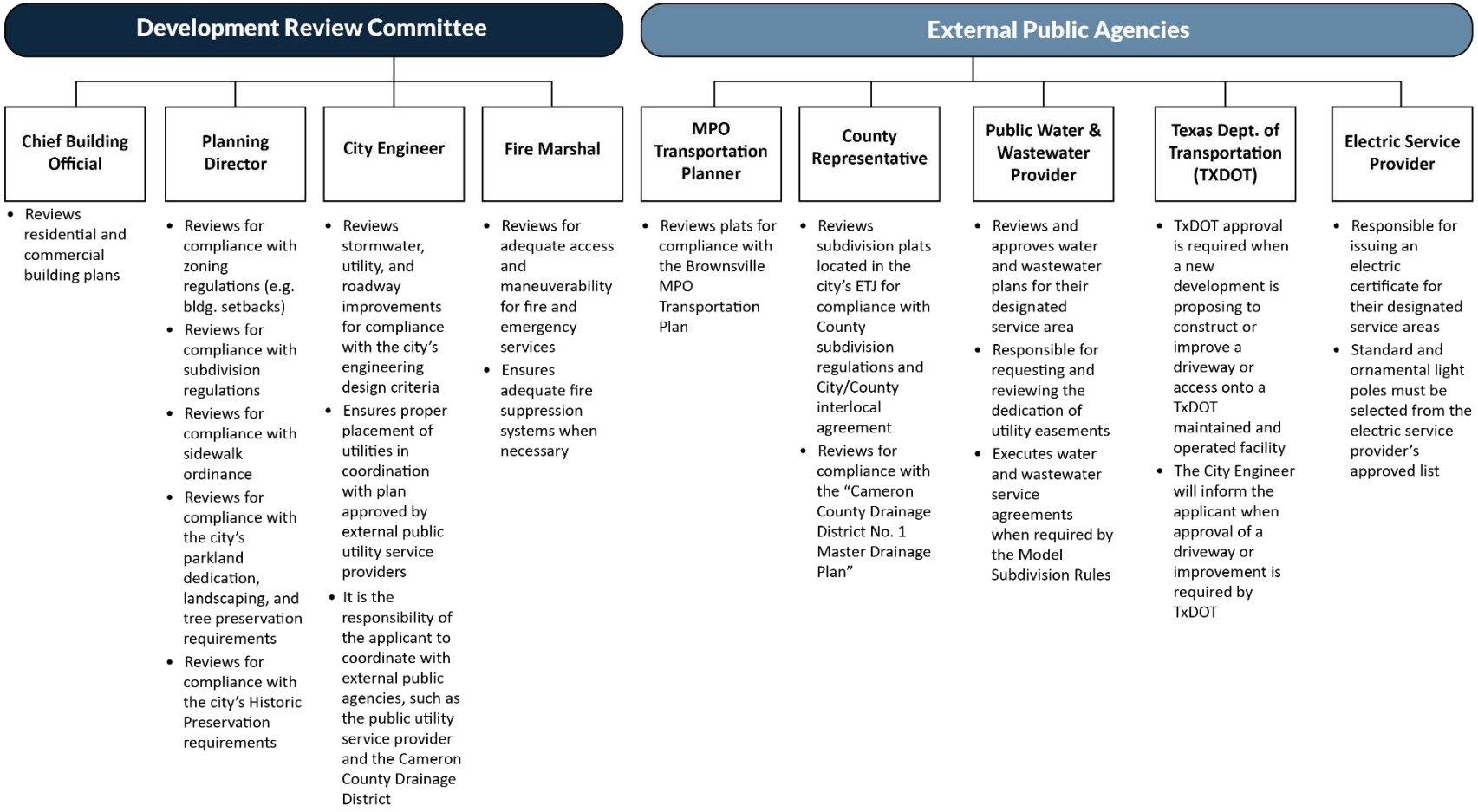
B. Cordination with Electric Service Providers

1. The applicant is responsible for cordinating and receiving the necessary plan approval(s) from the electric utility provider designated to service their property.
2. A representative from the public water or wastewater provider will attend the pre-development meeting to inform the applicant of their application process and requirements.

C. Coordination with TxDOT

1. A development proposing to construct or modify a driveway or access onto a designated and maintained Texas Department of Transportation (TxDOT) facility will be required to coordinate with TxDOT on the construction of such improvement.
2. It is highly recommended that a property owner, applicant or developer schedule a pre-development meeting prior submitting any development application to the City or external public agencies to understand the City's development process and when TxDOT approval is required as a pre-requisite for City approval.

Figure 2.1-1. Summary of General Responsibilities of the DRC and External Public Agencies



2.1.7 SUMMARY OF APPROVAL AUTHORITIES

Table 2.1-1. Summary of Approval Authorities provides a summary of the decision-makers authorized by the City Commission to act on development application that is made available by the UDC.

Table 2.1-1. Summary of Approval Authorities

Application Types	City Commission	Planning & Zoning Commission	Board of Adjustment	Historic Preservation Commission	City Staff	Required Noticing	UDC Section
R = Review or Recommending Body | DM = Decision-Making Body (final decision) | <> = Public Hearing Required | Hearing Notice(s): N = Newspaper; M = Mail | [#] = Refer to notes section							
SUBDIVISION RELATED							
Preliminary Plat	-	DM	-	-	R	-	3.2.1
Final Plat	-	-	-	-	DM[1]	-	3.2.2
Minor Plat	-	-	-	-	DM	-	3.2.3
Amending Plat	-	-	-	-	DM	-	3.2.5
Replat (Nonresidential)	-	DM	-	-	R	-	3.2.4
Replat (Residential)	-	<DM>[2]	-	-	R	M, N	3.2.4
Amending Plat	-	-	-	-	DM	-	3.2.5
Conveyance Plat	-	DM	-	-	R	-	3.2.6
Determination Certificate					DM		3.1.5B.4
Plat Extension (All plats except plat vacation)	-	-	-	-	DM	-	Refer to the UDC section for the plat type
Plat Vacation	-	<DM>	-	-	R	-	3.2.7
Construction Plans	-	-	-	-	DM	-	3.3.3
Development Agreements	DM	-	-	-	R	-	3.3.8
Subdivision Waiver	-	DM	-	-	R	-	3.5.1
Waiver of Right to 30-Day Action	-	-	-	-	DM	-	2.3.4H

Application Types	City Commission	Planning & Zoning Commission	Board of Adjustment	Historic Preservation Commission	City Staff	Required Noticing	UDC Section
R = Review or Recommending Body | DM = Decision-Making Body (final decision) | <> = Public Hearing Required | Hearing Notice(s): N = Newspaper; M = Mail | [#] = Refer to notes section							
Subdivision Proportionality Appeal	-	DM	-	-	R	-	3.5.2
ZONING RELATED							
Zoning Text and Map Amendments	<DM>	<R>	-	-	R	N (CC), M (P&Z)	4.2.2
Historic Preservation (HP) Zoning Map Amendments	<DM>	<R>	-	<R>	R	N (CC) M (HP & PZ)	4.2.3
Site Plan with SUP	<DM>	<R>	-	-	R	N (CC) M (PZ)	4.2.4E.2
Other Site Plans	-	-	-	-	DM	-	4.2.4
Certificate of Appropriateness	-	-	-	DM[3]	DM[3]	-	4.2.5
Demolition in HP Overlay	<DM>	-	-	<R>	R	-	4.2.5G
Planned Development District (PD)	<DM>	<R>	-	-	R	N (CC) M (PZ)	4.2.6
Specific Use Permit (SUP)	<DM>	<R>	-	-	R	N (CC) M (PZ)	4.2.7
Certificate of Occupancy (CO)	-	-	-	-	DM	-	4.2.9
Alternative Compliance	-	-	-	-	DM	-	4.2.11C
Appeal of an Administrative Decision	-	-	<DM>	-	R	N (BOA) M (BOA)	4.2.1A.5
Amortization of a Nonconforming Use	-	-	<DM>	-	R	M (BOA)	4.1.4
Zoning Variance	-	-	<DM>	-	R	M (BOA)	4.2.11D
Zoning Special Exception	-	-	<DM>	-	R	M (BOA)	4.2.11E
OTHER							
Building Permit	-	-	-	-	DM	-	4.2.8
Sign Permit	-	-	-	-	DM	-	5.3.5A
Master Sign Plan	-	-	-	-	DM	-	5.3.5B
Sign Variance	-	DM	-	-	-	-	5.3.5D

Application Types	City Commission	Planning & Zoning Commission	Board of Adjustment	Historic Preservation Commission	City Staff	Required Noticing	UDC Section
R = Review or Recommending Body | DM = Decision-Making Body (final decision) | <> = Public Hearing Required | Hearing Notice(s): N = Newspaper; M = Mail | [#] = Refer to notes section							
Tree Removal Permit for a Protected Tree	-	-	-	-	DM	-	5.1.7
Tree Removal Permit for a Heritage Tree	DM	-	-	-	R	-	5.1.7
Floodplain Development Permit	-	-	-	-	DM	-	5.5.13
Floodplain Development Permit Variance	-	-	DM	-		-	5.5.14

NOTES:

[1] A development agreement is required for subdivisions to install public improvements after a final plat is recorded. A final plat that is associated with a development agreement requires City Commission approval.

[2] Refer to 3.2.4F for public hearing and notice requirements for residential replats.

[3] Administrative approval by the HPO is allowed in the cases authorized within 4.2.5D.4; otherwise, HPC approval is required.

[4] If Planning & Zoning Commission and City Commission approval is required for the Site Plan (i.e., with an SUP), then the Planning & Zoning Commission and City Commission shall also be responsible for approval of the Tree Preservation Plan.

2.2 DEVELOPMENT REVIEW PROCESS

2.2.1 PRE-DEVELOPMENT MEETING

A. Purpose

1. The pre-application meeting is the first step in the development process. It will inform the property owner or developer of the City's development standards, and submittal procedures.

2. The pre-development meeting is intended to allow for the exchange of non-binding information between the developer, developer's consultant, and the **Planning Director** and any **External Public Agencies** (refer to **Figure 2.1-1**), which may also be in attendance. A pre-development meeting does not authorize or constitute approval of a project.

3. Although not required, the property owner is highly encouraged to submit a conceptual layout of the residential or nonresidential development for the pre-development meeting so that the **Planning Director** can offer more guidance and feedback on the proposed development before the developer makes a formal application submittal to the City. Comments may consider utilities, roadways, drainage, and other development standards required by this UDC.

4. This exchange of information is intended to promote an efficient and orderly review process for all stakeholders involved in the development process, including the developer, developer's consultant, the **Planning Director**, and **External Public Agencies**, such as the utility service providers.

B. Applicability

1. Pre-application meetings are required when specifically stated within this UDC, otherwise they are encouraged for all development applications.

2. The City may establish a pre-development application form with the information required by the property owner or the developer to request the meeting. Such forms shall not be considered a vesting instrument but are intended to facilitate the pre-development meeting discussion.

3. The City's forms to request a pre-development meeting will contain resources for the applicant to research the following:

a. Current zoning on the property;

b. Link to the City's Geographic Information System (GIS) Maps for zoning, utilities and master thoroughfare and bike plans;

c. Contact information for various utility service providers in the City;

d. City Engineering criteria manuals and documents; and

e. Other resources for the property owner, developer or consultant to conduct independent preliminary research on the property.

C. Conceptual Layout Guidelines

1. A concept layout of the proposed development is not required, but it is highly recommended that a property owner or developer submit a concept layout of the residential or nonresidential layout to the pre-development meeting for informational purposes. Guidelines for nonresidential and residential development are provided below, and details and specifications regarding the conceptual layout are provided in the City's predevelopment meeting request forms and checklists.

2. Nonresidential Development Guidelines
    a. Property location;
    b. Proposed land use(s);
    c. Existing and proposed buildings;
    d. Existing and proposed streets;
    e. Drive approaches and dimensions;
    f. Fire lanes and radii;
    g. Building setbacks and associated heights;
    h. Landscape areas;
    i. Proposed screening devices;
    j. Proposed dumpster locations; and
    k. Proposed open storage;
3. Residential Development Guidelines
    a. Property location;
    b. Existing and proposed streets;
    c. Proposed lots; and
    d. Proposed common and landscape areas;

D. Effect

Pre-application meetings shall not vest a permit, application, or other type of development approval.

2.3 APPLICATION SUBMITTAL PROCEDURES

2.3.1 INTENT

The provisions of this article are intended to establish clear, consistent, predictable and time efficient procedures for any development application permitted in the UDC.

2.3.2 APPLICABILITY

A. Development applications will either be processed as a zoning, subdivision, or construction plan application, as shown in **Figure 2.3-1**.

B. The development review process for the zoning, subdivision, and construction plan applications vary because **TLGC Section 212.009** requires subdivision and construction plan related applications to be acted upon the decision-making authority within thirty (30) days of being deemed complete (Refer to **2.3.4 - Determination of Application Completeness**) by the **Planning Director**.

C. Development applications are categorized as either as a subdivision, zoning, or construction plan application in **Table 2.1-1. Summary of Approval Authorities**.

D. The submittal procedures for each application type are detailed in the following sections of the UDC:

1. Refer to **2.3.5A Review and Action for Zoning Related Applications**.
2. Refer to **2.3.5B Development Review Process for Subdivision Related Applications**.
3. Refer to **2.3.5C Review Process Construction Plan Applications**.

E. **Figure 2.3-2** provides an example of specific development applications that will be processed as either a subdivision, zoning or construction plan application.

Figure 2.3-1. Application Submittal Procedures

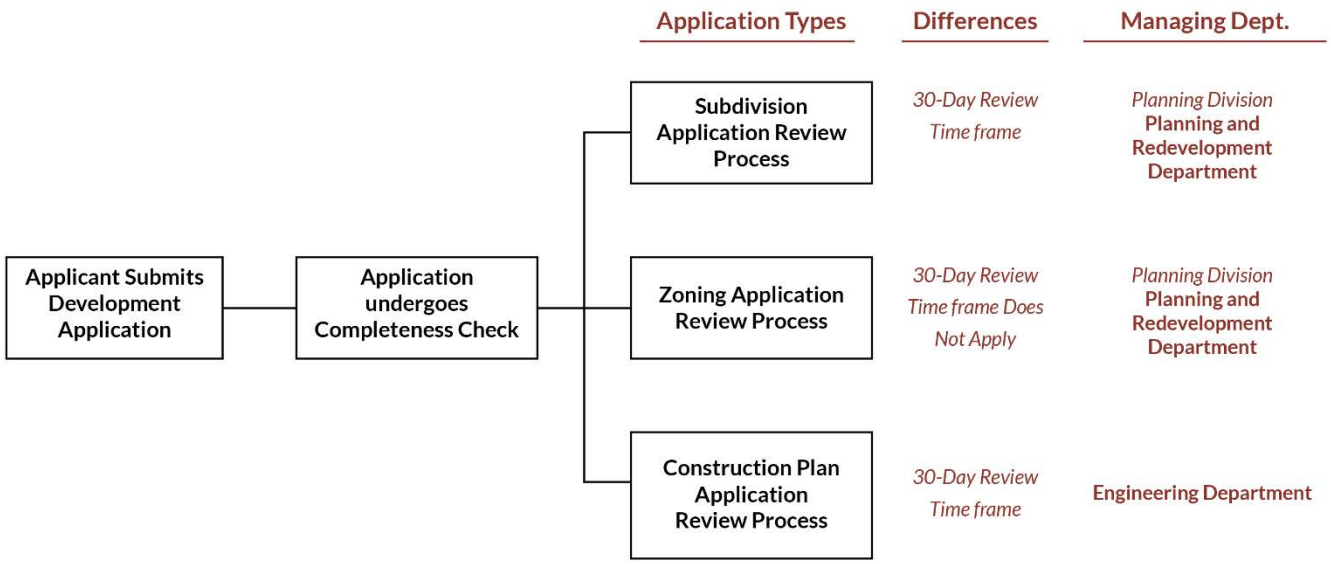
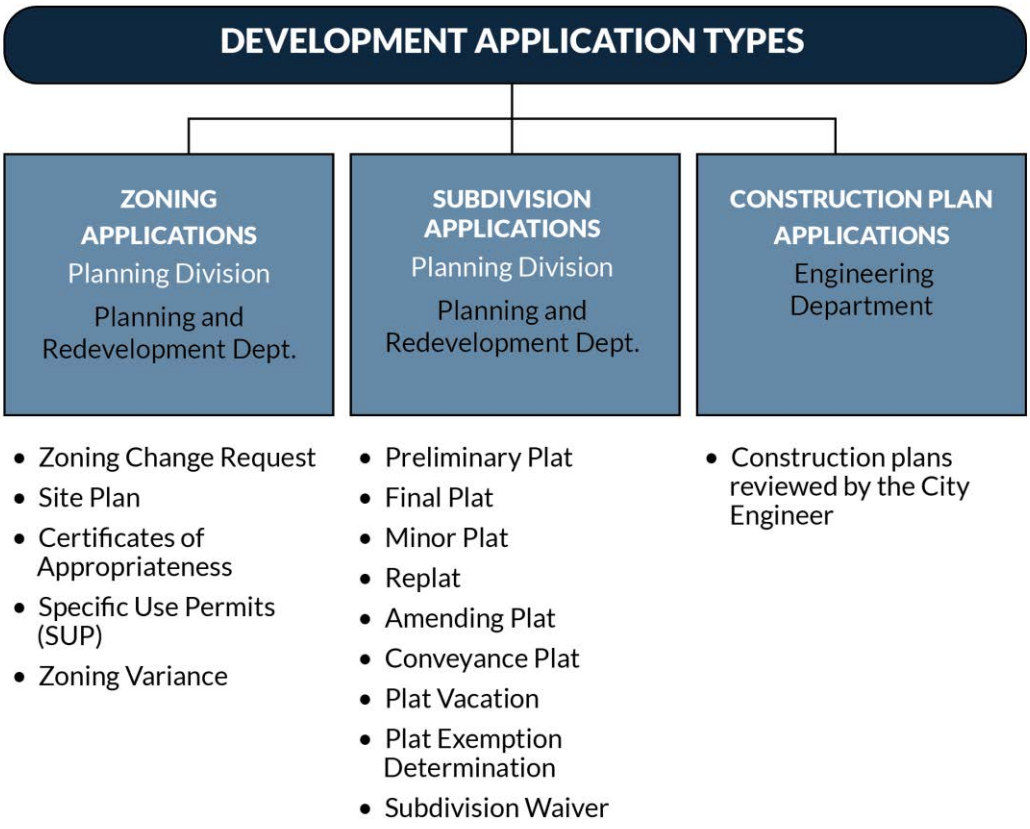


Figure 2.3-2. Development Application Types



Notes:

1. Refer to **Table 2.1-1. Summary of Approval Authorities** to view a comprehensive list of all the subdivision and zoning applications.
2. The applicant may submit a site plan with the formal site plan application process to the planning division or can submit a site plan with the formal building permit application process, which is submitted to the building division

2.3.3 APPLICATION SUBMITTAL

A. Applicability

All development applications must comply with the provisions of this section.

B. Authority to Submit Application

Unless expressly stated otherwise in this UDC, a development application shall be submitted by:

1. The property owner; or
2. A person authorized to submit the application on behalf of the owner; or
    a. The application will be accompanied with a letter of authorization from the property owner stating his consent to the application and delegating his authority to the applicant.
3. If there are multiple property owners all such persons shall sign the application or provide a letter authorization documenting their consent of the application;

C. Application Forms

1. The City is hereby authorized to prepare application forms that include information requirements, checklists, architectural or engineering drawing sizes and contents, applicant contact information, and any other information necessary to show compliance with City codes.
2. All application forms are available from the **Planning Director**.

D. Application Fees

1. Every application shall be accompanied by the prescribed fees set forth in the adopted fee schedule.
2. Unless waived by the City Commission, the prescribed fee shall not be refundable unless it was submitted in error.
3. The fee schedule may be amended from time to time per procedures established by the City Commission.
4. The fee schedule is intended to cover the cost which the City incurs in processing a permit or application, including the publication of public notices, engineering plan review, legal fees, and other associated costs. The City incurs these costs regardless if the application or permit is approved or denied.

E. Payment of all Indebtedness Attributable to the Subject Property

1. No application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the City until the taxes, assessments, debts, or obligations have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.
2. It shall be the applicant's responsibility to provide evidence or proof that all taxes and fees have been paid, or that other arrangements have been made for payment of said taxes and fees.

F. Submittal and Review Schedule

The **Planning Director** shall establish a submittal and review schedule for development applications, which shall be available to the public on the City's website. The **Planning Director** may amend the schedule to ensure effective and efficient review of the UDC and to maintain the City's processes in compliance with state legislation.

2.3.4 DETERMINATION OF APPLICATION COMPLETENESS

A. Applicability

All development applications must comply with the provisions of this section.

B. Application Materials

1. An application will be considered complete and ready for processing when the applicant has submitted the forms, plans and fees that as documented in the development application. This stage of the application submittal process is referred to as "completeness check," refer to **Figure 2.3-3. Determination of Application Completeness**.
2. The City will be authorized to promulgate reasonable cycles and timelines for processing applications including for receipt of complete applications.

C. Review Procedure

1. Staff shall have the authority to review and determine if an application is complete through the initial stage of development process referred to as "completeness check."
2. No later than the fourteen (14) business days after an application is submitted, the **Planning Director** shall determine whether the application is complete and shall transmit a written determination to the applicant.
    a. If the written determination by staff is not made within this time, the application will be deemed complete, however it does not constitute authorization for development to commence.

D. Notice of Completeness

The **Planning Director** will determine whether an application is complete or incomplete within fourteen (14) business days of the initial submittal.

1. A notice for an incomplete application will include:
    a. The application's deficiencies;
    b. The next submittal date for the applicant to resubmit a complete application for the next available review cycle; and
    c. The date the application will expire (refer to **2.3.4E Expiration**) if the application's deficiencies are not addressed.
2. A notice for a complete application will include:
    a. Confirmation of a complete application; and
    b. The date that the applicant will receive initial staff comments;

E. Expiration of Initial Application Submittal

1. Pursuant to Texas Local Government Code Chapter 245.002(e), the application shall expire on or after the 45th day from the date the application is initially submitted to the planning department if the applicant fails to address the application's deficiencies during the completeness check process (refer to **2.3.4D**).
2. If an application is expired under this provision the applicant will need to resubmit a new application and fees.

F. Notice of Application Acceptance

1. An application is formally accepted by the City when an application is deemed complete as described in **2.3.4D Notice of Completeness**.

2. The **Planning Director** will forward the development application to the DRC for review and comment within the timeframe established in the City's development review schedule.

G. Time Limits Triggered by a Complete Application

1. Whenever this subchapter establishes a time for processing an application, the time limit does not begin until the **Planning Director** has reviewed the application for completeness and the applicant has received confirmation of a complete application from the **Planning Director**.

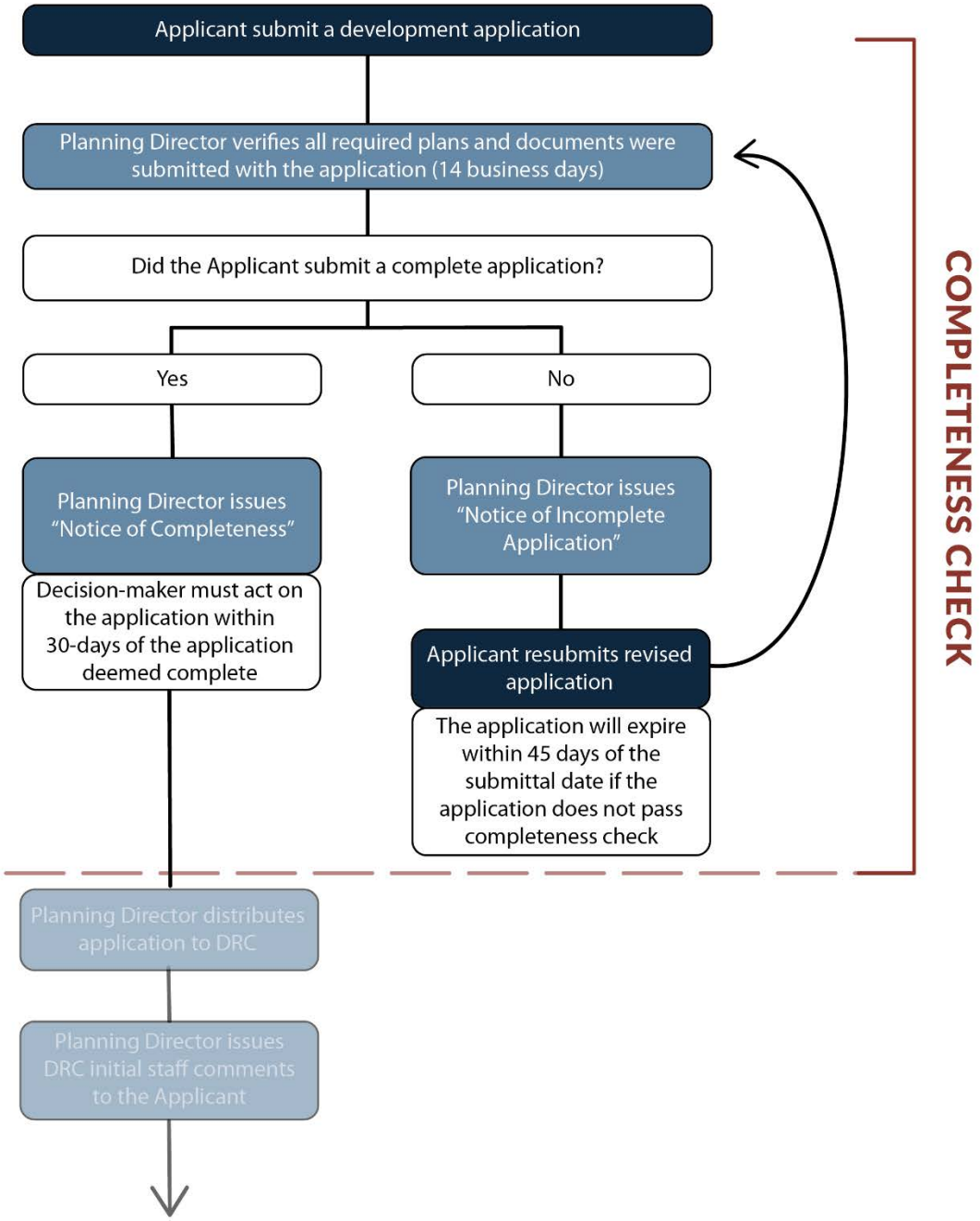
2. The decision-making authority for zoning related applications, as listed in **Table 2.1-1. Summary of Approval Authorities**, will take action on a development application when the applicant has addressed all staff comments. The decision-making authority is not required by the Texas Local Government Code to act on the application within a specified timeframe.

a. Refer to **Figure 2.3-1. Application Submittal Procedures**.

3. The decision-making authority for subdivision related applications, as listed in **Table 2.1-1. Summary of Approval Authorities**, must take action on a development application within thirty (30) days from the date the application is deemed complete as described in **2.3.4D Notice of Completeness** unless the applicant submits a **Waiver of Right to 30-Day Action** (refer to **2.3.4H**).

a. Refer to **Figure 2.3-5. Development Review Process for Subdivision Related Applications**.

Figure 2.3-3. Determination of Application Completeness



Notes:

1. Zoning (refer to 2.3.5A), subdivision (refer to 2.3.5B), and construction plan applications (refer to 2.3.5C) must undergo the completeness check process.

H. Waiver of Right to 30-Day Action

1. Applicability

A Waiver of Right to 30-Day Action is only pertinent to subdivision related applications since the decision-making authority is required to take action on subdivision related applications within thirty (30) days of being deemed complete by the **Planning Director**. In no circumstance is a Waiver of Right to 30-Day Action required for a zoning related application.

2. Decision-Making Authority

The **Planning Director** shall be the decision-making authority of a waiver of right to 30-day action for majority of subdivision related applications except for **Construction Plans**, which require approval by the City Engineer.

3. Submittal Requirements of a Waiver of Right-to 30-Day Action

a. If the applicant is requesting a Waiver Of Right To 30-Day Action, the waiver request must be received by the **Planning Director** or the City Engineer (if pertaining to construction plans) on the date the applicant must resubmit revised plans (refer to **2.3.5B Review and Action for Subdivision Related Applications**) to either be considered for action by staff or a City board or commission.

b. Waiver requests that are not received by that day shall not be considered properly submitted, and action will still be taken on the application by the decision-making authority.

4. Limits on the Request of a Waiver of Right to 30-Day Action

An applicant may only submit a limited number of Waiver of Right to 30-Day Action request(s) for certain applications until the decision-making authority is required to act on the application, and they are as follows:

a. An applicant is limited to one (1) Waiver of Right to 30-Day Action request for a Subdivision plat.

b. An applicant is limited to three (3) Waiver of Right to 30-Day Action request for **Construction Plans** and any other development plans permitted by the UDC.

5. Effects of a Waiver of Right-to 30-Day Action

a. The acceptance of a waiver of right to 30-day action by the City shall authorize the decision-making authority from acting on the application for a period not to exceed thirty (30) calendar days from the date the waiver was accepted by the City.

b. Submission of a waiver of right to 30-day action, and acceptance of such waiver by the City as part of an application, shall not be deemed in any way a waiver to any requirement within this UDC.

c. A waiver from requirements herein is a separate and distinct process (refer to **3.5.1 Subdivision Waiver Petition**).

2.3.5 DEVELOPMENT APPLICATION TYPES

A. Review and Action for Zoning Related Applications

Development applications classified as a zoning application in **Table 2.1-1** will follow the application review process shown in **Figure 2.3-4.**

1. Completeness Check

a. All zoning related applications must be deemed complete by the **Planning Director** in accordance with **2.3.4 Determination of Application Completeness**.

b. An applicant will receive **Notice of Revisions** after being deemed complete by **Planning Director**.

2. Notice of Revisions

The **Planning Director** or will be responsible for distributing the initial staff comments from the development review committee (DRC) to the applicant within the specified time frame confirmed in **2.3.4D Notice of Completeness**. The notice shall include:

a. Initial staff comments from the DRC; and

b. The date the applicant must resubmit revised plans (revision deadline) to be placed on the next City board or commission meeting (if subject to City board or commission decision); or

c. To stay within the current administrative review cycle (if subject to staff decision).

3. Failure to Submit Revised Plans within the Revision Deadline

a. Applications Subject to City Board or Commission Decision

The **Planning Director** shall have the authority to not schedule the application for the next City board or commission meeting until the applicant has submitted revised plans and addressed staff comments within the time frame documented in the initial or subsequent distribution of staff comments (refer to **2.3.5A.2 Notice of Revisions**).

b. Applications Subject to Staff Decision

The **Planning Director** shall have the authority to delay administrative approval of the application until the applicant has submitted revised plans and addressed staff comments within the period documented in the initial or subsequent distribution of staff comments.

4. Action by the Decision-Making Authority

The approval criteria and actions of the decision-maker are outlined in further detail in the corresponding section of the UDC refer to the table below. Refer to **Table 2.1-1. Summary of Approval Authorities** to determine whether a zoning related application is subject to staff or City board and commission decision.

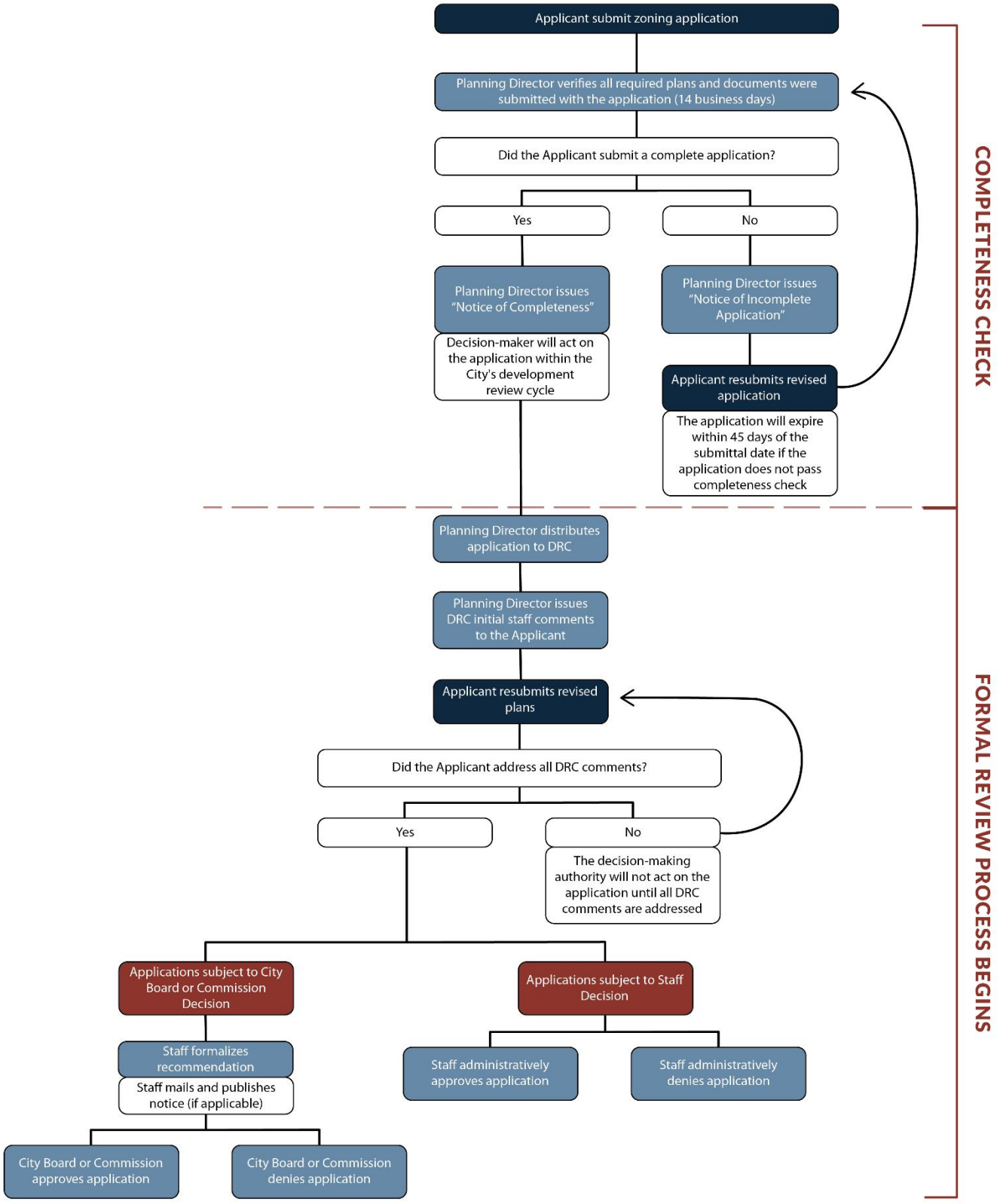
5. Post Decision Actions for Zoning Related Applications

a. Notice of Decision

(i) The **Planning Director** shall provide written notification of the decision made on the application by the decision-making authority no later than fifteen (15) calendar days from the date the application was approved.

(ii) The notice of the decision will detail the expiration date of the application and the conditions of approval or denial imposed by the decision-maker.

Figure 2.3-4. Development Review Process for Zoning Related Applications



B. Review and Action for Subdivision Related Applications

Development applications classified as a subdivision application in **Table 2.1-1** will follow the application review process shown in **Figure 2.3-5. Development Review Process for Subdivision Related Applications**.

1. Completeness Check

a. All subdivision related applications must be deemed complete by the **Planning Director** in accordance with **2.3.4 Determination of Application Completeness**.

b. An applicant will receive **Notice of Revisions** after being deemed complete by **Planning Director** (refer to **2.3.5A.2**).

2. Notice of Revisions

The **Planning Director** will be responsible for distributing the initial staff comments from the development review committee) DRC to the applicant within the specified time frame confirmed in **2.3.4D.2**. The notice shall include:

a. Initial staff comments from the DRC; and

b. The date the applicant should resubmit revised plans (revision deadline) to be placed on the next City board or commission meeting (if subject to City board or commission decision); or

c. To stay within the current administrative review cycle (if subject to staff decision).

3. Failure to Submit Revised Plans within the Revision Deadline

a. The decision-making authority for a subdivision related application shall act on the application within thirty (30) days of passing completeness check regardless if the applicant resubmits revised plans or addresses the staff comments. However, a recommendation approval by staff or decision of approval by the decision-maker will be contingent upon the applicant:

(i) Addressing staff comments; and

(ii) Revising the application in conformance with the UDC.

b. The **Planning Director** must take one of the following actions if the applicant fails to resubmit revised plans or address staff comments within the time frame specified in the distribution of initial staff comments (refer to **2.3.5B.2 Notice of Revisions**):

(i) Applications Subject to City Board or Commission Decision

(1) Schedule the application for the next City board or commission agenda with a recommendation of denial accompanied with a list of application deficiencies; or

(2) Schedule the application for the next City board or commission agenda with a recommendation of approval with or without conditions;

(ii) Applications Subject to Staff Decision

(1) Approve the application with or without conditions; or

(2) Deny the application with conditions;

c. The planning director may include the following conditions with a recommendation of approval:

(i) A condition that does not significantly alter the layout of the subdivision such as the configuration of streets, utilities or lots;

(ii) A condition that requires the dedication of an easement required by the city engineer;

(iii) A condition that requires the addition of a note in the notes section of a plat;

(iv) A condition that requires grammatical, spelling or text clarification whether it be on the face of the plat, dedication statements or title block; ir

(v) Any other condition determined by the planning director that will not significantly alter the layout of the subdivision.

(vi) All conditions included with a recommendation of approval are intended to make the subdivision in conformance with all applicable provisions of the UDC.

d. The applicant may choose to submit **Waiver of Right to 30-Day Action** to delay action by decision-making authority and to revise the application in compliance with the UDC.

4. Action by the Decision-Making Authority

The approval criteria and actions of the decision-maker for subdivision related applications are outlined in further detail in the corresponding section of the UDC refer to the table below. Refer to **Table 2.1-1. Summary of Approval Authorities** to determine whether a subdivision related application is subject to staff or City board and commission decision.

5. Post Decision Actions for Subdivision Related Applications

a. Notice of Decision

(i) The **Planning Director** shall provide written notification of the decision made on the application by the City board or commission no later than fifteen (15) calendar days from the date the application was approved.

(ii) The notice of the decision will detail the expiration date of the application and the conditions of approval or denial imposed by the decision-maker.

b. Applications with a Decision of Denial

(i) The applicant may revise an application with a decision of denial to address the application's deficiencies or submit a new plat application.

(ii) The **Planning Director** will administratively approve the application if all application deficiencies are addressed or deny the application if they are not.

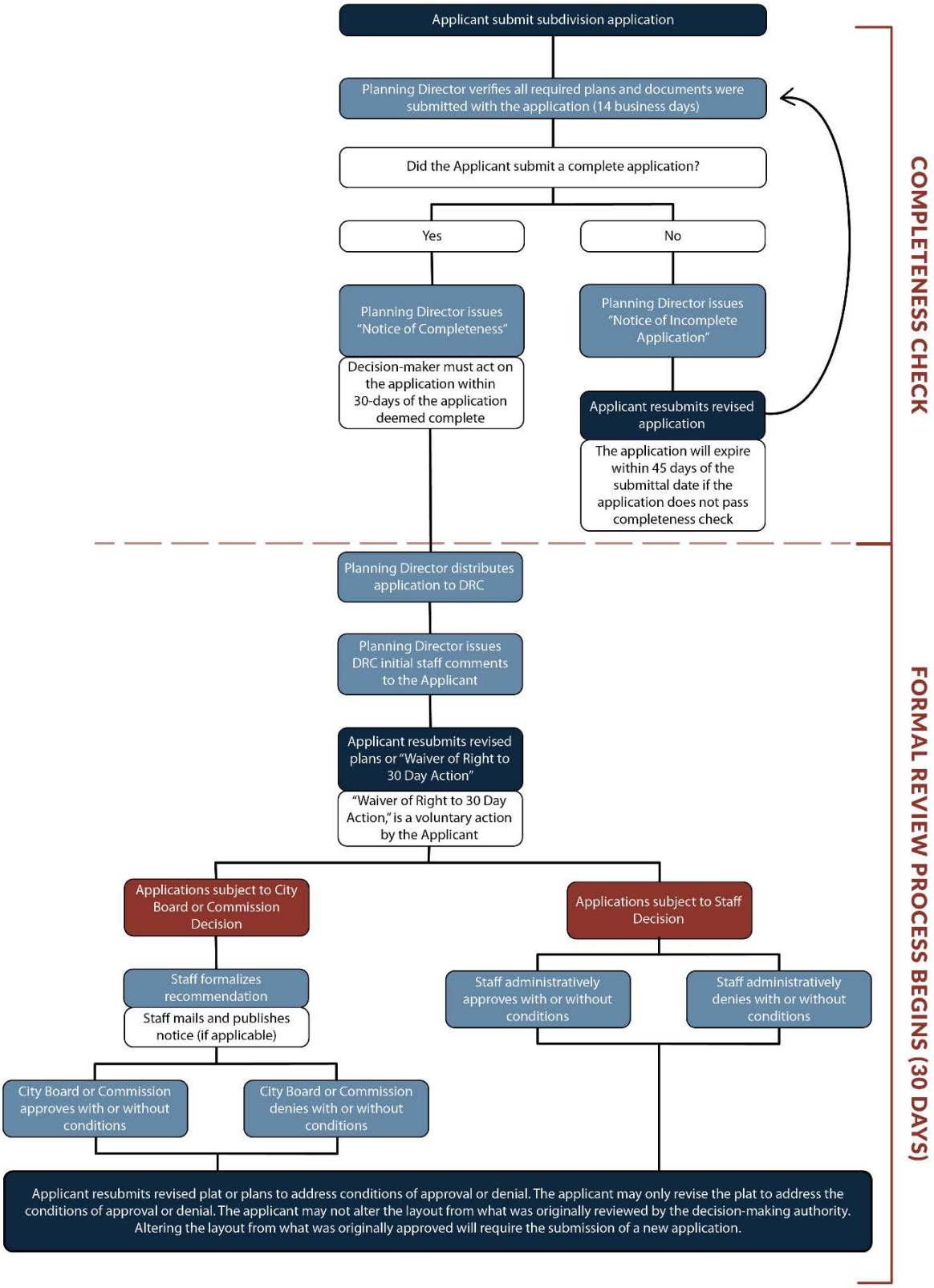
(1) The applicant may not significantly alter the development from the plan included in the initial approval, such as adding more lots or new street configurations. The intent of this provision is to allow for an expeditious means of reapproval without the application having to submit a new application.

(iii) The **Planning Director** will either approve or deny the revised application within fifteen (15) calendar days from the date the applicant submitted the revised application.

c. Applications with a Decision of Approval

The applicant will resubmit a revised preliminary plat reflecting the conditions of approval.

Figure 2.3-5. Development Review Process for Subdivision Related Applications



C. Review and Action for Construction Plans

1. Completeness Check

a. Construction plan applications must be deemed complete by the City Engineer in accordance with **2.3.4 Determination of Application Completeness**.

b. An applicant will receive **Notice of Revisions** after being deemed complete by the City Engineer (refer to **2.3.5A.2**)

2. Notice of Revisions

a. The City Engineer will be responsible for distributing the initial staff comments to the applicant within the specified time frame confirmed in **2.3.4D.2**. The notice shall include:

(i) Initial staff comments from the City Engineer; and

(ii) The date the applicant should resubmit revised plans (revision deadline) to stay within the current administrative review cycle (if subject to staff decision).

3. Failure to Submit Revision Deadline

a. The City Engineer shall act on the construction plan application within thirty (30) days of passing completeness check regardless if the applicant resubmits revised plans or addresses the staff comments.

b. The applicant may choose to submit **Waiver of Right to 30-Day Action** to delay action by the city engineer and to revise the application in compliance with the UDC.

(i) A **Waiver of Right to 30-Day Action** shall be limited to three (3) requests and approved by the City Engineer in accordance with the provisions contained in **2.3.4H**.

(ii) If no decision is rendered by the City Engineer within the thirty (30) day period as described above or such longer period as may have been agreed upon, the construction plans, as submitted, shall be deemed approved by the City Engineer.

c. The City Engineer shall either approve or deny the application on whether the construction plan application complies with the City's construction and development standards.

4. Action by the City Engineer

a. Approve the construction plans;

b. Approve the construction plans with conditions; or

c. Deny the construction plans with a list of application deficiencies.

5. Post Decision Action for a Construction Plan Application

a. Notice of Decision

(i) The City Engineer shall provide written notification of the decision made on the application by the City Engineer no later than fifteen (15) calendar days from the date the application was approved or denied.

(ii) The notice of the decision will detail the expiration date of the application and the conditions of approval or denial imposed by the City Engineer.

b. Applications with a Decision of Denial

(i) The applicant may revise an application with a decision of denial to address the application's deficiencies or submit a construction plan application.

(ii) The City Engineer will administratively approve the application if all application deficiencies are addressed or deny the application if they are not.

(1) The applicant may not significantly alter the development from the plan included in the initial approval, such as adding more lots or new street configurations. The intent of this provision is to allow for an expeditious means of reapproval without the application having to submit a new application.

(iii) The City Engineer will either approve or deny the revised application within fifteen (15) calendar days from the date the applicant submitted the revised application.

c. Applications with a Decision of Approval

The applicant will resubmit a revised preliminary plat reflecting the conditions of approval

6. Expiration of a Construction Plan Application

The approval of construction plans shall remain in effect for a period of one (1) year from the date of approval, or for the duration of construction of the project, provided that progress towards completion of the project continues to be demonstrated, unless the construction plans are extended in accordance with **3.3.3 Construction Plans**.

7. Extension of a Construction Plan Application

a. Construction plans may be extended for a period of six (6) additional months beyond the expiration date. A request must be made in writing to the City Engineer for such extension request prior to expiration of the plans and shall include the reason why the plans should be extended.

b. The City Engineer will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the official vesting date of the request.

c. In reviewing an extension, the City Engineer shall consider the following:

(i) The construction plans comply with new regulations (i.e., regulations that have been adopted after approval of the original construction plans that impact the health, safety, and general welfare of the community; or

(ii) Demonstrable forward progress has been made to proceed with construction or required improvements.

d. In reviewing an extension, the City Engineer may impose additional conditions including the following:

(i) Conditions to ensure that the property will be developed in a timely fashion and serve the public interest; or

(ii) Conditions for the property to comply with new development regulations or request the applicant to waive any vested rights.

e. Appeal of the City Engineer's decision on the extension of construction plan approval

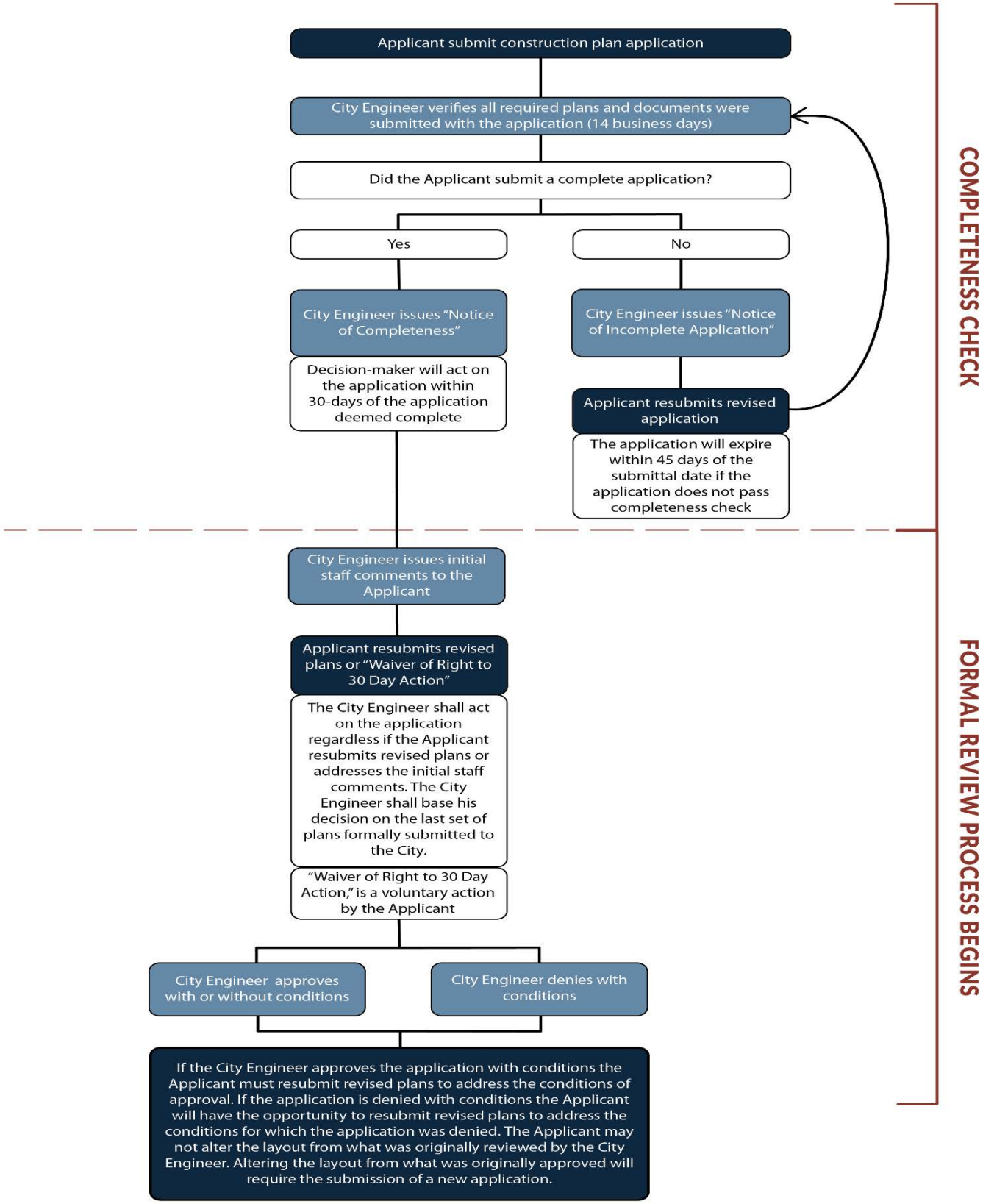
(i) The denial of an extension by the City Engineer may be appealed to the City board of adjustment.

(ii) A written request for such appeal shall be received by the City Engineer within fourteen (14) calendar days following the denial.

(iii) The board of adjustment shall hear and consider the appeal within thirty (30) calendar days following receipt of the appeal request by the City Engineer.

(iv) The decision of the board of adjustment is final.

Figure 2.3-6. Review Process Construction Plan Applications



2.4 NOTICE AND PUBLIC HEARING REQUIREMENTS

2.4.1 SCHEDULING

The **Planning Director** shall issue the public notice and schedule the public hearing for the appropriate City board or commission following the submission of a complete application (refer to **2.3.4**) and after the DRC has reviewed the application accordance with the timeframe established in the City's development review schedule.

2.4.2 PUBLIC NOTICE TYPES

A. Newspaper Published Notice

Notice of the public hearing to occur before the City Commission shall be accomplished by publishing the purpose, date, time, and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.

B. Mailed Notice

1. Issuance of a written notice by mail will be sent to property owners of lots located within two hundred (200) feet of the subject property based on the most recently approved County tax roll upon which the property reflected in the application is located. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.

2. Issuance of a written notice by mail must:

a. Describe any property involved in the application by map, street address or legal description;

b. Describe the action sought in the application;

c. Indicate the date, time and place of any public hearings or meetings that will be held by the planning commission to consider the application; and

d. Indicate where additional information on the matter can be obtained from the City.

C. Minor Defects in Notice

Minor defects in required notices will not be deemed to impair the notice or invalidate proceedings pursuant to the notice. Minor defects in notice are limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. If questions arise at any hearing regarding the adequacy of notice, the City board or commission reviewing action on the application must make a formal finding about whether there was substantial compliance with the notice requirements of these regulations.

2.4.3 PUBLIC NOTICE REQUIREMENTS FOR DEVELOPMENT APPLICATIONS

Public hearing and noticing requirements for all UDC applications are listed in **Table 2.1-1**.

A. Subdivision Applications

1. Replat (refer to **3.2.4 Replat** and **3.2.4F Additional Public Notice and Hearing Requirements for Residential Replats**)
2. Plat Vacation (refer to **3.2.7D Public Notice and Hearing**)
3. Subdivision Waiver (refer to **3.5.1 Subdivision Waiver Petition**)

B. Zoning Applications

Zoning applications that require a public notice by mail and/or published in the newspaper are listed below:

1. Zoning Text and Map Amendments (refer to **4.2.2D-E**).
2. Zoning Text and Map Amendments for Historic Preservation (refer to **4.2.3D-E**).
3. Site Plan with SUP (refer to **4.2.4E.2.d**).
4. Planned Development District (refer to **4.2.6G**).
5. Specific Use Permit (refer to **4.2.7E.3**).
6. Appeal of an Administrative Decision (refer to **4.2.1A.5**).
7. Amortization of a Nonconforming Use (refer to **4.1.4C**).
8. Zoning Variance (refer to **4.2.11B.1.d**).
9. Zoning Special Exception (refer to **4.2.11E**).

2.4.4 PUBLIC HEARING PROCEDURES

At required public hearings, interested persons must be permitted to submit information and comments, verbally or in writing. The City's board or commission are authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.

ARTICLE 3. SUBDIVISION REGULATIONS

Article Contents

3.1 General Provisions

3.2 Subdivision Plats

3.3 Construction of Public Improvements

3.4 Subdivision Design Standards

3.5 Subdivision Relief Procedures

3.1 GENERAL PROVISIONS

3.1.1 AUTHORITY

A. These regulations are adopted pursuant to the powers granted and limitations imposed by the **Texas Local Government Code Chapter 212**.

B. The Model Subdivision Rules (MSR) granted by the **Texas Water Code Section 16.343** and the **Texas Administrative Code (TAC), Title 31, Part 10, Chapter 364** are adopted in these subdivision regulations by reference.

3.1.2 APPLICABILITY

A. The City shall have the authority to review all subdivision and land development proposals to ensure safe and orderly development of the City and its ETJ.

B. These regulations represent the minimum requirements deemed necessary to carry out the purpose of the UDC (refer to **1.6.1 Purpose**).

C. All future subdivisions of land within the City limits and extraterritorial jurisdiction (ETJ) shall be laid out subject to the approval of the City as outlined within this UDC, and no other subdivision will be recognized by the City.

D. Properties located in the ETJ shall also comply with applicable provisions contained in the interlocal agreement between the City and Cameron County. A copy of the most recent executed interlocal agreement may be requested from the **Planning Director**.

3.1.3 SUBDIVISION POLICY

A. Land shall not be subdivided or developed until proper provision has been made for drainage, water, wastewater, transportation, and other facilities required by these regulations.

B. All public and private facilities and improvements shall be of at least a minimum capacity necessary to adequately serve the development and shall conform to the City's Comprehensive Plan and applicable technical manuals and codes, which are maintained separately from the UDC (refer to **1.10 Technical Manuals**).

C. In addition to these regulations, a development subject to these regulations must comply with all other applicable ordinances, laws, and regulations adopted by the City expressly including:

1. Building codes, zoning codes, flood protection regulations, and all other applicable laws and standards of the City and County;
2. All applicable laws, rules and regulations of the federal government and the State of Texas and their duly constituted agencies; however, these references do not imply any responsibility for the City or the City's boards and commissions to enforce regulations imposed by other governmental authorities; and
3. The **Model Subdivision Rules** as granted by the **Texas Administrative Code, Title 31, Part 10, Chapter 364**, and included in **3.1.6 Model Subdivision Rules** of the UDC.

3.1.4 REQUIREMENT TO PLAT FOR THE SUBDIVISION OF LAND

A. Per **TLGC Section 212.004**, the owner of a tract of land located within the City's corporate limits or in the extraterritorial jurisdiction (ETJ) must prepare a plat and record the plat with the County Clerk if they intend to divide the tract in two (2) or more parts to lay out a subdivision, lots, buildings, streets, alleys, squares, parks, or other parts of the tract for public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks dedicated for public use.

B. Any division of land subject to the provisions in **3.1.4A** require a plat regardless of how the division of land was originally processed including:

1. A division land made by using a metes and bounds description in a deed of conveyance; or
2. A division of land made in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

3.1.5 EXEMPTIONS TO PLATTING

A. General Provisions

1. The planning director may exempt a property from platting through approval of a determination certificate if it complies with the platting exemptions in **3.1.5B**.
2. Unmanned facilities, such as wireless communication facilities, or any type of use that is autonomous and does not require the use of water or wastewater may not be exempted from platting, unless they qualify with the platting exemptions in **3.1.5B.**

B. Platting Exemptions

A property is exempted from platting if it complies with one of the following exemptions.

1. 5 Acres or Greater with Adequate Public Facilities Exemption

   Per TLGC Section 212.004, a division of land that is five (5) acres or greater where each part has access to an existing and improved public road and no **Public Improvements** are being dedicated for public use.

2. Grandfather Clause Exemption

   The grandfather clause, authorized by TLGC Section 212.0045(a), exempts a property from platting if it complies with the following provisions:

   a. The boundaries of such parcel were fully described by one (1) or more title transfer instruments executed before September 1, 1995; and

   b. On or after such date, there has been no executions of title transfer instruments such that these instruments could subject such parcel to boundary alterations.

3. Public Utility Well Exemption

A property owner is exempted from platting if their sole purpose for platting is to convey land to the Southmost Regional Water Authority, the City, or the City's public utility board, and complies with the following provisions:

a. A minimum two (2) acres or greater;

b. The conveyance of the property is for the exclusive use of drilling or maintaining any water well used to produce potable water at any offsite reverse osmosis treatment plant; and

c. Each driveway leading to the property is gated and locked to the public at the point where such driveway intersects a street for the exclusive use of the grantee.

4. Determination Certificate Requirements

a. The application for a determination certificate will require:

(i) A property survey signed and sealed by a registered surveyor licensed to practice in the state of Texas;

(ii) A title report dated no more than 30-days before the date the application is submitted to the city; and

(iii) A certified tax certificate from the Tax Appraisal District.

b. A determination certification will not be approved unless a property has at least twenty (20) feet of frontage on a public right-of-way or right-of-way easement that is at least forty (40) feet wide and is improved to an extent sufficient to allow reasonable usage by typical passenger vehicles.

(i) A property subject to the **Grandfather Clause Exemption** shall have at least 12 feet of frontage onto a public right-of-way or right-of-way easement that is at least thirty (30) feet wide.

3.1.6 MODEL SUBDIVISION RULES

A. Purpose

Model Subdivision Rules (MSRs) were developed by the Texas Water Development Board to ensure that an adequate supply of drinking water and sewer facilities are available to residential areas in accordance with state standards established by the Texas Department of Health and the Texas Commission on Environmental Quality.

B. Compliance Required

1. Since enacted by the Texas Legislature in 1989, all counties adjacent to the Texas-Mexico border, including Cameron County, are required to adopt and enforce the **Model Subdivision Rules**.
2. The **Model Subdivision Rules** enable the City and the County to apply for grants and loans from the Texas Water Development Board's Economically Distressed Areas Program (EDAP), which encourages cost-effective water and wastewater systems to maximize long-term economic development of eligible areas.
3. Noncompliance can result in the loss of funding for future water and wastewater projects administered by the **Retail Public Utility** provider.

C. Program Goals

MSRs are intended to achieve the following goals:

1. Empower cities and counties to prevent the growth of substandard residential developments lacking water and wastewater infrastructures, roadways, gas and electricity;
2. Prevent residential lots from being sold if utilities are not in place; and
3. Assist economically distressed areas to obtain the necessary infrastructure for water and wastewater services.

D. Applicability

1. The MSRs apply to a subdivision that creates two (2) or more lots of five (5) acres or less intended for residential purposes.
2. Lots of five (5) acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

E. Minimum Standards for Water Facilities

1. The **Planning Director** shall not approve a **Final Plat** or other plat type that creates two (2) or more lots of five (5) acres or less intended for residential purposes without confirming connection to an adequate and existing water facility permitted in **3.1.6F.**
2. A **Final Plat** or other plat type that is subject to the **Model Subdivision Rules** shall not be recorded with the County Clerk until the **Planning Director** receives the required documentation for the water facility that will be used for the subdivision as required in **3.1.6F**.
    a. The **Planning Director** may include the following condition of approval for any plat required to comply with the **Model Subdivision Rules**.
        (i) "The property owner shall not be allowed to record the plat subject to the **Model Subdivision Rules** without having an executed service agreement with the respective **Retail Public Utility**."

F. Acceptable Forms of Water Facilities

1. Public Water Facility

a. Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the **Retail Public Utility** provider.

b. The service agreement must provide that the **Retail Public Utility** has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty (30) years.

c. The service agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.

d. Service agreements are administered by the **Retail Public Utility** provider.

G. Minimum Standards for Wastewater Facilities

1. The **Planning Director** shall not approve a **Final Plat** or other plat type that creates two (2) or more lots of five (5) acres or less intended for residential purposes without confirming connection to an adequate and existing wastewater facility permitted in **3.1.6H Acceptable Forms of Wastewater** .

2. A **Final Plat** or other plat type that is subject to the **Model Subdivision Rules** shall not be recorded with the County Clerk until the **Planning Director** receives the required documentation for the wastewater facility that will be used for the subdivision as required in **3.1.6H Acceptable Forms of Wastewater** .

a. The **Planning Director** may include the following condition of approval for any plat required to comply with the **Model Subdivision Rules**.

(i) "The property owner shall not be allowed to record the plat subject to the **Model Subdivision Rules** without having an executed service agreement with the respective **Retail Public Utility** or having received approval of a on-site sewage facility permit from the Cameron Health Official."

H. Acceptable Forms of Wastewater Facilities

1. Public Wastewater Facility

a. Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement with the **Retail Public Utility** provider.

b. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty (30) years.

c. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317.

d. Service agreements are administered by the **Retail Public Utility** provider.

2. On-Site Sewage Facility

a. On-site sewage facilities that serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with **30 TAC Chapter 285**, and any Cameron County on-site septic system facility standards.

b. Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with **30 TAC Chapter 317** and any Cameron County on-site septic system facility standards.

c. The Cameron County Health Official shall review proposals for on-site sewage facilities and make inspections of such systems as necessary to assure that the system is in compliance with the **Texas Health and Safety Code, Chapter 366**, rules in **30 TAC Chapter 285**, in particular §§**285.4**, **285.5** and **285.30**-**285.39**, and any Cameron County on-site septic system facility standards.

(i) In addition to the unsatisfactory on-site disposal systems listed in **30 TAC §285.3(i)**, pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

d. A subdivider proposing to use an on-site sewage facility must receive approval of such system by the Cameron County Health Official before **Final Plat** or other plat type is recorded with the County Clerk.

I. Minimum Standards for Greywater Systems for Reuse of Treated Wastewater

1. The **Planning Director** shall not approve a **Final Plat** or other plat type that creates two (2) or more lots of five (5) acres or less intended for residential purposes without receiving confirmation from the applicant that the greywater system was reviewed and approved by TCEQ.

2. Any proposal for sewage collection, treatment and disposal that includes greywater reuse shall meet minimum criteria of **30 TAC Chapter 210** promulgated and administered by TCEQ.

3. Any proposal for on-site sewage disposal that includes provisions for greywater use shall meet the minimum criteria of **30 TAC Chapter 285**.

J. Plat Note Requirements

Plats subject to the **Model Subdivision Rules** must include the following information on the plat.

1. Dwelling Units Restriction Plat Note

a. No more than one single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat or other proposed plat type.

b. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals that include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

K. Plat Application Requirements

Per **TAC, Title 31, Part 10, Chapter 364, Subchapter B, Division 3**, a plat subject to the **Model Subdivision Rules** will require a final engineering report and financial guarantee of improvements(if applicable) with the initial submittal of a plat application as listed below.

1. Final Engineering Report

a. The engineering report will be signed and sealed by a professional engineer registered in the State of Texas.

b. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision as described in **3.1.6E** and **3.1.6G** of the UDC, and any other methodologies granted by the MSRs in **TAC, Title 31, Part 10, Chapter 364, Subchapter B, Division 2**.

c. A detailed cost estimate per lot acceptable to the utility service provider or the city shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities that are necessary to serve each lot of the subdivision.

d. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities.

(i) If financial guarantees are to be provided under **TAC, Title 31, Part 10, Chapter 364, Rule 364.54**, the schedule shall include the start dates and completion dates.

2. Financial Guarantee for Improvements

a. If an adequate public or non-public water or wastewater system is not available from a **Retail Public Utility**, or is not constructed by the subdivider to serve the residential development at the time final plat approval is sought, then the City shall require the owner to execute an agreement with the City and provide a financial guarantee through either a bond, irrevocable letter of credit, or other financial guarantee. The agreement shall be reviewed and approved by the City Attorney before the final plat is recorded with the County Clerk.

b. A financial guarantee required by this section must comply with the criteria in **TAC, Title 31, Part 10, Chapter 364, Rule 364.54**.

L. Review and Approval Criteria for Plats

The City shall not approve a plat that does not comply with **3.1.6 Model Subdivision Rules** of the UDC, or any other provisions granted in **Texas Administrative Code (TAC), Title 31, Part 10, Chapter 364**. All documentation for adequate water and wastewater facilities is required before a plat is recorded with the County Clerk.

3.2 SUBDIVISION PLATS

3.2.1 PRELIMINARY PLAT

A. Purpose

The purpose of a preliminary plat is to determine the general layout of a subdivision, plan for adequate public facilities (water, wastewater, and streets), and to ensure compliance with the UDC as it pertains to both the subdivision of land and zoning. The preliminary plat is the first stage of the platting process. If a subdivision does not require the extension or construction of public improvements a final plat (refer to **3.2.2**) may be submitted.

B. Preliminary Plat Requirements

1. No subdivision of land shall be allowed without proper submittal and approval of a preliminary plat.
2. A preliminary plat shall be required for any development (residential or nonresidential) that:
   a. Will be constructed in phases in which the required infrastructure will be constructed incrementally with the development of each phase, or
   b. Will require an extension or new construction of public utilities (water or wastewater) and roads.
3. After the preliminary plat is approved, the applicant will submit a final plat for the entire or a portion of the area reflected in the preliminary plat. The final plat must conform to the preliminary plat.
   a. In circumstances in which the final plat does not conform to the preliminary plat, the applicant will:
      (i) Receive approval of a new preliminary plat application, or
      (ii) Receive approval of a minor amendment (refer to **3.2.1K Preliminary Plat Amendments Following Approval**.
4. The entire parent tract or contiguous land under the same ownership shall be included in the preliminary plat.
5. The lot or lots created by the preliminary plat shall conform to the minimum lot and area regulations of the governing zoning district.
   a. If a zoning change is necessary, the applicant may process a zoning and subdivision application concurrently, however the subdivision application will include a condition that requires the lot size to comply with the minimum lot are dimensions required by the governing zoning on the property.
6. The preliminary plat is consistent with an associated development agreement approved by the City Commission (if applicable).
7. The configuration of proposed **Public Improvements** including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, easements, and right-of-way meet applicable standards of the UDC, and conform to the City's adopted master plans for those facilities.
8. A preliminary plat for a development that will be constructed in phases includes a phasing plan that shows how utilities, streets, and drainage improvements will be constructed incrementally with the development of each phase.
9. The preliminary plat conforms to the subdivision design standards set forth in **3.4** of the UDC.

10. The preliminary plat will have the following note above the title block:

    "PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY"

11. The property owner shall either construct a sidewalk or pay a fee in lieu following approval of a preliminary plat (refer to **3.4.4 Sidewalks**).

C. Accompanying Plans or Applications

1. A preliminary plat application shall be accompanied with the following preliminary plans:
    a. Preliminary water and wastewater plans (refer to **3.4.11**);
    b. Preliminary drainage plan (refer to **5.6**); and
    c. A Sidewalk Plan (refer to **3.4.4H**); and
    d. Other plans deemed necessary by the City Engineer.
2. City staff will review the preliminary utility plans to determine whether the developer has provided adequate public water, wastewater, and street facilities improvements and is mitigating and improving existing drainage conditions based on the impact of the proposed development.
    a. Review of the preliminary utility and drainage plans shall not constitute approval of construction plans or waive the requirement of construction plans.
    b. **Construction Plans** are submitted for review to the engineering department after the applicant has received approval of a preliminary plat application.

D. Application Processing

The plat application will be processed and reviewed in accordance with **2.3.5B Review and Action for Subdivision Related Applications**.

E. Review by the **Planning Director**

The **Planning Director** shall:

1. Process the initial submittal of a plat application and determine whether the application is complete in accordance with the City's application and supplemental checklist(s);
2. Schedule the preliminary plat for the next **Planning & Zoning Commission** meeting upon determining that the application is ready to be acted upon the **Planning & Zoning Commission**, who will serve as the final decision-making authority for a preliminary plat (refer to **Table 2.1-1. Summary of Approval Authorities**); and
3. Make available the plat(s) and reports to the **Planning & Zoning Commission** for review.

F. Criteria for Approval

The **Planning & Zoning Commission** shall use the following criteria to either approve or deny a preliminary plat application:

1. Complies with the preliminary plat requirements **3.2.1B**; and
2. All other applicable standards of the **Subdivision Regulations** (**Article 3**) and **Zoning Regulations** (**Article 4**).

G. Action by the **Planning & Zoning Commission**

The **Planning & Zoning Commission** shall:

1. Review the **Criteria for Approval** and the findings of the **Planning Director** documented in the City staff report and determine whether the application conforms to the UDC;
2. Act within thirty (30) calendar days following the date the application has passed completeness check (refer to **Figure 2.3-5**), unless the applicant submits a **Waiver of Right to 30-Day Action** as outlined in **2.3.4H**.
    a. A property owner may submit one (1) waiver of right to 30-day action for a plat application in accordance with provisions and procedures contained in **2.3.4H**.
    b. If no decision is rendered by the **Planning & Zoning Commission** within the thirty (30) day period as described above or such longer period as may have been agreed upon, the preliminary plat, as submitted, shall be deemed approved by the **Planning & Zoning Commission**.
3. Take one of the following actions:
    a. Approve the preliminary plat;
    b. Approve the preliminary plat with conditions; or
    c. Deny the preliminary plat with a list of application deficiencies.

H. Effect of Approval

1. Approval of a preliminary plat will allow the applicant to submit **Construction Plans** to the City for formal review, if applicable (refer to **3.3.3**).
2. Approval of a preliminary plat shall be deemed as the general approval of the subdivision's layout, and shall not constitute approval or acceptance of **Construction Plans** (refer to **3.3.3**) or a **Final Plat** (refer to **3.2.2**). Additionally, a preliminary plat is not recorded with the County Clerk.
3. A **Final Plat** will be submitted by the applicant after **Public Improvements** are constructed and accepted (refer to **3.3.6**). If public improvements are not being constructed and construction plans are not required, then the applicant may proceed with submitting a final plat application (refer to **3.2.2**) for the entire area or a portion of the area included in the preliminary plat.
4. The applicant may address or reflect the conditions imposed by the **Planning & Zoning Commission** with the approval of the preliminary plat application in the subsequent final plat(s).

I. Expiration of the Preliminary Plat

1. The preliminary plat shall expire two (2) years from the date the preliminary plat was approved by the **Planning & Zoning Commission** unless:
    a. The applicant has made progress towards completing the project in accordance with **3.2.1I.2** in which such circumstance the preliminary plat will remain valid indefinitely; or
    b. The applicant has received approval of an **Extension of Preliminary Plat Approval** in accordance with **3.2.1J**, in which such circumstance the preliminary plat will remain valid for one (1) additional year from the date the extension was approved.
2. Progress towards completion shall be constituted by either of the following actions:
    a. Approval of construction plans for the entire or a portion of the tract of land included in the preliminary plat; or
    b. The submittal of a final plat application for the entire area or a portion of the area of land included in the preliminary plat.

(i) A final plat is typically submitted after **Public Improvements** have been constructed and accepted by the City Engineer. If a final plat application is submitted to the City before **Public Improvements** are constructed, then the City shall require the following criteria prior to approving the final plat application:

(1) Execution of a development agreement, which is approved by the City Commission (refer to **3.3.8A Development Agreement and Surety for Completion of Delayed Public Improvements**; and

(2) Financial security posted by the applicant for completion of public improvements (refer to **3.3.9 Financial Surety**).

3. Subsequent final plats shall strictly conform to the preliminary plat. Under no circumstance shall the validity of the preliminary plat allow the property owner to deviate from the configuration of lots and streets approved in the preliminary plat.

a. If a subsequent final plat does not conform to the associated preliminary plat, the **Planning Director** will have the authority to require the applicant to either:

(i) Receive approval of a **Minor Amendments** in accordance with **3.2.1K**, or

(ii) Require the applicant submit a new preliminary plat application if the changes are deemed as **Major Amendments** to the original preliminary plat.

J. Extension of Preliminary Plat Approval

1. The **Planning Director** is authorized to extend a preliminary plat for a period not to exceed one (1) year beyond the preliminary plat's initial expiration date. A request for extension shall be submitted to the **Planning Director** in writing at least thirty (30) calendar days prior to expiration of the preliminary plat and shall include reasons why the preliminary plat should be extended.

2. The **Planning Director** will review the extension request and shall approve or deny the extension request within thirty (30) calendar days of receiving the request.

a. Should the Planning Director fail to act on an extension request within thirty (30) calendar days, the extension will be automatically approved.

b. The Planning Director may approve the first extension request; however, the Planning & Zoning Commission shall be the responsible authority to approve any subsequent requests.

3. In reviewing an extension, the Planning Director (or Planning & Zoning Commission, if applicable) shall consider whether the following conditions exist:

a. Construction, which includes the installation of Public Improvements, is occurring on the subject property;

b. The preliminary plat complies with new ordinances that impact the health, safety, and general welfare of the community; and

c. If there is a need for a park, school or other public facility or improvement on the property.

4. In reviewing an extension, the Planning Director (or Planning & Zoning Commission, if applicable) may impose additional conditions including the following:

a. Conditions to ensure that the property will be developed in a timely fashion and serve the public interest; and

b. Conditions for the property to comply with new development regulations or request the applicant to waive any vested rights.

5. Appeal of the Planning Director's Decision on a Preliminary Plat Extension

   a. The denial of an extension by the Planning Director may be appealed to the Planning & Zoning Commission.

   b. A written request for such appeal shall be received by the Planning Director within fourteen (14) calendar days following the denial.

   c. The Planning & Zoning Commission shall hear and consider the appeal within thirty (30) calendar days following receipt of the appeal request by the Planning Director.

   d. The decision of the Planning & Zoning Commission will be final.

K. Preliminary Plat Amendments Following Approval

1. Minor Amendments

   a. A minor amendment for a subdivision may be incorporated and reflected on a subsequent Final Plat application without the necessity of submitting a new preliminary plat application, if determined by the Planning Director that change constitutes a minor amendment.

   b. Minor amendments will include:

      (i) Minor adjustments in street alignments or lengths that are in compliance with the UDC; and

      (ii) Modification of lot lines that do not result in the creation of additional lots.

   c. Minor amendment will not:

      (i) Result in an increase in land area of more than a quarter acre, which is allotted for the permissible minor amendments listed in **3.2.1K.1.b**; and

      (ii) Result in an increase of number of residential lots.

2. Major Amendments

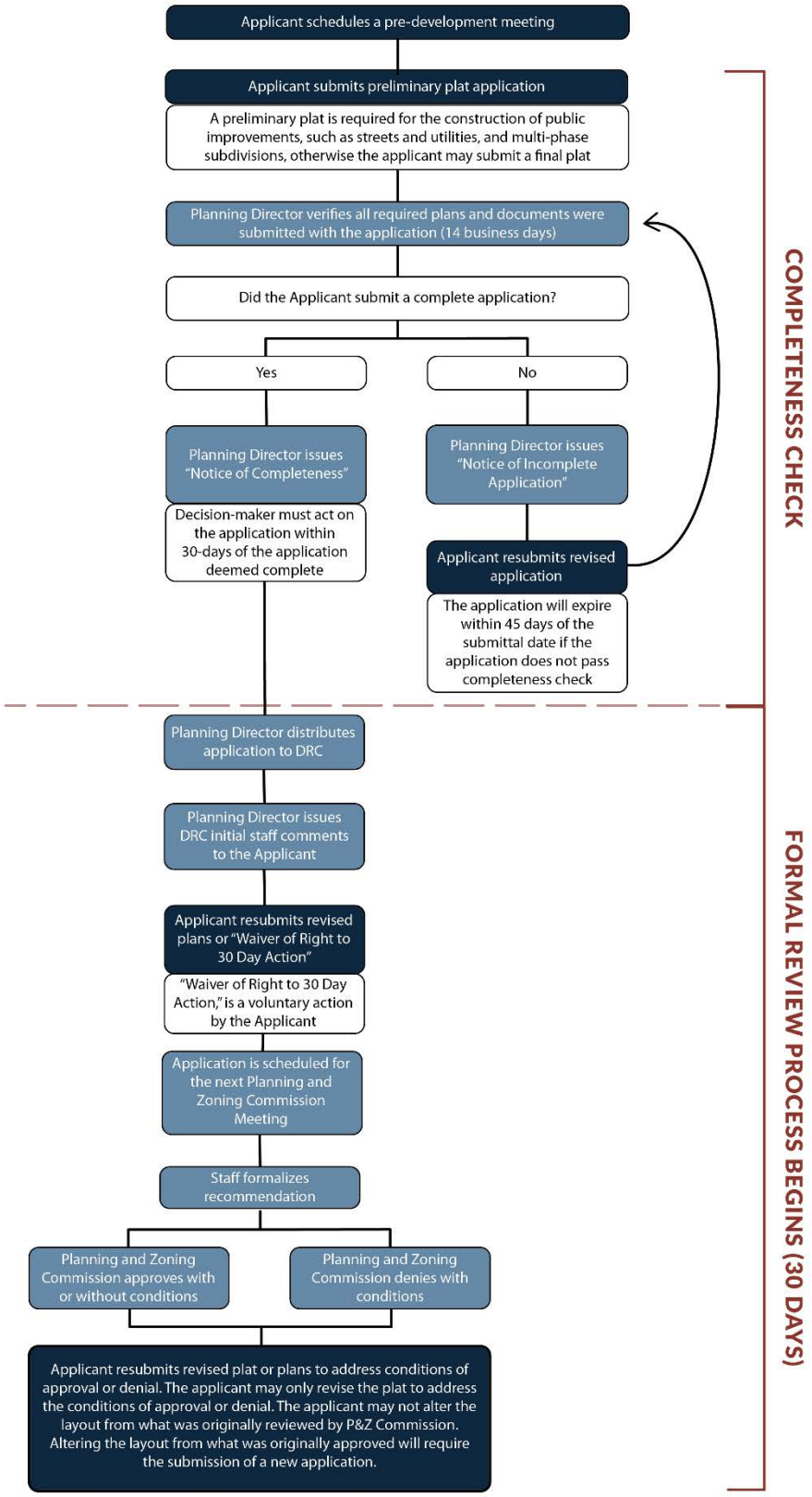
   a. All other subdivision changes not listed in **3.2.1K.1 Minor Amendments** shall require the submittal and approval of a new preliminary plat application (including new fees, new reviews, new official vesting date, new official submission date, etc.).

   b. A new preliminary plat application shall be approved prior to the applicant submitting Construction Plans or Final Plat application(s) to the City.

3. Determination of Minor or Major Amendments

   Determination of whether a proposed amendment is considered a minor or major amendment shall be subject to the Planning Director's interpretation of this section.

Figure 3.2-1. Review Process for Preliminary Plat



3.2.2 FINAL PLAT

A. Purpose

The purpose of the final plat is to ensure:

1. Compliance with the UDC as it pertains to the City's subdivision (refer to **Article 3**) and zoning regulations (refer to **Article 4**); and
2. Adequate public water, wastewater, street, and drainage improvements have been constructed and accepted by the City to serve the subdivision or development (refer to **3.3.2**); and

B. Final Plat Requirements

1. All lots in the final plat shall:
   a. Conform to a Preliminary Plat that is valid and has not expired (refer to **3.2.1I Expiration of the Preliminary Plat**), or
   b. Conform to a Preliminary Plat that has been amended in accordance with **3.2.1K Preliminary Plat Amendments Following Approval**.
2. The final plat will reflect and incorporate the conditions that were imposed by the Planning & Zoning Commission with the approval of the preliminary plat (if applicable).
3. Any plat that creates two (2) or more lots of five (5) acres or less intended for residential purposes must comply with the **Model Subdivision Rules** in **3.1.6**.
4. The lot or lots created by the final plat conform to the minimum lot and area regulations of the governing zoning district.
   a. If a zoning change is necessary, the applicant may process a zoning and subdivision application concurrently, however the subdivision application will include a condition that requires the lot size to comply with the minimum lot are dimensions required by the governing zoning on the property.
5. All lots created by the plat have direct access onto an improved existing street and the construction or extension of a new street is not required.
   a. The construction or extension of streets required as part of the preliminary plat have been constructed and accepted by the City Engineer (refer to **3.3 Construction of Public Improvements**).
6. All lots created by the plat are served with adequate public water and wastewater facilities in accordance with **3.4.9 Water Utility** and **3.4.10 Wastewater Utility**.
   a. The construction of any water and wastewater utilities required as part of the preliminary plat have been constructed and accepted by the City Engineer (refer to **3.3 Construction of Public Improvements**).
7. The final plat will dedicate the easements and public right-of-way required by the City or the public utility service providers for the Public Improvements constructed to serve the subdivision.
8. The property owner shall either construct a sidewalk or pay a fee in lieu following approval of a final plat (refer to **3.4.4 Sidewalks**).

C. Accompanying Plans or Applications

1. A property owner required to construct a sidewalk with the approval of a final plat will submit a Sidewalk Plan with the final plat application (refer to **3.4.4H**).
    a. If the property owner qualifies to pay a fee-in-lieu (refer to **3.4.4G**) then the applicant may be exempted from submitting a sidewalk plan, subject to review and approval of the planning director.

D. Application Processing

The plat application will be processed and reviewed in accordance with **2.3.5B Review and Action for Subdivision Related Applications**.

E. Decision-Making Authority for Final Plats

The Planning Director shall be the responsible authority for action on Final Plats.

1. Exception: If public improvements have not been installed and a development agreement will be used to ensure that improvements are installed following Final Plat approval, approval by the City Commission shall be required.

F. Review by the Planning Director

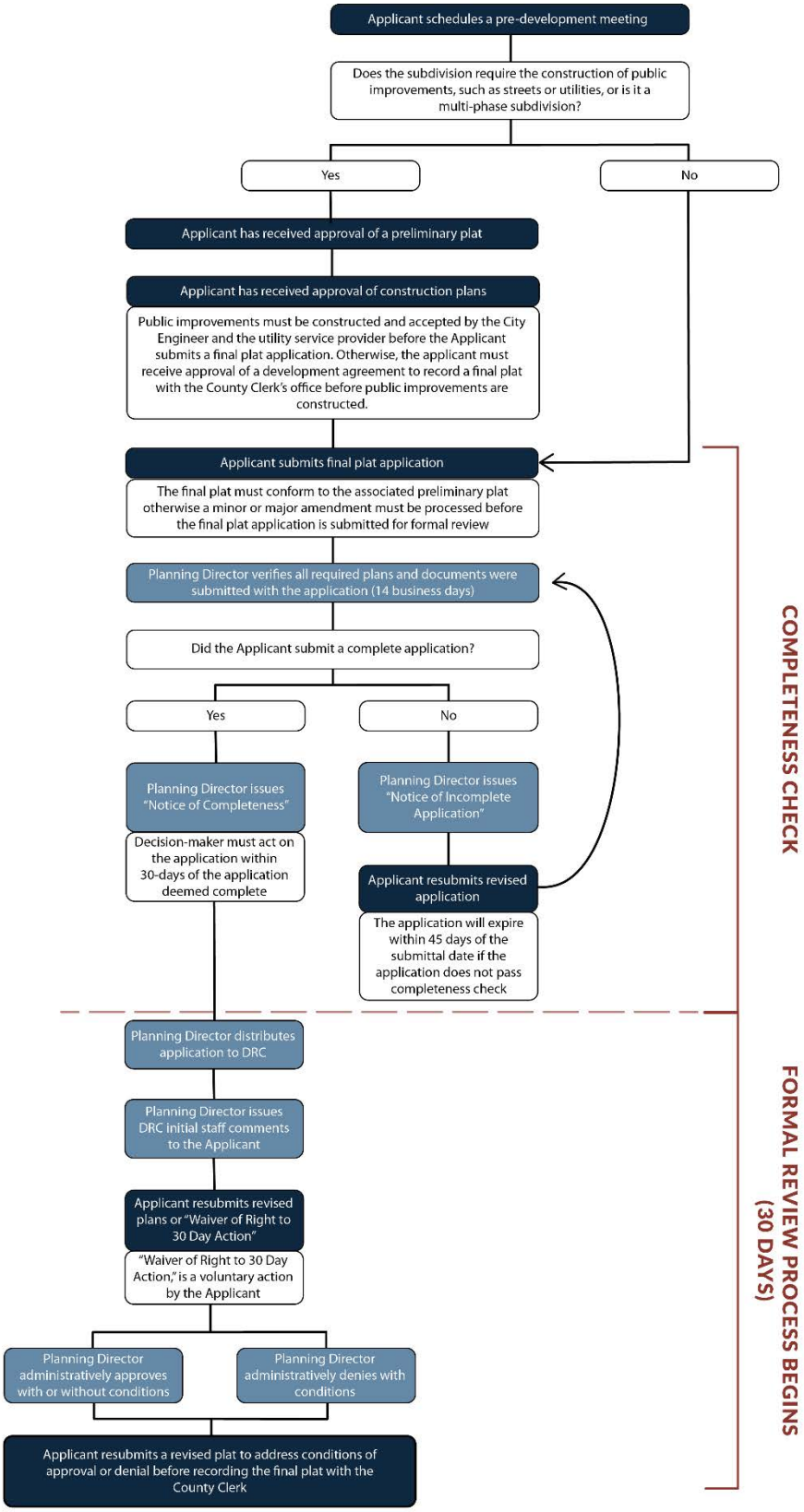
The Planning Director will process the initial submittal of a plat application and determine whether the application is complete in accordance with the City's application and supplemental checklist(s).

G. Criteria for Approval

The decision-maker shall use the following criteria to either approve or deny a final plat application:

1. The final plat complies with the Final Plat Requirements in **3.2.2B**.
2. Public improvements associated with the final plat have been constructed, inspected and accepted by the City Engineer (refer to **3.3 Construction of Public Improvements**).
    a. If public improvements have not been installed and a development agreement will be used to ensure that improvements are installed following Final Plat approval, approval by the City Commission shall be required.
3. The final plat complies with all other applicable standards of the UDC specifically as it pertains to the subdivision (**Article 3**) and zoning (**Article 4**) regulations.

Figure 3.2-2. Review Process for a Final Plat



H. Action by the Decision-Maker

The decision-making authority shall:

1. Review the final plat application and determine whether the final plat complies with the Final Plat Requirements in **3.2.2B** and the Criteria for Approval in **3.2.2G** the findings of the Planning Director documented in the staff report (if applicable), and determine whether the application conforms to the UDC.
2. Act within thirty (30) calendar days following the date the application passed the completeness check (refer to **2.3.4 Determination of Application Completeness**), unless the applicant submits a waiver of right to 30-day action as outlined in **2.3.4H**.
    a. A property owner may submit one (1) Waiver of Right to 30-Day Action for a plat application in accordance with provisions and procedures contained in **2.3.4H**.
    b. If no decision is rendered within the thirty (30) day period as described above or such longer period as may have been agreed upon, the final plat, as submitted, shall be automatically approved.
3. Take one of the following actions:
    a. Approve the final plat;
    b. Approve the final plat with conditions; or
    c. Deny the final plat with a list of application deficiencies.

I. Effect of Approval

The recordation of a Final Plat:

1. Supersedes any prior approved Preliminary Plat for the same land; and
2. Authorizes the applicant to seek issuance of building permits and sell or transfer lots.

J. Expiration of the Final Plat

1. When construction of Public Improvements occurs after the approval of a Final Plat, the Final Plat shall remain valid for two (2) years unless otherwise specified in the associated development agreement.
2. If **construction plans** associated with the final plat are approved by the City Engineer, and the validity of the construction plans extends past the expiration date of the final plat, then the final plat shall remain valid for the period of time in which approved construction plans are valid (refer to **3.3.3 Construction Plans**).
3. The final plat will become null and void after the expiration date unless:
    a. The applicant receives approval of construction plans in which the expiration date extends beyond the expiration of the final plat; or
    b. The applicant receives approval of an Extension of Final Plat Approval (refer to **3.2.2K**).

K. Extension of Final Plat Approval

1. The Planning Director is authorized to extend a final plat for a period not to exceed one (1) year beyond the final plat's initial expiration date (refer to **3.2.2J**). A request for extension shall be submitted to the Planning Director in writing at least thirty (30) calendar days prior to expiration of the final plat and shall include reasons why the final plat should be extended.

2. The Planning Director will review the extension request and shall approve or deny the extension request within thirty (30) calendar days of receiving the request.
    a. Should the Planning Director fail to act on an extension request within thirty (30) calendar days, the extension shall be automatically approved.
    b. The Planning Director may approve the first extension request; however, the Planning & Zoning Commission shall be the responsible authority to approve any subsequent requests.
3. In reviewing an extension, the Planning Director shall consider whether the following conditions exist:
    a. Construction, which includes the installation of Public Improvements, is occurring on the subject property;
    b. The final plat complies with new ordinances that impact the health, safety, and general welfare of the community; or
    c. If there is a need for a park, school or other public facility or improvement on the property.
4. In reviewing an extension, the Planning Director may impose additional conditions, including the following:
    a. Conditions to ensure that the property will be developed in a timely fashion and serve the public interest; or
    b. Conditions for the property to comply with new development regulations or request the applicant to waive any vested rights.
5. Appeal of the Planning Director's Decision on a Final Plat Extension
    a. The denial of an extension by the Planning Director may be appealed to the Planning & Zoning Commission.
    b. A written request for such appeal shall be received by the Planning Director within fourteen (14) calendar days following the denial.
    c. The Planning & Zoning Commission shall hear and consider the appeal within thirty (30) calendar days following receipt of the appeal request by the Planning Director.
    d. The decision of the Planning & Zoning Commission is final.

L. Recordation of the Final Plat

The final plat may be recorded with the County Clerk after:

1. The Planning Director has approved the final plat;
2. The applicant has paid any associated development review fees or assessments, such as parkland dedication, impact fees, sidewalk fee-in-lieu, or other applicable fees (if applicable); and
3. The applicant has revised the final plat to address the condition(s) of approval imposed by the Planning Director with the approval of the final plat (if applicable).

3.2.3 MINOR PLAT

A. Purpose

Per **TLGC Section 212.0065**, the purpose of a minor plat is to allow the creation of subdivisions:

1. Involving four or fewer lots;
2. Fronting on an existing street and not requiring the creation of any new street; and
3. Not requiring the extension or construction of public water or wastewater facilities (including water and wastewater).

B. Minor Plat Requirements

1. A minor plat application is submitted to create a subdivision that would result in four (4) or fewer lots.
2. The lot or lots created by the plat conform to the minimum lot and area regulations of the governing zoning district.
    a. If a zoning change is necessary, the applicant may process a zoning and subdivision application concurrently, however the subdivision application will include a condition that requires the lot size to comply with the minimum lot are dimensions required by the governing zoning on the property.
3. Any plat that creates two (2) or more lots of five (5) acres or less intended for residential purposes must comply with the **Model Subdivision Rules** in **3.1.6**.
4. All lots created by the plat front onto an existing public street and the construction or extension of a street is not required.
    a. The Planning Director may require the applicant to dedicate additional right-of-way by plat.
5. All lots created by the plat are served by adequate water and wastewater utilities provided by a public utility service provider.
6. The property owner shall either construct a sidewalk or pay a fee in lieu following approval of a minor plat (refer to **3.4.4 Sidewalks**).

C. Accompanying Plans or Applications

1. A property owner required to construct a sidewalk with the approval of a minor plat will submit a Sidewalk Plan with the minor plat application (refer to **3.4.4H**).
    a. If the property owner qualifies to pay a fee-in-lieu (refer to **3.4.4G**) then the applicant may be exempted from submitting a sidewalk plan, subject to review and approval of the planning director.

D. Application Processing

The plat application will be processed and reviewed in accordance with **2.3.5B Review and Action for Subdivision Related Applications**.

E. Review by the Planning Director

The Planning Director shall process the initial submittal of a plat application and determine whether the application is complete in accordance with the City's application and supplemental checklist(s).

F. Criteria for Approval

The Planning Director shall use the following criteria to either approve or deny a minor plat application:

1. Determine whether the minor plat complies with the Minor Plat Requirements in **3.2.3B**; and
2. The minor plat is consistent with all other applicable standards of the UDC specifically as it pertains to the subdivision (**Article 3**) and zoning (**Article 4**) regulations.

G. Action by the Planning Director

The Planning Director shall:

1. Review the minor plat application and determine whether the minor plat complies with the Minor Plat Requirements in **3.2.3B** and the Criteria for Approval in **3.2.3F**.
2. Act within thirty (30) calendar days following the date the application has passed completeness check (refer to **2.3.4 Determination of Application Completeness**), unless the applicant submits a Waiver of Right to 30-Day Action as outlined in **2.3.4H**.
    a. A property owner may submit one (1) waiver of right to 30-day action for a plat application in accordance with provisions and procedures contained in **2.3.4H** subject to review and approval by the Planning Director.
    b. If no decision is rendered by the Planning & Zoning Commission within the thirty (30) day period as described above or such longer period as may have been agreed upon, the Preliminary Plat, as submitted, shall be deemed approved by the Planning Director.
3. Take one of the following actions:
    a. Approve the minor plat;
    b. Approve the minor plat with conditions; or
    c. Deny the minor plat with a list of application deficiencies.

H. Expiration of the Minor Plat

The minor plat shall expire two (2) years from the date it was approved by the Planning Director.

I. Recordation of the Minor Plat

The minor plat may be recorded with the County Clerk after:

1. The Planning Director has approved the plat;
2. The applicant has paid any associated development review fees or assessments, such as parkland dedication, impact fees, sidewalk fee-in-lieu, etc. (if applicable); and
3. The applicant has revised the plat to address the condition(s) imposed by the Planning Director with the approval of the minor plat (if applicable).

3.2.4 REPLAT

A. Purpose

The purpose of a replat is to re-subdivide any part or all of a recorded plat in accordance with **TLGC Section 212.014**.

B. Replat Requirements

1. A replat of all or a portion of a recorded plat may be approved in accordance with state law without vacation of the previously recorded plat, if the replat:
   a. Is signed and acknowledged by only the owners of the property being replatted; and
   b. Does not propose to amend, violate, or remove any covenants or restrictions previously incorporated in the recorded plat.
2. All lots created by the plat conform to the minimum lot and area regulations of the governing zoning district.
   a. If a zoning change is necessary, the applicant may process a zoning and subdivision application concurrently, however the subdivision application will include a condition that requires the lot size to comply with the minimum lot are dimensions required by the governing zoning on the property.
3. Any plat that creates two (2) or more lots of five (5) acres or less intended for residential purposes must comply with the **Model Subdivision Rules** in **3.1.6**.
4. The Planning Director may require the applicant to dedicate additional right-of-way with a plat.
5. If a replat is submitted for only a portion of a previously platted subdivision, the plat must reference the previous subdivision name and recording information.
6. The entirety of a previously platted lot must be included in the replat. The applicant cannot replat only a portion of a recorded lot.
7. The replat will contain the following note:

   "This plat does not remove any recorded covenants or restrictions filed with the property."
8. The property owner shall either construct a sidewalk or pay a fee in lieu following approval of a replat (refer to **3.4.4 Sidewalks**).

C. Accompanying Plans or Applications

1. A property owner required to construct a sidewalk with the approval of a replat will submit a Sidewalk Plan with the replat application (refer to).
   a. If the property owner qualifies to pay a fee-in-lieu (refer to **3.4.4G**) then the applicant may be exempted from submitting a sidewalk plan, subject to review and approval of the planning director.

D. Application Processing

The plat application will be processed and reviewed in accordance with **2.3.5B Review and Action for Subdivision Related Applications**.

E. Decision-Making Authority for Replats

The Planning & Zoning Commission shall be the responsible authority for action on Replats.

1. Exception: If the replat involves four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities and does not require a public hearing in accordance with **F Additional Public Notice and Hearing Requirements for Residential Replats** below, the Replat may be approved by the Planning Director.

F. Additional Public Notice and Hearing Requirements for Residential Replats

1. A replat will be classified for residential use if it complies with any of the following provisions prescribed by TLGC Section 212.015 and listed below:

   a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for no more than two (2) residential units per lot; or

   b. Any lot in the preceding plat was limited by deed restrictions to residential use for no more than two (2) residential units per lot.

2. A residential replat conforming to the provisions prescribed by TLGC Section 212.015, and including a subdivision waiver petition shall comply with the following noticing requirements.

   a. Publication of a public hearing in an official newspaper or a newspaper of general circulation fifteen (15) calendar days before the date of the hearing; and

   b. Issuance of a written notice by mail to property owners of lots located within two hundred (200) feet of the subject property based on the most recently approved County tax roll upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.

3. A residential replat conforming to the provisions prescribed by TLGC Section 212.015, and not including a subdivision waiver petition shall comply with the following noticing requirements**:**

   a. Issuance of a written notice by mail to property owners of lots located within two hundred (200) feet of the subject property based on the most recently approved County tax roll shall be issued no later than fifteen (15) days after the plat is approved. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.

      (i) The written notice shall include the zoning designation of the property after the replat; and

      (ii) A telephone number and e-mail address that a property owner can contact regarding the application approval.

G. Formal Protest of a Replat Application

1. If a residential replat including a subdivision waiver is protested by residents it shall require the affirmative vote of at least three-fourths of the voting members of the Planning & Zoning Commission present at the meeting.

2. A legal protest against a replat application must consist of a written petition from at least twenty (20) percent of property owners who own property located within two hundred (200) feet of the land area included in the replat application. The legal protest must be filed with the Planning & Zoning Commission before the public hearing for the replat application is closed.

3. The area of streets and alleys shall be included in the area computation.

H. Review by the Planning Director

The Planning Director shall:

1. Process the initial submittal of a plat application and determine the whether application is complete in accordance with the City's application and supplemental checklist(s).
2. Upon determination that the application is ready to be acted upon, the Planning Director will either:
    a. Schedule the replat for the next available Planning & Zoning Commission, if applicable (refer to **3.2.4E Decision-Making Authority for Replats**); and
    b. Make available the plat(s) and reports to the Planning & Zoning Commission for review, if applicable (refer to **3.2.4E Decision-Making Authority for Replats**); or
    c. Proceed with the administrative approval of the replat, if applicable.

I. Criteria for Approval

The decision-making authority shall use the following criteria to either approve or deny a replat application:

1. Determine whether the replat complies with the Replat Requirements in **3.2.4B**; and
2. Determine whether the replat is consistent with all other applicable standards of the UDC specifically as it pertains to the subdivision (**Article 3**) and zoning (**Article 4**) regulations.

J. Action by the Decision-Maker

The decision-making authority shall:

1. Review the Criteria for Approval, the findings of the Planning Director documented in the staff report (if applicable), and determine whether the application conforms to the UDC.
2. Act within thirty (30) calendar days following the date the application passed the completeness check (refer to **2.3.4 Determination of Application Completeness**), unless the applicant submits a Waiver of Right to 30-Day Action as outlined in **2.3.4H**.
    a. A property owner may submit one (1) waiver of right to 30-day action for a plat application in accordance with provisions and procedures contained in **2.3.4H** subject to review and approval by the Planning Director.
    b. If no decision is rendered by the decision-making authority within the thirty (30) day period as described above or such longer period as may have been agreed upon, the Replat, as submitted, shall be deemed approved by the decision-making authority.
3. Take one of the following actions:
    a. Approve the replat;
    b. Approve the replat with conditions; or
    c. Deny the replat with a list of application deficiencies.

K. Expiration of the Replat

The replat will expire two (2) years following the date it was approved by the decision-maker.

L. Recordation of the Replat

The replat may be recorded with the County Clerk after:

1. The decision-making authority has approved the replat;

2. The applicant has paid any associated development review fees or assessments, such as parkland dedication, impact fees, sidewalk fee-in-lieu, etc. (if applicable); and
3. The applicant has revised the plat to address the condition(s) imposed by the decision-making authority with the approval of the replat (if applicable).

3.2.5 AMENDING PLAT

A. Purpose

The purpose of an amending plat is to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of the TLGC Section 212.016.

B. Applicability

The amending plat shall be used one or more of the following actions:

1. Error Corrections or Administrative Adjustments

a. Correct an error in a course or distance shown on the preceding plat.

b. Add a course or distance that was omitted on the preceding plat.

c. Correct an error in a real property description shown on the preceding plat.

d. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.

e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat.

f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, lot frontage, and identification of adjacent recorded plats.

g. Correct an error in courses and distances of lot lines between two adjacent lots if:

(i) Both lot owners join in the application for amending the plat;

(ii) Neither lot is abolished;

(iii) The amendment does not attempt to remove recorded covenants or restrictions; and

(iv) The amendment does not have a material adverse effect on the property rights of the other owners in the plat.

2. Relocate Lot Lines

a. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.

b. Relocate one or more lot lines between one or more adjacent lots if:

(i) The owners of all those lots join in the application for amending the plat;

(ii) The amendment does not attempt to remove recorded covenants or restrictions; and

(iii) The amendment does not increase the number of lots.

C. Amending Plat Requirements

1. The amending plat application will:

a. Have the authorization of all property owners whose property is included in the amending plat; and

b. Will not attempt to remove recorded covenants or restrictions;

2. Lots shall meet the minimum lot and area regulations of the governing zoning district.

a. If a zoning change is necessary, the applicant may process a zoning and subdivision application concurrently, however the subdivision application will include a condition that requires the lot size to comply with the minimum lot are dimensions required by the governing zoning on the property.

3. All lots willt have direct access to an improved public street and the construction of a new streets is not required.

4. The Planning Director may require the applicant to dedicate additional right-of-way with a plat.

5. All lots shown on the plat are served by existing and adequate public utilities (water and wastewater).

6. If an amending plat is submitted for only a portion of a previously platted subdivision, the plat must reference the previous subdivision name and recording information.

7. The entirety of a previously platted lot must be included in the amending plat. The applicant cannot plat only a portion of a recorded lot.

8. The amending plat will contain the following note:

   "This plat does not remove any recorded covenants or restrictions filed with the property."

9. The construction of sidewalks is required with approval of all subdivision plats (refer to **3.4.4 Sidewalks**).

   a. The plat application will be accompanied with a sidewalk plan (refer to 0) if the property owner is required to construct a sidewalk following the approval of the plat application.

      (i) The property may be may be exempted from submitting a sidewalk plan iff the property owner qualifies to pay a fee-in-lieu (refer to **3.4.4G**), which is subject to review and approval of the planning director.

D. Application Processing

The plat application will be processed and reviewed in accordance with **2.3.5B Review and Action for Subdivision Related Applications.**

E. Review by the Planning Director

The Planning Director shall process the initial submittal of a plat application and determine whether the application is complete in accordance with the City's application and supplemental checklist(s).

F. Criteria for Approval

The Planning Director shall use the following criteria to either approve or deny an amending plat application:

1. Determine whether the amending plat does complies with the Amending Plat Requirements in **3.2.5C**; and

2. Determine whether the amending plat is consistent with all other applicable standards of the UDC specifically as it pertains to the subdivision (**Article 3**) and zoning (**Article 4**) regulations.

G. Action by the Planning Director

The Planning Director shall:

1. Review the amending plat application and determine whether the replat complies with the Amending Plat Requirements in **3.2.5C** and the Criteria for Approval in **3.2.5F**.

2. Act within thirty (30) calendar days following the date the application passed the completeness check (refer to **2.3.4 Determination of Application Completeness**), unless the applicant submits a Waiver of Right to 30-Day Action as outlined in **2.3.4H**.

    a. A property owner may submit one (1) waiver of right to 30-day action for a plat application in accordance with provisions and procedures contained in **2.3.4H** subject to review and approval by the Planning Director.

    b. If no decision is rendered by the Planning & Zoning Commission within the thirty (30) day period as described above or such longer period as may have been agreed upon, the amending plat, as submitted or revised by the applicant, shall be automatically approved.

3. Take one of the following actions:

    a. Approve the amending plat;

    b. Approve the amending plat with conditions; or

    c. Deny the amending plat with a list of application deficiencies.

H. Expiration of the Amending Plat

The amending plat will expire two (2) years from date the plat was approved.

I. Recordation of the Amending Plat

The amending plat may be recorded with the County Clerk after:

1. The Planning Director has approved the plat;

2. The applicant has paid any associated development review fees or assessments, such as parkland dedication, impact fees, sidewalk fee-in-lieu, etc. (if applicable); and

3. The applicant has revised the plat to address the condition(s) imposed by the Planning Director with the approval of the amending plat (if applicable).

3.2.6 CONVEYANCE PLAT

A. Purpose

The purpose of a conveyance plat is to subdivide land and to provide for the recordation of the same, for the purpose of conveying the property to another owner without developing it. A conveyance plat may be used to sell the property or interests therein, but a conveyance plat does not constitute approval of any type of development on the property. A conveyance plat is not the first step in the development of a property as it does not provide any detail regarding a project. As such the submission and approval of a conveyance plat does not vest any rights in the property.

B. Applicability

A conveyance plat may be used in lieu of a Final Plat (refer to **3.2.2**) to record only the subdivision of property in the following instances:

1. Remainder Tract

To record the reminder of a tract that was created by plat provided that the remainder is not intended for immediate development, and the remainder of a tract that was involved in the plat is larger than five (5) acres.

2. Inheritance or Holding Tract

To record a subdivision of land into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required Public Improvements exist to the City's current standards prior to approval and minimum frontage requirements are met.

a. All public right-of-way must be dedicated, and all abutting streets and utilities must be installed and accepted by the City.

b. Installation of on-site improvements may be delayed if development of other tracts is not affected. All easements shall be dedicated allowing access to public infrastructure or drainage ways from the parent tract to all lots included in the plat, if applicable.

C. Conveyance Plat Requirements

1. The recordation of a conveyance plat does not exempt the property owner from submitting a Preliminary Plat (refer to **3.2.1**) or a Final Plat (refer to **3.2.2**) except for the purposes noted in **B Applicability** above.

2. Any plat that creates two (2) or more lots of five (5) acres or less intended for residential purposes cannot be platted through a conveyance plat.

a. Any residential plat subject to the **Model Subdivision Rules** in **3.1.6** must submit a Final Plat.

3. The property owners of a parcel created by a conveyance plat will remain obligated to comply with all the provisions of the UDC specifically as it pertains to the Subdivision Regulations in **Article 3**. Including, platting requirements, required Public Improvements, utility extensions, street improvements, right-of-way and easement dedications, and all other applicable requirements of the UDC.

4. No building or development permits shall be issued nor permanent utility service provided for land that has only received approval as a conveyance plat. A Final Plat (refer to **3.2.2**) must be submitted for a property owner to receive a building or development permit, or to receive utility service.

5. The lot or lots created by the plat conform to the minimum lot and area regulations of the governing zoning district.

a. If a zoning change is necessary, the applicant may process a zoning and subdivision application concurrently, however the subdivision application will include a condition that requires the lot size to comply with the minimum lot are dimensions required by the governing zoning on the property.

6. A conveyance plat may be superseded by a revised conveyance plat or a final plat in total or in part through compliance with the procedures and requirements of these regulations.

7. The conveyance plat will contain the following note above the title block:

   "CONVEYANCE PLAT ONLY: NOT FOR DEVELOPMENT"

8. The conveyance plat will contain the following note:

   "A conveyance plat is a map of property approved by the City solely for the purpose of sale or conveyance in its entirety or interest thereon defined. Lots created by a conveyance plat may not have all necessary public utilities available for immediate use. No certificate of occupancy shall be issued nor permanent public utility service provided to any lot(s) created by a conveyance plat until all required Public Improvements have been constructed and accepted by the City, and a final plat is recorded with the County Clerk. Selling a portion of property by metes and bounds, except as shown on a recorded final plat, amending plat, minor plat, or replat is a violation of the City's development code contained in the UDC and state law."

D. Application Processing

The plat application will be processed and reviewed in accordance with **2.3.5B Review and Action for Subdivision Related Applications**.

E. Review by the Planning Director

The Planning Director shall:

1. Process the initial submittal of a plat application and determine the whether application is complete in accordance with the City's application and supplemental checklist(s); and

2. Upon determination that the application is ready to be acted upon, schedule the conveyance plat for the next Planning & Zoning Commission meeting, who will serve as the final decision-making authority (refer to **Table 2.1-1. Summary of Approval Authorities**); and

3. Make available the plat(s) and reports to the Planning & Zoning Commission for review.

F. Criteria for Approval

The Planning & Zoning Commission shall use the following criteria to either approve or deny a conveyance plat:

1. Determine whether the conveyance plat complies with the Conveyance Plat Requirements in **3.2.6C**; and

2. Determine whether the conveyance plat is consistent with all other applicable standards of the UDC specifically as it pertains to the subdivision (**Article 3**) and zoning (**Article 4**) regulations.

G. Action by the Planning & Zoning Commission

The Planning & Zoning Commission shall:

1. Review the Criteria for Approval, the findings of the Planning Director documented in the City staff report, and determine whether the application conforms to the UDC.

2. Act within thirty (30) calendar days following the date the application passed the completeness check (refer to **2.3.4 Determination of Application Completeness**), unless the applicant submits a Waiver of Right to 30-Day Action as outlined in **2.3.4H**.

   a. A property owner may submit one (1) waiver of right to 30-day action for a plat application in accordance with provisions and procedures contained in **2.3.4H**.

   b. If no decision is rendered by the Planning & Zoning Commission within the thirty (30) day period as described above or such longer period as may have been agreed upon, the conveyance plat, as submitted, shall be deemed approved by the Planning & Zoning Commission.

3. Take one of the following actions:

   a. Approve the conveyance plat;

   b. Approve the conveyance plat with conditions; or

   c. Deny the conveyance plat with a list of application deficiencies.

H. Effect of Approval

1. Development on the Property Prohibited

   The approval of a conveyance plat authorizes conveyance of the lot(s) created thereon but does not authorize any type of development on the property.

2. Future Development Requires Compliance

   The applicant and future owner(s) of the property remain obligated to comply with all provisions in this UDC upon future development of the property including, but not limited to, all requirements for platting, required Public Improvements, utility extensions, street improvements or assessments, right-of-way and easement dedications, and all other requirements in these regulations.

I. Expiration of the Conveyance Plat

The conveyance plat will expire one (1) year from the date the conveyance plat is approved.

J. Recordation of the Conveyance Plat

The conveyance plat may be recorded with the County Clerk after:

1. The Planning & Zoning Commission has approved the plat;

2. The applicant has paid any associated development review fees or assessments, such as parkland dedication, impact fees, sidewalk fee-in-lieu, etc. (if applicable); and

3. The applicant has revised the plat to address the condition(s) imposed by the Planning & Zoning Commission with the approval of the plat (if applicable).

3.2.7 PLAT VACATION

A. Purpose

The purpose of a plat vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of state law.

B. Applicability

1. Initiation by Property Owner

a. An application for a plat vacation can be submitted before or after lots have been sold, however it must be acknowledged and approved by all property owners of lots reflected in the plat vacation.

2. Initiation by City Commission

a. If the City Commission, on its own motion, determines that the plat should be vacated in the interest of and to protect the public's health, safety, and welfare of the community; and:

(i) No lots within the approved plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or

(ii) The property owner has breached a development agreement, and the City is unable to obtain funds with which to complete construction of Public Improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or

(iii) The plat has been of record for more than five (5) years, and the City Commission determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare of the community, except that the vacation shall apply only to lots owned by the property owner or its successors.

C. Application Processing

The plat application will be processed and reviewed in accordance with **2.3.5B Review and Action for Subdivision Related Applications**.

D. Public Notice and Hearing

1. The Planning Director will schedule a public hearing and issue a public notice as required in **2.4.3 Public Notice Requirements For** once staff has completed their review of application and is ready to forward the request to the Planning & Zoning Commission.

2. A plat vacation will comply with the following noticing requirements:

a. Publication of a public hearing in an official newspaper or a newspaper of general circulation fifteen (15) calendar days before the date of the hearing; and

b. Issuance of a written notice by mail to property owners of lots located within 200 feet of the subject property based on the most recently approved County tax roll upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.

E. Review by the Planning Director

The Planning Director shall:

1. Process the initial submittal of a plat application and determine whether the application is complete in accordance with the City's application and supplemental checklist(s).
2. Upon determination that the application is ready to be acted upon, schedule the plat vacation for the next Planning & Zoning Commission, who will serve as the final decision-making authority.
3. Make available the plat(s) and reports to the Planning & Zoning Commission for review.

F. Criteria for Approval

The Planning & Zoning Commission shall either approve or deny a plat vacation if the plat complies with the Applicability standards in **3.2.7B**.

G. Action by the Planning & Zoning Commission

The Planning & Zoning Commission shall:

1. Review the Criteria for Approval, the findings of the Planning Director documented in the staff report, and determine whether the application conforms to the UDC.
2. Act within thirty (30) calendar days following the date the application has passed completeness check (refer to **2.3.4 Determination of Application Completeness**), unless the applicant submits a Waiver of Right to 30-Day Action as outlined in **2.3.4H**.
    a. A property owner may submit one (1) waiver of right to 30-day action for a plat application in accordance with provisions and procedures contained in **2.3.4H** subject to review and approval by the Planning Director.
    b. If no decision is rendered by the Planning & Zoning Commission within the thirty (30) day period as described above or such longer period as may have been agreed upon, the plat vacation, as submitted, shall be automatically approved.
3. The Planning & Zoning Commission must take one of the following actions:
    a. Approve the plat vacation;
    b. Approve the plat vacation with conditions; or
    c. Deny the plat vacation with a list of application deficiencies.
4. If the Planning & Zoning Commission adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's office.
5. If the Planning & Zoning Commission adopts a resolution vacating a plat in part, it shall cause a revised Final Plat to be recorded along with the resolution that shows the portion of the original plat that has been vacated and the portion that has not been vacated.

H. Effect of Approval

1. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.
2. The Planning & Zoning Commission, at its discretion, shall have the right to retain all or specific portions of right-of-way or easements shown on the plat being considered for vacation. However, the Planning & Zoning Commission shall consider a plat vacation upon satisfactory conveyance of

easements or right-of-way in a separate legal document using forms provided by the City attorney's office

I. Recordation of the Plat Vacation

The plat vacation may be recorded with the County Clerk after:

1. The Planning & Zoning Commission has approved the plat; and
2. The applicant has revised the plat to address any conditions imposed by the Planning & Zoning Commission with the approval of the plat.

3.3 CONSTRUCTION OF PUBLIC IMPROVEMENTS

3.3.1 MINIMUM STANDARDS

This UDC identifies certain minimum requirements and sizes for utilities, roadways, parks, and other facilities necessary to protect or promote the public health, safety, and welfare of the community.

A. It is the intent of this UDC that no development occurs until these minimum levels of service are met.

B. Therefore, each subdivision in the City shall be required to dedicate, construct or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.

C. It is the responsibility of the applicant to coordinate and receive the necessary plan approval approvals for water and wastewater services from the designated public utility service provider.

3.3.2 CONSTRUCTION PROCESS

A. Timing of when Public Improvements are Constructed

1. **Public Improvements** are constructed after the applicant has received approval of the construction plans, attended a **Pre-Construction Meeting** (refer to **3.3.4**) and has been released for construction by both the City Engineer and the public utility service provider (refer to **3.3.5**).
2. **Public Improvements** will be constructed and inspected (refer to **3.3.6**) by the City Engineer and the public utility service provider before the applicant submits a final plat application to the City (unless a development agreement is executed in accordance with **3.3.8 Development Agreement and Financial Surety for Completion**).
3. The City Engineer and public utility service provider will issue a **Letter of Final Acceptance** after the final inspection to confirm that **Public Improvements** were constructed to the City's and public utility's standards.
4. The applicant will submit to the City and the public utility service provider **Record Drawings** (refer to **3.3.6E**)and a **Maintenance Bond** (refer to **3.3.7**) after receiving the **Letter of Final Acceptance**.

B. Recording of the Final Plat

The applicant can submit a final plat application to the City after:

1. Submitting **Record Drawings** to the City Engineer and the public utility service provider; and
2. The City attorney has reviewed and approved the **Maintenance Bond**.

C. Acceptance of Public Improvements

Figure 3.2-1. Construction Process



1. **Public Improvements** are accepted for maintenance by the City and the public utility service provider when the plat is recorded with the County Clerk except as otherwise noted on the plat.
2. A note will be placed on the plat to address the maintenance of certain infrastructure **or Public Improvements** by either the City, the public utility service provider, or the property owner.

D. Release of the Maintenance Bond

1. The developer will submit a request to the City Engineer and the public utility service provider to release the **Maintenance Bond** two (2) years from the date the **Maintenance Bond** (refer to **3.3.7E**) became effective.
2. The City Engineer and the public utility service provider will conduct a **Two-Year Maintenance Inspection** (refer to **3.3.7G**) to evaluate the condition of the **Public Improvements**. The City Engineer and the public utility service provider will release the **Maintenance Bond** if the City Engineer and the public utility service provider determine that the **Public Improvements** are in good repair and are to the satisfaction of the City and the public utility service provider.

3.3.3 CONSTRUCTION PLANS

A. General Provisions

1. Except as otherwise expressly stated, the developer or property owner is responsible for constructing and installing infrastructure and Public Improvements in accordance with the provisions of either the City's or the public utility service provider's design criteria for public infrastructure.
   a. Water and wastewater infrastsructue shall comply with standards of the public utility service provider.
   b. Any ornamental or standard light poles will comly with the standards of the electric service provider.
2. The developer or the property owner will be responsible for paying for all material testing.
3. All **Public Improvements** must be designed and installed to provide for an interconnected system of infrastructure and to create continuity of improvements that will facilitate land development on adjacent properties.
4. Unless otherwise expressly stated, the developer is responsible for maintenance of all required infrastructure and improvements, including rights-of-way, to the standards of these regulations until the City, another unit of government, a property owners association, or other legal entity assumes actual responsibility for maintenance of the infrastructure and improvements.
5. All water, wastewater, drainage, and roadways improvements necessary to support a proposed development shall be designed by a professional engineer licensed in the State of Texas.

B. Applicability

1. Construction plans are required for any project involving the construction of roads, drainage improvements, utility installation and any other site improvements deemed necessary to serve to the proposed development that is subject to the review and approval by the City Engineer.

C. Review Process

1. Construction plans shall be submitted and reviewed in accordance with the City's standard submittal procedures in **Article 2 Administration and Review Procedures**, specifically **2.3.5C Review and Action for Construction Plans**.

2. It is the responsibility of the applicant to coordinate with the public utility service provider to the receive construction plan approval by the public utility service provider. The construction plan review process for the City is separate from the construction plan review process for the public utility service provider.

    a. The preliminary utility plan set and the construction plan set requirements may vary between the City and the public utility service provider. It is the responsibility of the applicant to have construction plans approved by the public utility service provider and the City.

D. Prerequisites

Construction plans shall be submitted for formal review after a **Preliminary Plat** has been approved and prior to the approval and recordation of a **Final Plat** as shown in **Figure 3.2-1. Construction Process**.

E. Construction Plan Set Requirements

1. A construction plan set shall generally consist of the following sheets:

    a. Cover Sheet

    b. General Notes

    c. Preliminary Plat (if applicable)

    d. Final Plat

    e. Existing Topographic Map

    f. Master Drainage Plan

    g. Grading Plan

    h. Pavement Plan with Profiles

    i. Master Sanitary Sewer Plan

    j. Sanitary Sewer Plan with Profiles

    k. Master Water Plan

    l. Water Plan and Profiles

    m. Sidewalk Plan

    n. Street Light Plan

2. The City Engineer may request additional information be included in each construction set to address other pertinent details.

F. Compliance with City Plans and Other Regulations

It is the responsibility of the applicant's engineer to ensure the final design of site improvements are in conformance with the following:

1. Any transportation or mobility plan adopted by the City of Brownsville;

2. Brownsville Metropolitan Planning Organization Metropolitan Transportation Plan;

3. Cameron County Drainage Manual for District 1 (refer to Cameron County Drainage District Map in the Appendix);

4. City of Brownsville "Criteria for Design of Drainage Improvements and Subdivision";

5. Texas Department of Transportation (TxDOT) Access Management Manual;
6. Texas Administrative Code, Title 30 (Texas Commission of Environmental Quality), Chapter 285 (On-Site Sewage Facilities);
7. Texas Water Code; and
8. All other codes and ordinances of the City.

G. Easements

1. Easement Dedication
   a. Easement dedications for all property (including off-site property) that is needed for the construction of roadways, access, drainage, utilities (including water and wastewater), and any other infrastructure necessary to serve the development will be dedicated with the subdivision plat or by separate instrument (only permitted for off-site improvements) and maintained by the property owner unless approved otherwise by the City Engineer or the public utility service provider.
   b. The applicant is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements prior to **Final Plat** approval and recordation.
   c. The applicant shall acquire all necessary off-site easements required for installation off-site **Public Improvements** to serve the development.
      (i) Off-site easements shall be conveyed and recorded by an instrument approved by the City Engineer.
   d. The City Engineer or the public utility service provider will determine the minimum width for utility easements.
2. Emergency Access and Fire Lane Easements
   a. Emergency access and fire lane easements shall be provided in locations required by the City Fire Marshal.
   b. These easements shall have a minimum width of twenty-four (24) feet and a minimum height clearance of fourteen (14) feet.
   c. All turns shall have a minimum inside radius of twenty-six (26) feet and a minimum outside radius of fifty (50) feet.
   d. Any emergency access and fire lane easement more than one hundred (100) feet in length shall either connect at each end to a dedicated public street or be provided with a cul-de-sac having one hundred (100) feet diameter of paving with an additional distance of ten (10) feet on all sides clear of permanent structures or other obstructions subject to review and approval of the Fire Marshal.
3. Sight Visibility Triangle Easements

   Refer to **5.4 Sight Visibility Triangle**.
4. Drainage Easements
   a. Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainage ways.

b. Storm drainage easements of twenty (20) feet minimum width shall be provided for existing and proposed enclosed drainage systems.

(i) Easements shall be centered over the systems.

(ii) Larger easements, where necessary, shall be provided as directed by the City Engineer.

c. Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain within the easement storm water resulting from a 100-year frequency storm, less the amount of storm water carried in an enclosed system of a capacity required by the City.

d. Where a subdivision is bounded by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width to provide for increased drainage from anticipated future upstream developments, plus a minimum of twenty (20) feet on each side.

e. As required by the City, drainage easements shall be dedicated up to the full width of easement necessary to construct the ultimate drainage facility (culvert, storm water, channel, etc.), including provisions for access ingress and egress by crews and equipment for maintenance purposes. Drainage easements cannot be fenced.

5. Floodway Easements

a. Floodway easements shall be provided along natural drainage ways and lakes or reservoirs.

b. Floodway easements shall be provided in accordance with the recommendation of the City Engineer and the **Planning Director** to accommodate the 100-year storm drainage flows using the best available data.

c. Floodway easements shall encompass all areas beneath the water surface elevation of the Base Flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined by the City Engineer.

6. Resaca Easements

a. The public utility service provider or the City Engineer may request an access easement for any lot that has frontage along a Resaca subject to review and approval of the City Engineer.

(i) "Resaca maintenance, water transportation, dredging, right-of-way and easement hereby dedicated to the City of Brownsville for the benefit and use of the brownsville public utilities board."

7. Needs and Benefits Determination

a. No dedication otherwise required by this ordinance may be imposed upon a property owner unless the City determines that the dedication is related to the impact of the proposed development; is roughly proportional to the needs created by the proposed development; and provides a benefit to the development.

b. An applicant may appeal a City staff recommendation that a dedication be required in accordance with the provisions of **3.5 Subdivision Relief Procedures**.

8. Maintenance of Easements

a. The City shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements within an easement that in any way endanger or interfere with the construction, maintenance, or efficiency of City systems.

b. The City shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.

c. The property owner shall be responsible for maintaining the easement

3.3.4 PRE-CONSTRUCTION MEETING

A. Purpose

1. The purpose of the pre-construction meeting is to discuss administrative, communication, and operating procedures for project construction prior to construction release.
2. A list of typical inspection items, procedures, and acceptance criteria for items in public right-of-way and easements will also be furnished to the applicant.

B. Meeting Procedures

1. The applicant shall attend a pre-construction meeting with the City Engineer if Public Improvements will be constructed with the project.
2. The pre-construction meeting shall be scheduled following the approval of the construction plans and prior to commencement of any construction on the property.
3. The applicant shall be responsible for contacting the City Engineer, requesting a meeting time, and notifying all participants of the meeting.
4. After receiving a meeting request from the applicant, the City Engineer shall promptly schedule a pre-construction meeting.

C. Effect

Following the pre-construction meeting and full compliance with all pre-construction requirements, the City Engineer shall release the project for construction.

3.3.5 CONSTRUCTION RELEASE

A. Requirements for Construction Release

1. Upon approval of the construction plans, receipt of all required documentation, fees (if applicable), and after the pre-construction meeting with City staff, the City Engineer shall release the plans for the construction of **Public Improvements** if all City requirements pertaining to construction have been met.
2. The construction release shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project if progress or development of the project continues to be demonstrated.

B. Construction Release Expiration and Extension

Expiration and possible extension of the construction release shall comply with the submittal and approval procedures for the **Construction Plans** (refer to **3.3.3 Construction Plans**).

3.3.6 INSPECTION OF PUBLIC IMPROVEMENTS

A. Conformance with Approved Construction Plans

1. Construction shall be in accordance with the approved plans and City standards.
2. Any significant change in design required during construction shall be made by the applicant's engineer, funded by the developer and shall be subject to approval by the City Engineer.

B. Preliminary Inspection Required

1. The applicant, upon completion of drainage, roads, streets, and other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent there to, shall request a preliminary inspection from the City Engineer.
2. After preliminary inspection, the City Engineer will notify and provide the applicant with a written punch list of any issues the applicant (or project engineer acting on behalf of the developer) must rectify in order for the **Public Improvements** to be in accordance with the approved **Construction Plans** and City standards.

C. Final Inspection

1. The developer, upon rectifying any issues identified in the preliminary inspection punch list (if applicable), shall request from the City Engineer a final inspection.
2. The City will provide **Letter of Final Acceptance** after the final inspection if the applicant has properly addressed any issues identified in the preliminary inspection and documented in the associated punch list, and are now installed in accordance with the approved **Construction Plans** and City standards.

D. Letter of Final Acceptance

1. If all improvements are completed, inspected, tested (if applicable), and determined by the City Engineer to be in conformance with the provisions of the UDC and the City's standards and all inspection fees have been paid, then the City Engineer shall issue a **Letter of Final Acceptance** to the applicant.
2. Dedication and acceptance language shall be recorded with the final plat or provided by a separate document if requested and approved by the City Engineer.
    a. A note will be placed on the plat to address the maintenance of **Public Improvements** by either the City, the public utility service provider or the property owner.
3. The applicant will submit to the City **Record Drawings** (refer to **3.3.6E**)and a **Maintenance Bond** (refer to **3.3.7**) after receiving the **Letter of Final Acceptance**.
4. A **Final Plat** application will not be accepted by the City until the applicant submits to the City Engineer the record drawings and received approval of the maintenance bond by the City attorney.
5. A **Letter of Final Acceptance** shall mean that the applicant has transferred all rights to all the **Public Improvements** to the City for title, use, and maintenance, this shall not release the developer from the maintenance bond (refer to **3.3.7 Maintenance Bond**).

E. Record Drawings

1. The purpose of the City requiring record drawings is to have a record of how **Public Improvements** were constructed in the field.
2. The applicant must submit the record drawing after receiving a **Letter of Final Acceptance** by the City Engineer.

3. All sheets for the record drawings shall show all changes made in the **Construction Plans** during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date.

4. Digital files of all the record drawings shall be submitted by the applicant in AutoCAD and Adobe PDF formats, as required by the City.

F. Inspection Fees

1. Inspection fees shall be established by the City and set forth in the adopted fee schedule.

2. The applicant may be charged an additional inspection fee to reimburse the City the actual inspection cost if the City is required to have third party inspections of the public infrastructure in each subdivision or development.

3.3.7 MAINTENANCE BOND

A. Maintenance Bond Purpose

1. A maintenance bond is submitted by the applicant to the City after the City Engineer issues a **Letter of Final Acceptance**. The City attorney must review and approve the maintenance bond before the applicant submits a final plat application.

2. A **Maintenance Bond** is required to ensure streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the City for a certain period of time after **Public Improvements** have been constructed.

3. A maintenance bond shall be executed by a surety company authorized to do business in the State of Texas and made payable to the City.

B. Maintenance Bond Duration

The conditions of the **Maintenance Bond** shall stipulate that the developer shall guarantee to maintain, to the satisfaction the City all of the streets, street signs, underground utilities, required drainage structures and all other construction is maintained to City specifications and is in a good state of repair for a period of two (2) years from the date of the **Letter of Final Acceptance** (refer to **3.3.6 Inspection of Public Improvements**).

C. Maintenance Bond Amount

The maintenance bond amount shall be equal to twenty (20) percent of the estimated cost of streets, street signs, underground utilities, required drainage structures and all other construction.

D. Periodic Inspections

Periodic inspection of streets, street signs, underground utilities, required drainage structures and all other construction for which the maintenance bond is held will be made by the City Engineer during the period of liability covered by the maintenance bond.

E. City Redemption of Maintenance Bond

In the event any or all of the streets, street signs, underground utilities, required drainage structures and all other construction are not being maintained in a good state of repair, the owner will be so advised in writing and, if after a reasonable time, he or she fails or refuses to repair said items, the maintenance and repair of **Public Improvements** shall be completed by the City using the **Maintenance Bond** provided.

F. Request for Maintenance Bond Release

1. The developer may request the release of the maintenance bond two (2) years from the date the City Engineer issued the **Letter of Final Acceptance**.
2. The developer who posted the original **Maintenance Bond** shall submit a written request to the City Engineer to release the maintenance bond. The request shall include a copy of the **Letter of Final Acceptance** and a set of record drawings (refer to **3.3.6E Record Drawings**).
3. The City Engineer will be responsible for authorizing release of the maintenance bond.
4. Release of the maintenance bond shall depend on the condition of **Public Improvements** during the **Two-Year Maintenance Inspection** described in **3.3.7G**.

G. Two-Year Maintenance Inspection

1. Two (2) years from the date that the **Maintenance Bond** became effective, a two (2) year maintenance inspection shall be performed by the City Engineer to ensure all of the streets, street signs, underground utilities, required drainage structures and all other construction have been maintained to City specifications and are in a good state of repair.
   a. If the two (2) year maintenance inspection finds that all improvements are completed, in good repair, and in conformance with City standards, the City Engineer shall issue authorization to release the maintenance bond; or
   b. If the two (2) year maintenance inspection finds that all or some of the **Public Improvements** fail to comply with the City's standards and specifications, the City shall have the authority to enforce the **Maintenance Bond** or financial surety posted by the developer to ensure **Public Improvements** are maintained or brought up to the City's standards.

H. Acceptance Disclaimer

1. Approval of a **Preliminary Plat**, **Final Plat**, or **Construction Plans** shall not constitute acceptance of any of the public improvements required to serve the subdivision or development.
2. No **Public Improvements** shall be accepted for dedication to the City except in accordance with this section.

3.3.8 DEVELOPMENT AGREEMENT AND FINANCIAL SURETY FOR COMPLETION

A. Development Agreement and Surety for Completion of Delayed Public Improvements

When any of the required Public Improvements will be postponed and constructed after Final Plat recordation, the final plat shall not be accepted for recording unless and until the applicant enters into a development agreement of standardized format approved by the City by which the applicant:

1. Guarantees completion of all the Public Improvements;
2. Provides financial provisions for the completion of all Public Improvements (e.g., surety, performance, and payment bonds) by securing the obligations of the development agreement consistent with **3.3.9 Financial Surety**;
3. Provides a Maintenance Bond to warranty the improvements for a period of two (2) years following issuance of a Letter of Final Acceptance by the City Engineer; and
4. Outlines other terms and conditions as are agreed to by the applicant and the City, or as may be required by these subdivision regulations, including insurance requirements and covenants to comply with other ordinances of the City.

B. Development Agreement for City Participation in Public Facilities

1. If the City participates in construction or financing of construction of Public Improvements, then a development agreement shall be required.
2. The development agreement shall provide that the covenants and other items of agreement contained therein shall run with the land and shall bind all successors, heirs, and assignees of the current property owner.
3. All existing owners and lienholders shall be required to execute the agreement or provide written consent to the covenants and other items contained in the agreement.

C. General Content of a Development Agreement

The development agreement shall contain:

1. As appropriate, provisions for pro rata payments, City participation in community facilities, escrow deposits or other payments for future facilities, any waivers or variances granted, and other aspects of the UDC;
2. Authority for the City to withhold building permits, and/or put a hold on construction and inspections in the event of breach by the subdivider; and
3. For financial security:
   a. Insurance requirements in accordance with the City's requirements for public works projects; and
   b. An indemnification clause by which the subdivider shall agree to hold the City harmless against any claim arising out of the proposed subdivision or any actions taken therein.

D. Authorization Required by the City Commission

1. The City Engineer shall review all development agreements.
2. The City Engineer shall recommend an action to the City Commission for all development agreements.

3.3.9 FINANCIAL SURETY

A. Types of Financial Surety

1. Surety, Performance, and Payment Bonds

a. When any of the required Public Improvements will be constructed after approval and recordation of the Final Plat, the applicant shall guarantee proper construction of such postponed improvements and payment of all claimants supplying labor and materials for the construction of the improvements, in accordance with the City's standards and with these subdivision regulations, by a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City.

b. The surety, performance, and payment bonds shall be approved as to form by the City Attorney.

2. Irrevocable Letter of Credit

An irrevocable letter of credit (ILOC) may be accepted and approved as to form by the City Attorney.

3. Escrow

At the discretion of the City Engineer and in agreement with **3.3.9C Escrow Policies and Procedures**, escrow may be allowed as a security for completion.

B. Estimated Cost and Security Approval

1. Security shall be issued in the amount of one hundred twenty-five (125) percent of the cost to construct and complete all required Public Improvements to the City's standards as estimated by the applicant's professional engineer, and as approved by the City Engineer.

2. Security shall be subject to the review and approval of the City Attorney.

3. The applicant shall reimburse the City for all related legal costs for review (this reimbursement shall be paid in full prior to recording of the final plat).

C. Escrow Policies and Procedures

1. Request for Escrow

a. The City may require the deferment of, or the developer may petition the City to defer, required improvements in exchange for a deposit of escrow. An example may include a timing issue due to pending street improvements by another agency such as TxDOT.

b. The City may require studies and other information to support the developer's request to escrow.

2. City Escrow Deposit

a. When the City Engineer requires or agrees to accept escrow deposits, the developer shall deposit in escrow with the City an amount equal to one hundred twenty-five (125) percent of the total "turnkey" costs including, but not limited to, the design, permitting, acceptance and inflation costs related to the improvement(s). The full amount of escrow shall remain deposited with the City until completion of the project.

b. The City Engineer shall review and approve the amount, which shall be approved and paid prior to recordation of the Final Plat.

3. City Usage of Escrow Fees

   The City may also use the escrowed funds in participation with another entity (such as TxDOT or the County, etc.) to jointly construct the public improvement(s).

4. Termination of Escrow

   a. Escrows, or portions of escrowed amounts, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be returned to the developer.

   b. Such return of escrowed funds does not remove any obligations of the developer for construction of the required improvement(s).

5. Refund for Escrow

   If all or a portion of a street or other type of public improvement for which escrow is deposited is constructed by a party other than the City, the remaining unused escrowed funds, upon written request shall be refunded to the developer after completion and City's acceptance of the street or public improvement. The City shall require thirty (30) days from the request to process the refund.

6. Interest on Escrow Funds

   When escrowed funds are returned or refunded to the escrowing developer, the City shall retain all the interest accrued by the funds.

7. Escrow Fund Agreement

   The City Engineer, at his/her discretion, may require an escrow fee agreement be executed.

3.4 SUBDIVISION DESIGN STANDARDS

3.4.1 LOTS

A. General Provisions

The size, shape, and orientation of lots must comply with applicable zoning regulations.

B. Lot Frontage

Every lot shall have frontage on, and access to, a public street or private street meeting right-of-way standards. Refer to **4.3 Zoning Districts** for frontage requirements within the City; minimum frontage within the ETJ shall be thirty (30) feet.

C. Access to Major Arterial for Residential Uses

If a property with frontage along a major arterial (or greater street section) is proposed to be subdivided or developed, the City is authorized to restrict access to the respective street and require that the developer create lots that back onto the major arterial and front onto and take access from a local or collector street in conjunction with the installation of a fence, wall or vegetative visual screen satisfying **4.6.3 Landscaping** along the major street or highway frontage to buffer the residential lots from the major arterial.

D. Right Angles for Side Lot Lines

All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout subject to determination by the City Engineer.

E. Double Frontage Lots

1. A double frontage lot shall be permitted one driveway along a Local or Collector Street.
    a. A driveway along an arterial is prohibited.
2. Sidewalks are required along each street frontage (refer to **Figure 3.4-3**)
3. Double frontage and reverse frontage lots shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
4. A front yard building setback shall be provided along each side of the lot fronting onto a street in accordance with governing zoning district.

F. Lots with Septic Tanks

1. Lot served by a septic system shall be a minimum one (1) acre in size or the minimum lot area required by the Cameron County Health Official to accommodate adequate drainage fields and to meet the standards set forth by the state.
2. Any lot or subdivision proposing to use a septic system must receive approval of an on-site sewage facility permit from the Cameron County Health Official.

G. Land Subject to a 100-Year Flood

1. Any land that, in its natural state, is subject to a 100-year flood or that cannot be properly drained shall not be subdivided, re-subdivided or developed until receipt of evidence that the construction of specific improvements proposed by the developer can be expected to yield a usable building site (i.e., Flood Study and FEMA Conditional Letter of Map Revision).

2. Thereafter, the decision-making authority (refer to **Table 2.1-1. Summary of Approval Authorities**) may recommend approval of the plat; however, building construction upon such land shall be prohibited until the specific drainage improvements have been planned, construction completed, and a Letter of Map Revision been received from FEMA.

3.4.2 BLOCKS

A. General Provisions

The size and shape of blocks must be suitable for the proposed development and be laid out in a pattern that ensures the connectivity of streets and nonmotorized travel routes and provides for efficient provision of public and safety services.

B. Block Measurement

1. Block Length

The length of a block shall be the distance from property corner to property corner measured along the property line of the block face.

a. Of greatest dimension; or

b. On which the greatest number of lots face.

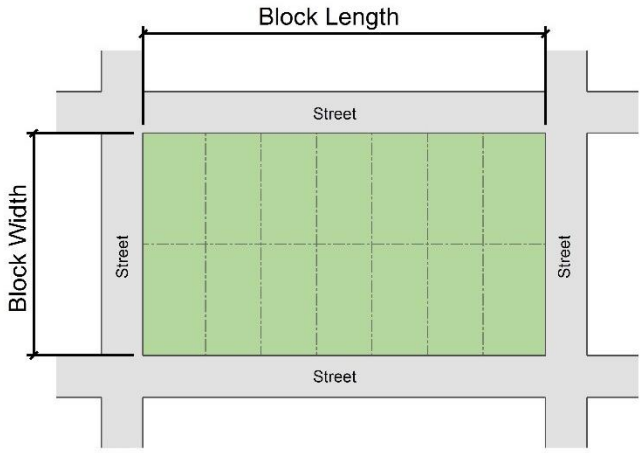
2. Block Width

The width of a block shall be the distance from property corner to property corner measured along the property line of the block face:

a. Of least dimension; or

b. On which the fewest number of lots face.

Figure 3.4-1. Block Length Measurement



3. Block Measurement Factors

The length, width, and shapes of blocks shall be determined with due regard to:

a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;

b. Zoning requirements for lot sizes and dimensions;

c. Needs for convenient access, circulation, control, and safety of street traffic;

d. Limitations of topography; and

e. Compatibility with efficient development of public facilities as established by surrounding developments.

C. Block Length

1. Nonresidential Block Length

Block length in nonresidential zoning districts shall not exceed one thousand (1,000) feet or ten (10) times the minimum lot width permitted in that district, whichever is greater.

2. High Density Residential Block Length

Block lengths R-3 District and any of the Traditional Neighborhood and Form Districts shall not exceed six hundred (600) feet.

3. Low Density Residential Block Length

a. Block length in the other residential zoning districts shall be between two hundred (200) and eight hundred (800) feet or twelve (12) lots, whichever is less.

b. If residential lots back up to a commercial use, drainage area, or to an arterial, then there is no restriction on the block length or the maximum number of lots. However, there shall be pedestrian walkways to connect the commercial lots unless determined they are impractical by the City Engineer. Block length and number of lot requirements apply to the opposite side of the residential street, stub-outs, as well as the remainder of the subdivision.

4. In cases where physical barriers, property ownership, adjacent development, or individual usage creates conditions where it is appropriate that these standards be varied then, upon approval by the Planning Director, the length may be increased or decreased to meet existing conditions, having due regard for connecting streets, circulation of traffic, and public safety.

D. Connectivity Index

1. The connectivity index of a development indicates the level of connectedness within a subdivision. Higher numbers result in more accessible and walkable neighborhoods; lower numbers result in fewer connections and more dead-end streets.

2. New subdivision shall have a connectivity index of 1.40 or higher.

3. Connectivity Index Calculation

The connectivity index is determined by the number of links divided by the number of nodes (refer to **Figure 3.4-2. Connectivity Index Example**).

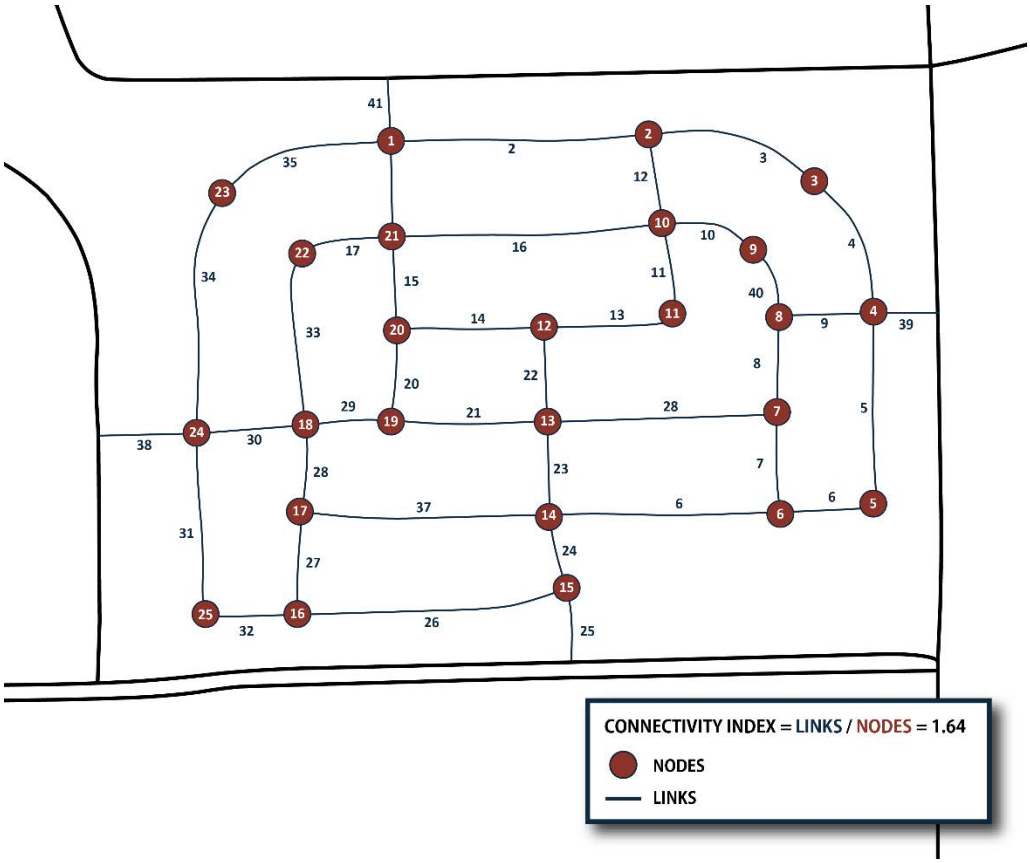
a. Links are non-arterial roadway segment connecting that connect the nodes (excludes alleys).

b. Nodes are the intersection and terminus of non-arterial streets.

(i) Nodes include any location where a street name changes; and

(ii) Any curve that exceeds 75 degrees.

Figure 3.4-2. Connectivity Index Example



3.4.3 HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION

A. Applicability

When a subdivision contains common areas, common property, or other improvements not intended to be dedicated to the City for public use, a Homeowners' or Property Owners' Association shall be created, and the duties and responsibilities shall be established in a declaration consistent with state laws.

B. Dedication of Common Areas

The common areas shall be shown on the Final Plat along with an adequate form for dedication thereof. This dedication form shall:

1. Save the title to common area properties for the benefit of the Homeowners' or Property Owners' Association; and
2. Express a definite undertaking by the subdivider to convey the common properties to the Homeowners' or Property Owners' Association.

C. Membership

A Homeowners' or Property Owners' Association shall be an incorporated nonprofit organization operating under recorded land declarations through which:

1. Each lot owner in a described land area is automatically a member; and
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the Homeowners' or Property Owners' Association's activities, such as maintenance of common areas, common open spaces or the provision and upkeep of common recreational facilities.

D. Legal Requirements

To ensure the establishment of a permanent Homeowners' or Property Owners' Association, including its financing and the rights and responsibilities of the homeowners in relation to the use, management and ownership of common areas or common property, the subdivision plat, dedication documents, covenants, and other recorded legal agreements must:

1. Legally create an automatic membership, nonprofit Homeowners' or Property Owners' Association;
2. Place title to the common property in the Homeowners' or Property Owners' Association or give definite assurance that it automatically will be so placed within a reasonable, definite time;
3. Appropriately limit the uses of the common property;
4. Give each lot owner the right to the use and enjoyment of the common property;
5. Place responsibility for operation and maintenance of the common property in with the Homeowners' or Property Owners' Association;
6. Provide for or place an association charge or assessment on each lot in a manner that will assure enough association funds to maintain the common property or improvements;
7. Give each lot owner voting rights in the association; and
8. Identify the land area within the association's authority including, but not limited to, the following:
    a. The property to be transferred to public agencies;
    b. The individual residential lots;

c. The common properties to be transferred by the developer to the Homeowners' or Property Owners' Association; and

d. Other parcels.

E. Protective Covenants

Protective covenants shall be developed that, including, but not limited to, shall make the Homeowners' or Property Owners' Association responsible for the maintenance and operation of all common property, and include provisions for assessments, to be enforced by lien.

F. Procedure

Prior to recording the plat, the subdivider shall:

1. Draft the articles of incorporation of the Homeowners' or Property Owners' Association, its bylaws, and the restrictive covenants;
2. Submit draft articles, bylaws, and covenants to the Planning Director for approval;
3. After approval, create an incorporated nonprofit corporation;
4. Record approved covenants, at the County Clerk's office, which automatically make every lot owner a member of the association, give the owners the right to use the common property, and establish voting rights and obligations to pay assessments;
5. Provide evidence of the recorded articles, bylaws, and the restrictive covenants prior to Final Plat approval; and
6. Pay attorney fees for document review.

G. Maintenance, Repair, or Capital Improvements

Any maintenance, repair, or capital improvement effort made to Homeowners' or Property Owners' Association property or facilities by the City as a result of non-performance or negligence on the part of the association shall be assessed between the various association members in proportion to the taxable value of their properties.

3.4.4 SIDEWALKS

A. Purpose

Sidewalks are required as a part of subdivision plat approval to help the City achieve the following:

1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City;
2. Implement the objectives and strategies of the comprehensive plan, and the Bicycle and Trail Master Plan;
3. Require subdivisions to connect to existing and proposed City trail systems to enhance city-wide connectivity;
4. Require sidewalks with new development and redevelopment of infill sites where sidewalks do not currently exist;
5. Incorporate the flexibility for a property owner to either construct a sidewalk or pay a fee-in-lieu into the City's sidewalk fund when a subdivision plat is approved.

B. Minimum Sidewalk Requirements

1. Sidewalks will comply with the **Sidewalk Design and Construction Specifications** in **3.4.4C**.
2. All sidewalks shall conform to Federal American with Disabilities Act (ADA) requirements and barrier-free ramps should be provided for access to the street.
3. All sidewalks shall be constructed in the public right-of-way and setback a minimum of five (5) feet from the street curb. The City Engineer may alter the alignment and minimum sidewalk setback to address geographical site constraints and enhance safety in conformance with standard engineering practices.
   a. Should the available right of way between the curb and adjacent property line be of insufficient size to accommodate the requirements of this section the Planning Director may administratively approve an alternative sidewalk design.
   b. If the reconfiguration of a sidewalk makes the sidewalk to be partially located on private property, the applicant shall dedicate a pedestrian access easement for the portion of the sidewalk on private property to ensure it is accessible to the public.
4. Sidewalks will be designed to meet the minimum dimensions shown in **Table 3.4-1**. The City Engineer may require the end(s) of a proposed sidewalk be tapered when connecting to an existing sidewalk to allow for a better transition from the new sidewalk to the existing sidewalk.
5. The City will require a sidewalk along the entire street frontage of the lot when the property owner:
   a. Submits a plat application to plat their property; or
   b. Submits a building permit application to construct a new structure or modify an

Figure 3.4-3. Sidewalk Placement for Double Frontage



existing structure on a lot that currently does not have a sidewalk.

(i) A property modifying or expanding an existing structure by more than twenty-five (25%) percent of the existing gross floor area will be required to construct a sidewalk.

6. A sidewalk will be required along the entire street frontage of a lot. Double frontage lots, such as the example in **Figure 3.4-3**, will require a sidewalk along both street frontages.

7. When a stubout is provided to an adjoining property the developer must extend the sidewalk along the entire length of the stubout.

(i) A multi-lot or master planned subdivision where the developer is constructing the entire width of the internal subdivision street or stubout the sidewalk must be constructed on both sides of the street.

8. Sidewalks shall also be required along state facilities.

a. Sidewalks on state maintained sidewalks shall meet the widths and locations required by this section.

9. The property may be exempt from constructing a sidewalk by paying a fee-in-lieu if they satisfy the conditions in which the fee-in-lieu option may be used (refer to **3.4.4G Sidewalk Fee-In-Lieu**).

10. Sidewalks will be constructed in accordance with the **Timing of Sidewalk Construction** in **3.4.4E**.

11. The lot owner shall assume the responsibility of installation, maintenance, and repair of the required sidewalks along the frontage(s) upon occupying the structure on the lot. The City shall not be liable for any sidewalk implementation or construction costs.

12. The maintenance and repair of sidewalks is the responsibility of each individual property owner. The City reserves the right to inspect all sidewalks within City rights-of-way and to notify property owners to make repairs when their sidewalks become unsafe.

Table 3.4-1. Sidewalk and Bicycle Facilities per 2013 Bicycle and Trail Master Plan

FACILITY	DESCRIPTION	MINIMUM WIDTH (FT)
Sidewalks	Standard City sidewalks adjacent to the roadway intended to be used by pedestrians.	5
Multi-Use Pathways	Multi-use pathways are sidewalks that are adjacent to a roadway intended to be used by pedestrians and cyclists.	12
Trails	Trails are off-street sidewalks that are completely separated from roads and are typically placed within greenbelt corridors or parks.	10

C. Sidewalk Design and Construction Specifications

1. The pavement of all sidewalks shall be laid with a slope towards the street at a grade not exceeding a quarter (¼) inch in one (1) foot so that water is not stagnant.

2. All sidewalks shall have at least an eight (8) foot in vertical clearance.

3. Concrete for sidewalks shall have a minimum compressive strength of three thousand (3,000) psi at twenty-eight (28) days. The quantity of mixing water shall not exceed six and one-half (6½) U.S. gallons per sack (ninety-four (94) lbs.) of Portland cement. The slump of the concrete shall not exceed four (4) inches. A minimum content of five (5.0) sacks of cement per cubic yard of concrete is required.

4. Reinforcing steel shall be no. 3 deformed bars (3/8 -inch nominal diameter), or approved equal, and shall be placed a maximum of twenty (20) inches on center, both ways, and shall be spliced/lapped a minimum of twelve (12) inches. Reinforcing shall be properly supported to assure it will remain at mid-depth of the slab after placing of the concrete.

5. The Chief Building Official or his designee shall inspect the forms before concrete is poured. Concrete shall be free from honeycombing, rock pockets and segregation of ingredients. The addition of neat cement to concrete in order to absorb excess water to accelerate hardening is prohibited.

6. Forms shall be set to provide for drainage of sidewalk from the property line to the curb line; the slope in general will be one-fourth (¼) inch per foot of width of sidewalk. Elevation of the side of the walk adjacent to the street shall be one-fourth (¼) vertical inch per one (1) horizontal foot above the curb, measured perpendicular to the curb.

7. One-half-inch premolded bituminous expansion joints with No. 4 (½-inch nominal diameter) smooth dowels shall be spaced at twenty-foot intervals. Where new work abuts driveways, pavement, curbs or any other work, expansion joints shall be filled with premolded bituminous expansion joint filler or redwood at least one-inch nominal thickness and shall extend six (6) inches deep and the entire width of the concrete section. Sidewalk control joints shall be grooved three-eighths (3/8) inch deep on four-foot centers.

8. The surface may have a monolithic finish by floating with a wooden float until a slight excess of sand appears on the surface or may be brushed after troweling in lieu of floating. In no case shall the surface be left slick or with a glossy finish. The edges of the sidewalk control joints and expansion joints shall be tooled to a smooth finish not less than two (2) inches in width. Exposed edges of the sidewalk shall be rounded with an edger to a radius of one-half (½) inch.

9. Curb ramps shall be designed in accordance with the following provisions:

a. Curb ramps shall be designed and constructed in accordance with the Texas Accessibility Standards and the most current requirements of the American with Disabilities Act (ADA).

(i) Where the provisions of this section conflict with the Texas Accessibility Standards and the American with Disabilities Act (ADA) the most stringent provision shall prevail.

b. Curb ramps shall be located so that they are not obstructed by parked vehicles and shall not intrude into vehicular traffic lanes.

c. Curb ramp slope shall not exceed a 1:12 vertical rise to horizontal run ratio. Curb ramp wings shall not exceed a 1:10 vertical rise to horizontal run ratio. A flat landing area with a minimum dimension of sixty (60) inches deep and as wide as the ramp area must be located at the top of each curb ramp.

(i) In existing right-of-way or street locations where existing property lines do not allow for this sixty (60) inch deep landing area, the wings or flared sides of the ramp must have a slope of 1:12 maximum.

d. Sloped surfaces shall be stable, firm and slip-resistant. Ramp surface shall have a detectable warning surface system integral to the walking surface.

e. Detectable warning system shall consist of raised truncated domes with a diameter of nominal 0.9 in. (23mm), a height of nominal 0.2 in. (5mm) and a center-to-center spacing of nominal 2.35 in. (60mm) and shall contrast visually with adjoining surfaces, either light-on-dark, or dark-on-light. The coloring agent used to provide contrast shall be an integral part of the walking surface. The width of the curb ramp shall be a minimum dimension of 48 inches (1.2 meters) exclusive of flared sides or wings.

(i) On existing sidewalks only, where 48 inches (1.2 meters) is not feasible, a minimum width of 36 inches (0.9 meters), exclusive of flared sides or wings shall be allowed. If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides.

(ii) Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp.

f. Curb ramps shall be designed so that the "cradle" will allow wheelchair footrests to clear the adjoining surface during transition. The minimum angle from surface to surface shall be 170 degrees.

g. Curb ramps shall be located so as to provide a continuous accessible path of travel.

D. Sidewalks for Multi-Lot Subdivisions

In addition to the provisions in **Minimum Sidewalk Requirements** in **3.4.4B** multi-lot and master planned subdvisions will comply with the following provisions.

1. Sidewalks must be constructed on both sides of all internal subdivision streets (refer to **Figure 3.4-4**).
2. Sidewalks must be constructed along the perimeter streets of the subdivision (refer to **Figure 3.4-4**).
3. The developer will provide a connection to the City's existing trails system from internal subdivision sidewalk(s) whenever an existing city trail system is near the proposed subdivision (refer to **Figure 3.4-4**).

Figure 3.4-4. Sidewalk Placement for Multi-Lot or Master Planned Subdvisions



E. Timing of Sidewalk Construction

1. Multi-Lot and Master Planned Subdivisions

a. Sidewalks may be constructed by the developer, builder or property owner on an individual lot basis with the construction of the residential structure on each lot.

b. The Chief Building Official will not approve a residential building permit until the developer, builder or property owner has provided a sidewalk plan or plot plan in the building plan set showing compliance with the applicable provisions of the City's sidewalk requirements.

c. A developer, builder or property owner may not pay a **Sidewalk Fee-In-Lieu** when the development of the residential lot is apart of a multi-lot or master planned subdivision.

d. The sidewalk must be constructed before a residential certificate of occupancy is issued by the Chief Building Official.

2. Commercial and Residential Infill and Redevelopment

a. New sidewalk construction, modification or rehabilitation of existing sidewalks for commercial and residential infill lots must comply with the **Minimum Sidewalk Requirements** in **3.4.4B**; and

b. Must be shown on a sidewalk plan or plot plan that is included in the building plan set submitted as part of a building permit application reviewed and approved by the Chief Building Official.

c. In limited circumstances as noted in **3.4.4G Sidewalk Fee-In-Lieu** may a property owner be exempt from constructing a sidewalk at the time the lot is developed or redeveloped for commercial or residential purposes.

(i) If the applicant is eligible to pay **Sidewalk Fee-In-Lieu** as noted in **3.4.4G**, the applicant must pay for the **Sidewalk Fee-In-Lieu** before the building permit application is approved by the Chief Building Official.

d. Except for lots that pay a **Sidewalk Fee-In-Lieu**, a sidewalk must be constructed and fully installed to the City's specifications before a certificate of occupancy is issued by the Chief Building Official.

F. Sidewalk Compliance During the Platting Process

1. All subdivision applications will require the submission of a Sidewalk Plan with the initial submittal of a plat application.

a. If the applicant is eligible to pay **Sidewalk Fee-In-Lieu** as noted in **3.4.4G**, the applicant must submit a letter signed by the property owner confirming the desire to pay a **Sidewalk Fee-In-Lieu** with the initial submittal of a plat application.

2. The purpose of the Sidewalk Plan is to ensure that the required sidewalk is placed and constructed in conformance with the **Minimum Sidewalk Requirements** and any other applicable provisions of the City's sidewalk requirements.

a. If the applicant is exempt from constructing a sidewalk and is eligible to pay a **Sidewalk Fee-In-Lieu** as noted in **3.4.4G**, the applicant will be required to pay the **Sidewalk Fee-In-Lieu** before the plat is recorded with the County Clerk.

3. The Sidewalk Plan will be included with the formal approval of the subdivision plat application.

4. A sidewalk plan submitted with a building permit application, as discussed in **3.4.4E Timing of Sidewalk Construction**, will comply with the Sidewalk Plan originally approved with the associated plat application.

a. Minor adjustment to the sidewalk placement may be administratively approved with the building permit application if the proposed changes were incorporated to address geographical site constraints or safety concerns, subject to review and approval of the Chief Building Official in coordination with the City Engineer.

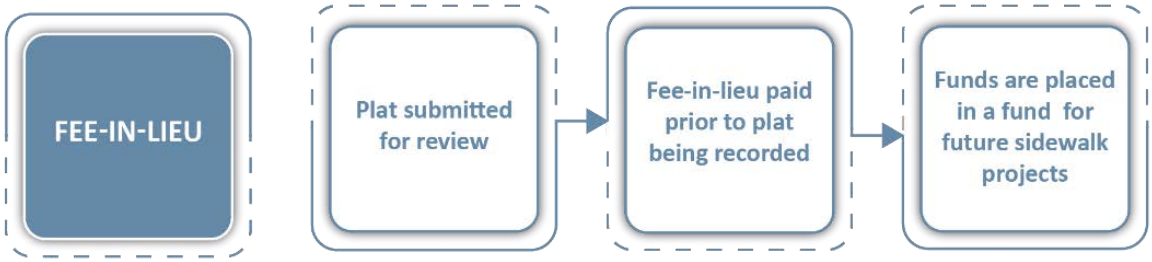
b. The applicant will need to submit a sidewalk plan in compliance with all applicable provisions of the City's sidewalk requirements of the associated plat approval did not included a sidewalk plan.

G. Sidewalk Fee-In-Lieu

A fee-in-lieu shall only be accepted by the City in the following circumstances:

1. There are no existing sidewalks within one thousand (1,000) feet of the subject property in which the property owner could connect the new sidewalk; or
2. Unique topography, natural resource constraints or other factors exist on the subject property that make the installation of a sidewalk impractical subject to review and approval of the City Engineer.
3. The fee and the value of the sidewalk improvement shall be assessed by the City Engineer and shall constitute the cost of constructing a sidewalk along the entire street frontage of a lot per the City's sidewalk design standards.

Figure 3.4-5. Sidewalk Fee-In-Lieu Process



H. Sidewalk Plan Criteria

Sidewalk plans shall show the following information:

1. All lots reflected on the associated plat with accurate bearings and distances, lot numbering and subdivision information.
2. The entire width of the public right-of-way(s) in which the sidewalk(s) is proposed.
3. Location of right-of-way pavement in reference to proposed sidewalk(s).
4. Sidewalk width, length, landings and curb ramps.
5. Sidewalk design specifications and construction details; and
6. Identify the party responsible for the construction of the sidewalk(s), and the timeframe in which the sidewalk will be constructed by the responsible party.
7. The following notes shall be included on the sidewalk plan:
   a. There shall be no vertical obstructions within the sidewalk.

b. The contractor shall contact the Building Permits and Inspections Division for an on-site inspection before pouring concrete.

c. Sidewalk cross slope shall not exceed two (2) percent.

d. All construction within the right-of-way shall comply with the Americans with Disabilities Act (ADA) in effect at the time activities are performed.

3.4.5 STREET DESIGN STANDARDS

A. General Provisions

1. The purpose of this section is to ensure adequate and safe pedestrian and vehicle circulation within the City and ETJ, and into adjoining areas.
2. All lots must have access to a public street or a private street.
3. The developer shall be responsible for the costs of right-of-way and street improvements, in accordance with the policies and standards herein.
4. The construction of new streets or the modification of existing streets will comply with **the Minimum Right-of-Way Dedication** in **3.4.5B**.
5. New sidewalks shall connect to existing sidewalks or trails.

B. Minimum Right-of-Way Dedication

1. All new development within the City and ETJ, except for development within the DC, DG and DE zoning districts, shall dedicate the minimum public right-of-way pursuant to the Brownsville Metropolitan Planning Organization (MPO) Transportation Plan as shown in **Table 3.4-2**.
2. All street within the City and the ETJ will be designed and constructed complete streets with curb and gutter in accordance with the City's street design criteria.
3. Any new development activity within the DC, DG and DE zoning districts are subject to **New Street Types** in **3.4.5D** and shall dedicate the minimum public right-of-way pursuant to the **New Street Types** as shown in **Table 3.4-3**.
4. In all other zoning districts or areas of the city, the developer may voluntarily choose to construct street of the **New Street Types** through the approval of a planned development district.

Table 3.4-2. Minimum Right-of-Way Width for Brownsville MPO Transportation Plan Thoroughfare Types

THOROUGHFARE TYPE	MINIMUM ROW WIDTH (FT)
Primary Arterial (Urban)	120’
Primary Arterial (Rural)	150’
Primary Arterial Divided (Rural)	150’
Secondary Arterial (Urban)	110’
Secondary Arterial (Rural)	120’
Collector (Urban)	80’
Collector (Rural)	100’
Local (Urban)	50’
Local (Rural	60’

Table 3.4-3. Minimum Right-of-Way Dedication for New Street Types

NEW STREET TYPES	MINIMUM ROW WIDTH (FT)	DETAILED STREET SECTION
CONSERVATION CORRIDORS		
Sensitive Area Parkway	158’	Table 3.4-4
Sensitive Area Residential	70’	Table 3.4-5
CONVENTIONAL CORRIDORS		
Boulevard	110’	Table 3.4-6
Avenue (with Center Turn Lane)	100’	Table 3.4-7
Industrial Street	67’	Table 3.4-8
MIXED USE CORRIDORS		
Multi-Way Boulevard	173’	Table 3.4-9
Avenue	90’	Table 3.4-10
Street	60’	Table 3.4-11
NEIGHBORHOOD STREETS		
Neighborhood - Queuing Street	54’	Table 3.4-12
Neighborhood Street – Limited Parking	54’	Table 3.4-13
ACCESSWAYS AND ALLEYWAYS		
Rural/Park Road	51’	Table 3.4-14
Straza	30’	Table 3.4-15
Paseo	20’	Table 3.4-16
Internal Drive	59’	Table 3.4-17
Rear Alley and Rear Lane	20’	Table 3.4-18
Multiuse Greenway	32’	Table 3.4-19

C. Right-of-Way Dimension

The minimum right-of-way dedication for residential or nonresidential subdivisions abutting an existing street will comply with the following provisions:

1. The developer shall dedicate at least half of the ultimate right-of-way width required for the existing adjacent street in accordance with the **Minimum Right-of-Way Dedication** in **3.4.5B**.
2. The minimum right-of-way dedication for the adjacent street will be based on the geometric centerline of the right-of-way.
3. The city engineer may require additional right-of-way for substandard perimeter streets to address safety, design, topography, and traffic management considerations.

D. New Street Types

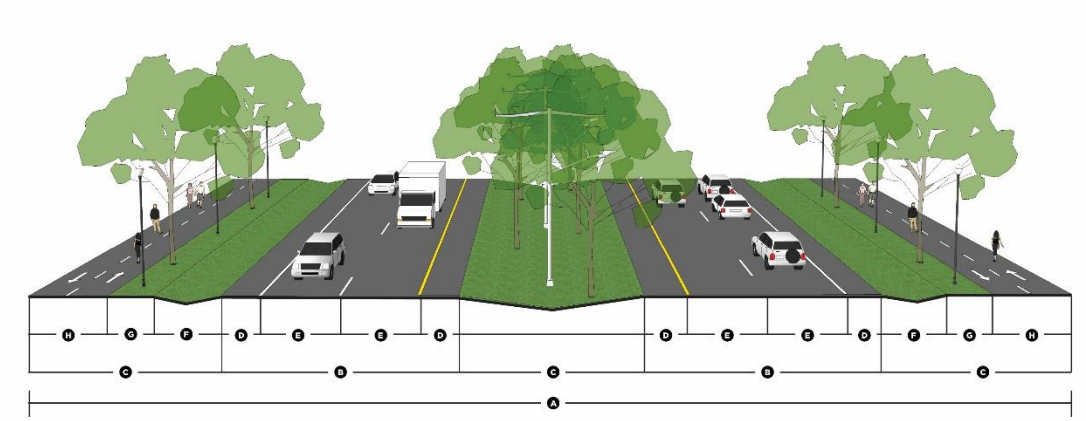
1. Purpose
   a. This section allows for alternative street types from the thoroughfare types implemented through the Brownsville Metropolitan Transportation Plan shown in **Table 3.4-2.**
   b. The new street types made available with this section must also comply with all applicable provisions in **3.4.5 Street Design Standards** of the UDC.
2. Intent
   a. The intent of the new street types is to provide a palette of street typologies and design elements that reflect the character of different areas within the city.
   b. The new street types provide adequate travel lanes for vehicles, cyclists and pedestrians.
   c. The city supports the use of context, sensitive design solutions and complete streets and will review projects on a case by case basis for conformance with these concepts.
   d. The street typical cross-sections displayed in this section provide a guide to balancing the needs of all modes of travel. Modifications to these typical cross sections may be made by the designated approval authority.
   e. The appropriate street typical cross section will be approved by the designated approval authority based on both engineering and land use context factors, including anticipated vehicle volumes.
   f. Administrative design adjustments approved by the designated approval authority may be appropriate when an existing building would impede roadway expansion when transitioning from a different street section, or where strict compliance with this UDC would pose a safety hazard.

3. New Street Type Cross Sections

a. Sensitive Area Parkway

CONSERVATION CORRIDORS

Table 3.4-4. Sensitive Area Parkway



DESCRIPTION
A long distance thoroughfare that traverses an environmentally sensitive area and is designed for high vehicular capacity, very limited access, and should be designed to infiltrate stormwater in medians and landscape strips wherever site conditions allow.

GENERAL		
Right-of-Way Width	158’	**A**
Walkway	Multi-Use Path	
Bikeway	Multi-Use Path	
Parking	N/A	
Planting	Tree Lawn	

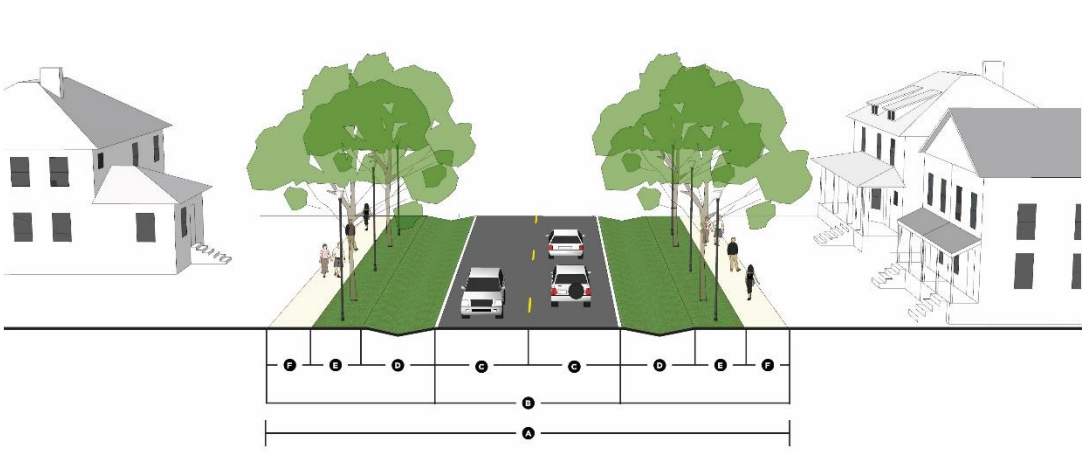
TRAVELWAY		
Pavement Width	36’	**B**
Median	28’ Min. (Planted)	**C**
Pave Shoulder	6’ Min.	**D**
Travel Lane	12’ Max.	**E**

STREETSCAPE		
Drainage	10’ Min.	**F**
Planter Width	7’ Min.	**G**
Tree Spacing	50’ On Center	
Multi-Use Path	10’	**H**

b. Sensitive Area Residential Street

CONSERVATION CORRIDORS

Table 3.4-5. Sensitive Area Residential Street



DESCRIPTION
A local thoroughfare of low speed and capacity intended for environmentally sensitive areas and should be designed to infiltrate stormwater where site conditions allow.

GENERAL		
Right-of-Way Width	70’	**A**
Walkway	Sidewalk	
Bikeway	Shared Travel Lane	
Parking	N/A	
Planting	Tree Lawn	

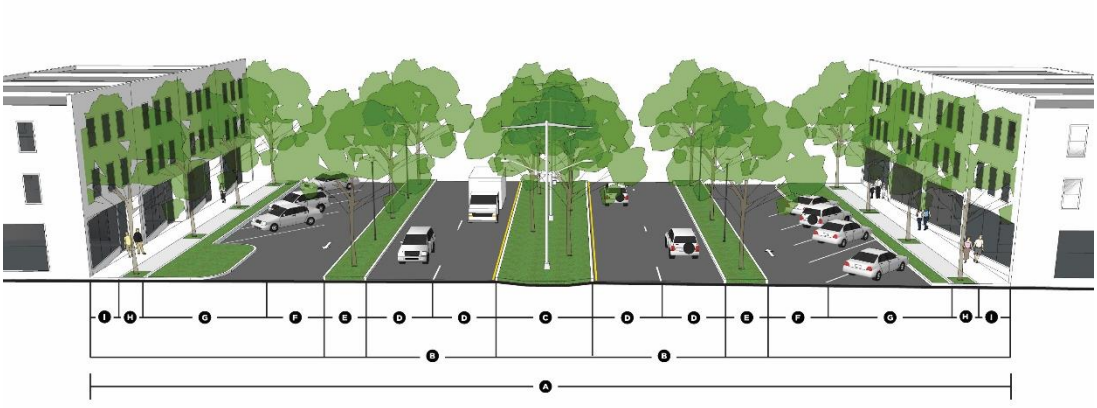
TRAVELWAY		
Pavement Width	24’	**B**
Median		
Pave Shoulder		
Travel Lane	12’	**C**

STREETSCAPE		
Drainage	10’ Min.	**D**
Planter Width	7’ Min.	**E**
Tree Spacing	50’ On Center	
Multi-Use Path	6’ Min.	**F**

c. Boulevard

CONVENTIONAL CORRIDORS

Table 3.4-6. Boulevard



DESCRIPTION
A long distance thoroughfare that is designed for high vehicular capacity and moderate speed.

GENERAL		
Right-of-Way Width	110’ Min.	**A**
Walkway	Sidewalk	
Bikeway	Cycle Track	
Parking	N/A	
Planting	Tree Lawn	

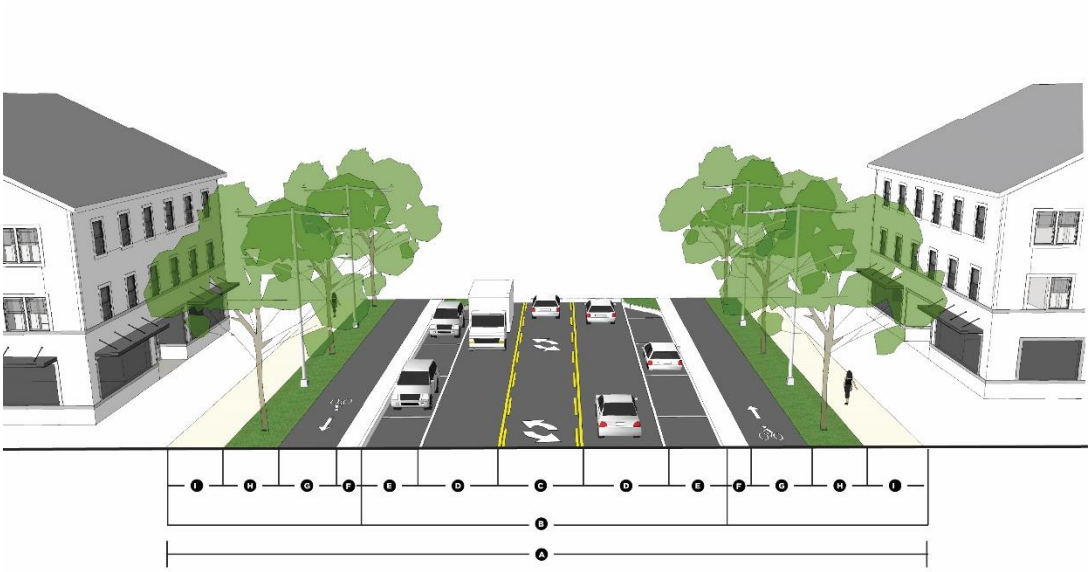
TRAVELWAY		
Pavement Width	25’	**B**
Median	18’ Min.	**C**
Pave Shoulder		
Travel Lane	12.5’	**D**

STREETSCAPE		
Drainage		
Planter Width	7’ Min.	**E**
Tree Spacing	35’ On Center	
Cycle Track	7’ Min.	**F**
Sidewalk	7’ Min.	**G**

d. Avenue (with Center Turn Lane)

CONVENTIONAL CORRIDORS

Table 3.4-7. Avenue (with Center Turn Lane)



DESCRIPTION
A thoroughfare of high vehicular capacity and low speed, appropriate for areas with high turning volumes.

GENERAL		
Right-of-Way Width	100’ Min.	**A**
Walkway	Sidewalk	
Bikeway	Cycle Track	
Parking	Parallel	
Planting	Tree Lawn	

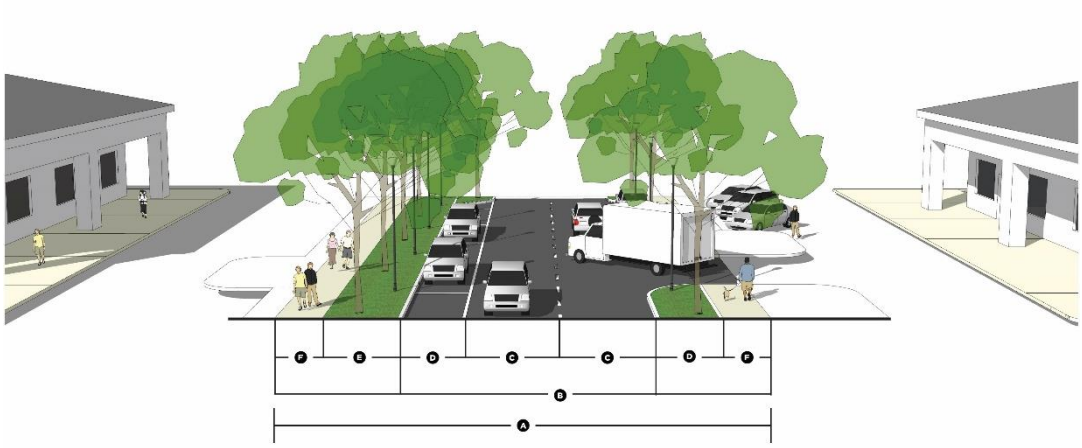
TRAVELWAY		
Pavement Width	50’	**B**
Turn Lane	12’	**C**
Travel Lane	11’	**D**
Parking Lane	8’	**E**

STREETSCAPE		
Parking Buffer Strip	3’ Min.	**F**
Cycle Track	7’ Min.	**G**
Planter	7’ Min.	**H**
Tree Spacing	35’ On Center	
Sidewalk	8’ Min.	**I**

e. Industrial Street

CONVENTIONAL CORRIDORS

Table 3.4-8. Industrial Street



DESCRIPTION
A thoroughfare of high vehicular capacity and low speed. Typically associated with large building setbacks and parking lots.

TRAVELWAY		
Pavement Width	40’	**B**
Travel Lane	12’	**C**
Parking Lane	8’	**D**

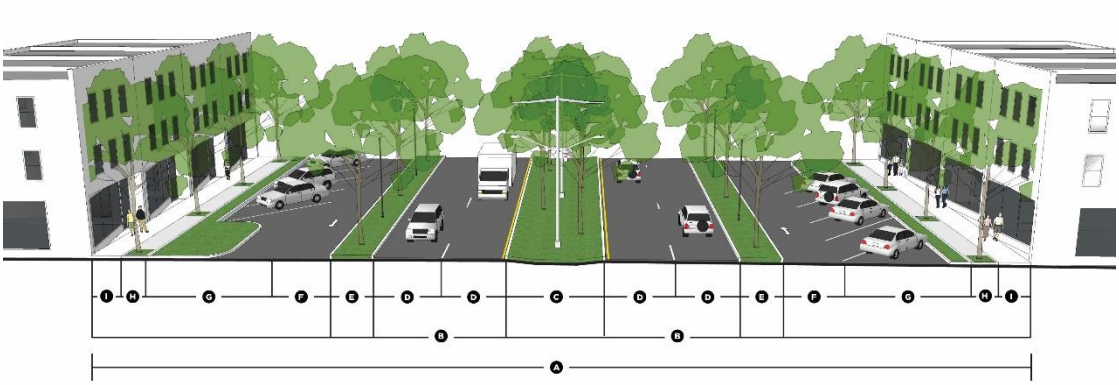
GENERAL		
Right-of-Way Width	67’	**A**
Walkway	Sidewalk	
Bikeway	Shared Travel Lane	
Parking	Parallel	
Planting	Tree Lawn	

STREETSCAPE		
Planter	7’ Min.	**E**
Tree Spacing	35’ On Center	
Sidewalk	6’ Min.	**F**

f. Multi-Way Boulevard

MIXED USE CORRIDORS

Table 3.4-9. Multi-Way Boulevard



DESCRIPTION
A variation of a boulevard characterized by a central roadway for through traffic and parallel lanes accessing abutting property, parking, and pedestrian and bicycle facilities.

GENERAL		
Right-of-Way Width	173’ Min	**A**
Walkway	Sidewalk	
Bikeway	Shared Access Lane	
Parking	Angled	
Planting	Tree Grate/Tree Lawn	

TRAVELWAY		
Pavement Width	24’	**B**
Median	18’ Min.	**C**
Travel Lane	12’	**D**

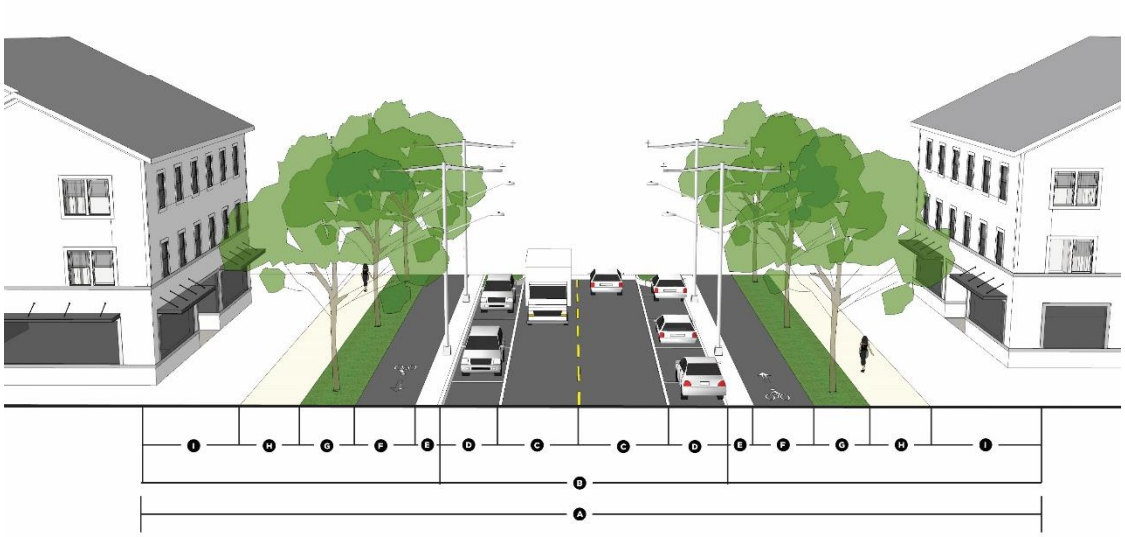
ACCESSWAY		
Median	8’ Min.	**E**
Access Lane	11’	**F**
Parking Lanes	20’	**G**

STREETSCAPE		
Planter	7’ Min.	**H**
Tree Spacing	35’ On Center	
Sidewalk	7’ Min.	**I**

g. Avenue

MIXED-USE CORRIDORS

Table 3.4-10. Avenue



DESCRIPTION
A thoroughfare of high vehicular capacity and low speed, that is often a short distance connector between neighborhood centers or an approach to a civic building.

TRAVELWAY		
Pavement Width	40’	**B**
Travel Lane	12’	**C**
Parking Lane	8’	**D**

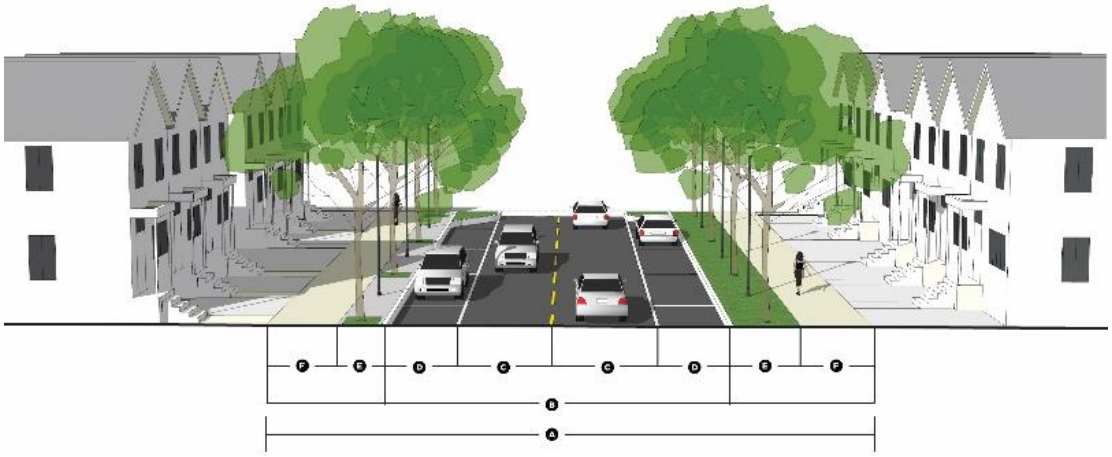
GENERAL		
Right-of-Way Width	90’ Min.	**A**
Walkway	Sidewalk	
Bikeway	Cycle Track	
Parking	Parallel	
Planting	Tree Lawn	

STREETSCAPE		
Parking Buffer Strip	3’ Min.	**E**
Cycle Track	7’ Min.	**F**
Planter	7’ Min.	**G**
Tree Spacing	35’ On Center	
Sidewalk	8’ Min.	**H**

h. Street

MIXED-USE CORRIDORS

Table 3.4-11. Street



DESCRIPTION
A local thoroughfare of low speed and capacity.

TRAVELWAY		
Pavement Width	36’	**B**
Travel Lane	10’	**C**
Parking Lane	8’	**D**

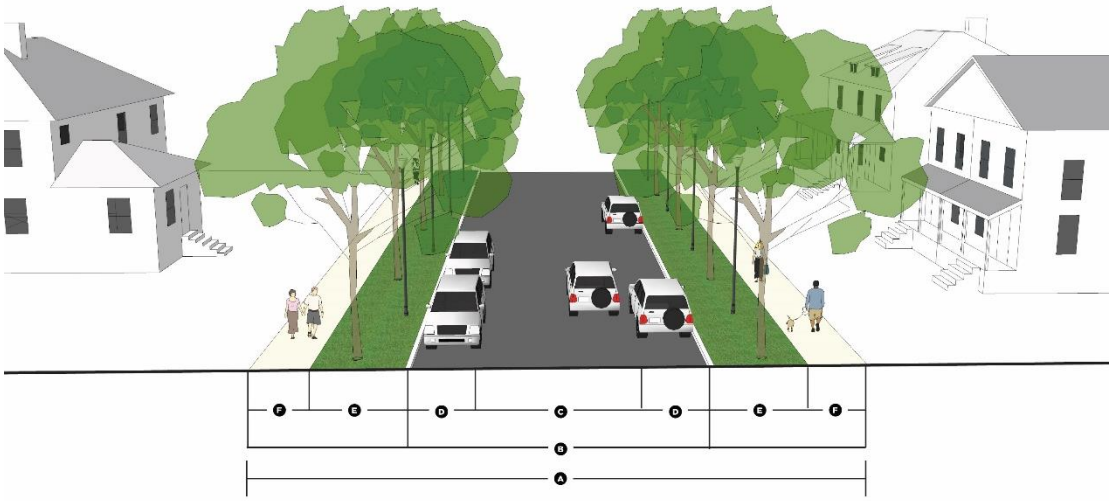
GENERAL		
Right-of-Way Width	60’ Min.	**A**
Walkway	Sidewalk	
Bikeway	Shared Travel Lane	
Parking	Parallel	
Planting	Tree Lawn	

STREETSCAPE		
Planter	7’ Min.	**G**
Tree Spacing	35’ On Center	
Sidewalk	5’ Min.	**H**

i. Neighborhood Queuing Street

NEIGHBORHOOD STREETS

Table 3.4-12. Neighborhood Queuing Street



DESCRIPTION
A local thoroughfare of low speed and capacity.

TRAVELWAY		
Pavement Width	30’	**B**
Queuing Lane	14’	**C**
Parking Lane	8’	**D**

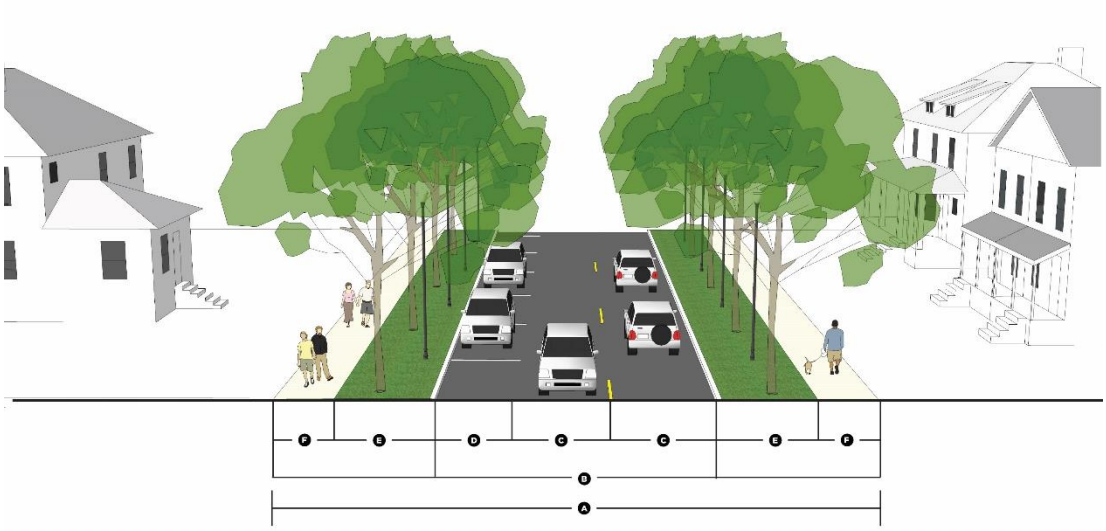
GENERAL		
Right-of-Way Width	54’ Min.	**A**
Walkway	Sidewalk	
Bikeway	Shared Travel Lane	
Parking	Parallel	
Planting	Tree Lawn	

STREETSCAPE		
Planter	7’ Min.	**E**
Tree Spacing	35’ On Center	
Sidewalk	5’ Min.	**F**

j. Neighborhood Street Limited Parking

NEIGHBORHOOD STREETS

Table 3.4-13. Neighborhood Street Limited Parking



DESCRIPTION
A local thoroughfare of low speed and capacity.

TRAVELWAY		
Pavement Width	28’	**B**
Travel Lane	10’	**C**
Parking Lane	8’	**D**

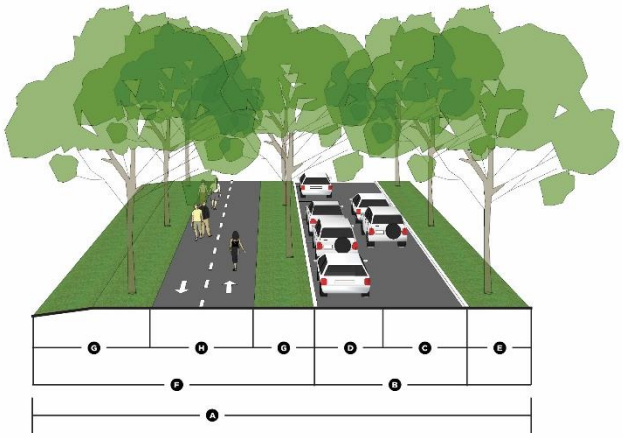
GENERAL		
Right-of-Way Width	54’ Min.	**A**
Walkway	Sidewalk	
Bikeway	Shared Travel Lane	
Parking	Parallel	
Planting	Tree Lawn	

STREETSCAPE		
Planter	7’ Min.	**E**
Tree Spacing	35’ On Center	
Sidewalk	5’ Min.	**F**

k. Rural/Park Road

ACCESSWAYS AND ALLEYWAYS

Table 3.4-14. Rural/Park Road



DESCRIPTION
A narrow, slow movement thoroughfare, typically containing one travel lane.

GENERAL		
Right-of-Way Width	51’ Min.	**A**
Walkway	Multi-Use Path	
Bikeway	Multi-Use Path	
Parking	Parallel (one side)	
Planting	Tree Lawn	

TRAVELWAY		
Pavement Width	18’	**B**
Travel Lane	10’	**C**
Parking Lane	8’	**D**

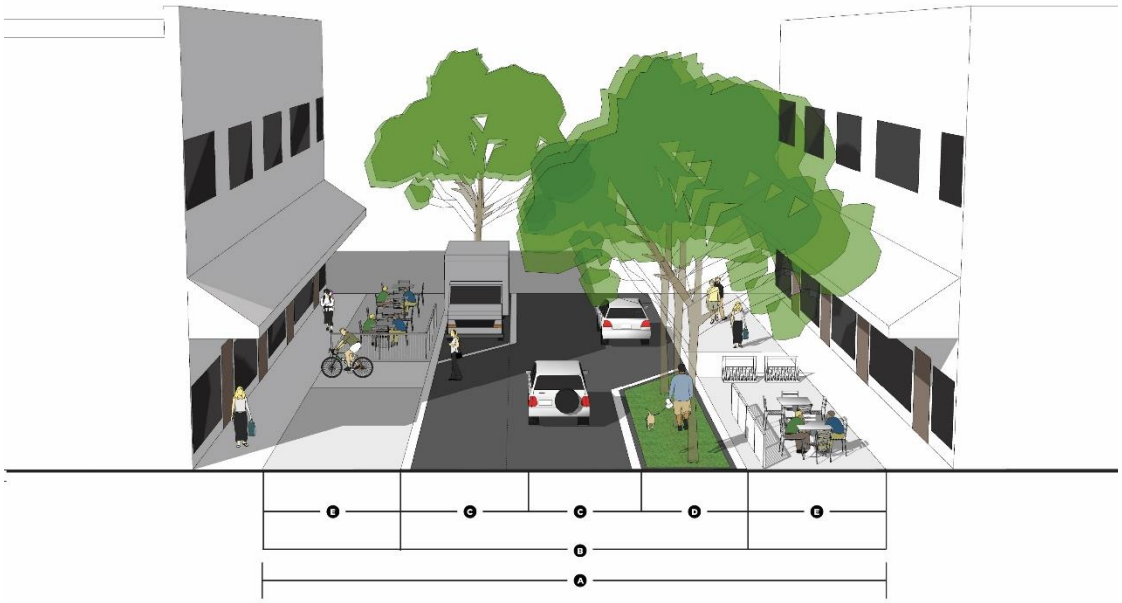
STREETSCAPE		
Planter	7’ Min.	**E**
Tree Spacing	35’ On Center	

STREETSCAPE		
Greenway Width	26’ Min.	**F**
Greenway Shoulder	7’ Min.	**G**
Multi-Use Path	12’ Min.	**H**

I. Straza

ACCESSWAYS AND ALLEYWAYS

Table 3.4-15. Straza



DESCRIPTION
Very low traffic volume street used as a mid-block crossing in certain circumstances where the block length may be extended and characterized by 1-3 story mixed use buildings.

GENERAL		
Right-of-Way Width	30’ Min.	**A**
Walkway	Shared Right-of-Way	
Bikeway	Shared Right-of-Way	
Parking	Parallel (alternating)	
Planting	Parallel (alternating)	

TRAVELWAY		
Pavement Width	30’	**B**
Travel Lane	10’	**C**
Parking Lane	10	**D**

STREETSCAPE		
Optional Streetscape	6’	**E**

m. Paseo

ACCESSWAYS AND ALLEYWAYS

Table 3.4-16. Paseo



DESCRIPTION

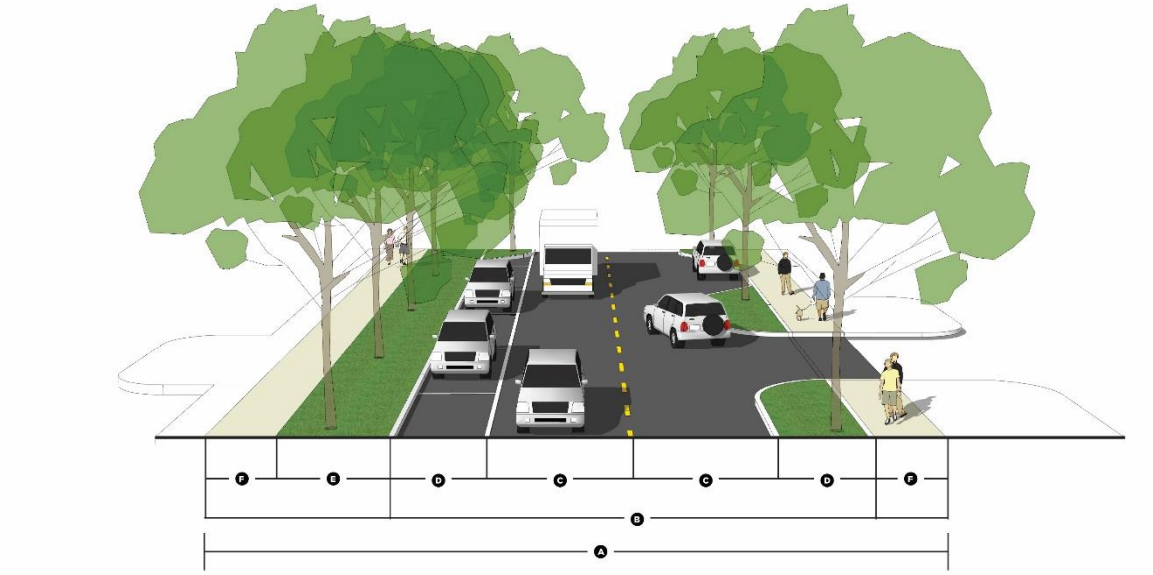
A pedestrian connector passing between or through buildings, providing shortcuts through long blocks and sometimes connecting rear parking areas with frontages.

GENERAL		
Public Access Easement	20’ Min.	**A**
Walkway	Sidewalk	
Bikeway	N/A	
Parking	N/A	
Planting	N/A	
Sidewalk	10’ Min.	**B**

n. Internal Drives

ACCESSWAYS AND ALLEYWAYS

Table 3.4-17. Internal Drives



DESCRIPTION
Intended for use within a larger employment center or regional commercial development to provide for better circulation and pedestrian facilities.

TRAVELWAY		
Pavement Width	36’	**B**
Travel Lane	10’	**C**
Parking Lane	8’	**D**

GENERAL		
Public Access Easement	59’	**A**
Walkway	Sidewalk	
Bikeway	Shared Travel Lane	
Parking	Parallel	
Planting	Tree Lawn	

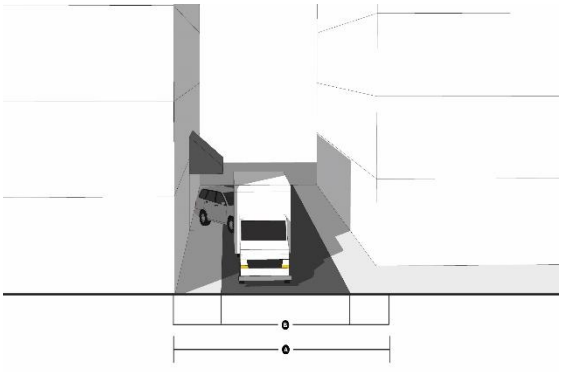
STREETSCAPE		
Sidewalk	6’ Min	**E**
Planter	5’ Min.	**F**
Tree Spacing	35’ On Center	

o. Rear Alley and Lane

ACCESSWAYS AND ALLEYWAYS

Table 3.4-18. Rear Alley and Lane





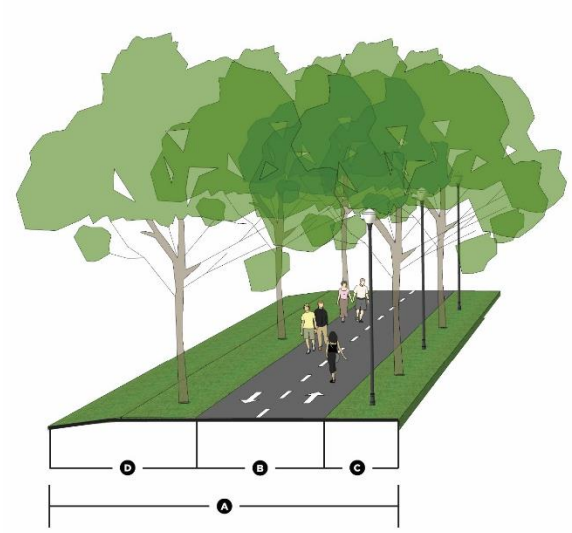
DESCRIPTION	DESCRIPTION
A vehicular drive located to the rear of lots providing access to service areas, parking, or accessory structures, and containing utility easements.	A vehicular drive located to the rear of lots providing access to service areas, parking or accessory structures, and containing utility easements.

GENERAL			GENERAL	COMMERCIAL	
Right-of-Way	20’ Min.	**A**	**Right-of-Way**	24’ Min.	**A**
Walkway	Shared Alley		**Walkway**	Shared Alley	
Bikeway	Shared Alley		**Bikeway**	Shared Alley	
Parking	N/A		**Parking**	N/A	
Pavement Width	16’ Min.	**B**	**Pavement Width**	24’ Min.	**B**

p. Multi-Use Greenway

ACCESSWAYS AND ALLEYWAYS

Table 3.4-19. Multi-Use Greenway





DESCRIPTION	
Provides a connected network of recreational trails and protected bikeways throughout the City.	

GENERAL	TYPICAL	
Public Right-of-Way or Access Easement	32’ Min.	**A**
Walkway	Multi-Use Path	
Bikeway	Multi-Use Path	
Parking	N/A	
Planting	N/A	
GREENWAY		
Multi-Use Path	12’ Min.	**B**
Greenway Shoulder	7’ Min.	**C**

DESCRIPTION	
Provides connected network of recreational trails and protected bikeways along existing or future roads.	

GENERAL	ALONG ROAD
Public Right-of-Way or Access Easement	32’ Min.
Walkway	Multi-Use Path
Bikeway	Multi-Use Path
Parking	N/A
Planting	N/A
GREENWAY	
Multi-Use Path	12’ Min.
Greenway Shoulder	7’ Min.

E. Streetscaping Standards

1. Applicability

The applicable streetscape type is determined by the zoning district or building type as disclosed in the **Table 3.4-20**.

Table 3.4-20. Zoning Districts and Streetscaping Requirements

STREETSCAPE TYPE	ZONING DISTRICT	BUILDING TYPE
Conventional	R-3, CC, RC, LI, HI (and ETJ)	Not Applicable
Mixed-Use	TN-C, TN-MU, DE, DG, DC	Townhouse, Live/Work, Courtyard Building, Apartment, Flex-Use Building, Mixed-Use Building, Corner Commercial Building, Civic
Multi-Way	TN-C, TN-MU	Townhouse, Live/Work, Courtyard Building, Apartment, Flex-Use Building, Mixed-Use Building, Corner Commercial Building, Civic
Residential	RE, R-1, R-2, R-3, TN-C, TN-MU, DE	House, Cottage Row, Cottage Court, Townhouse, Civic

2. Streetscape Types

a. Conventional

STREETSCAPE TYPES

Table 3.4-21. Conventional

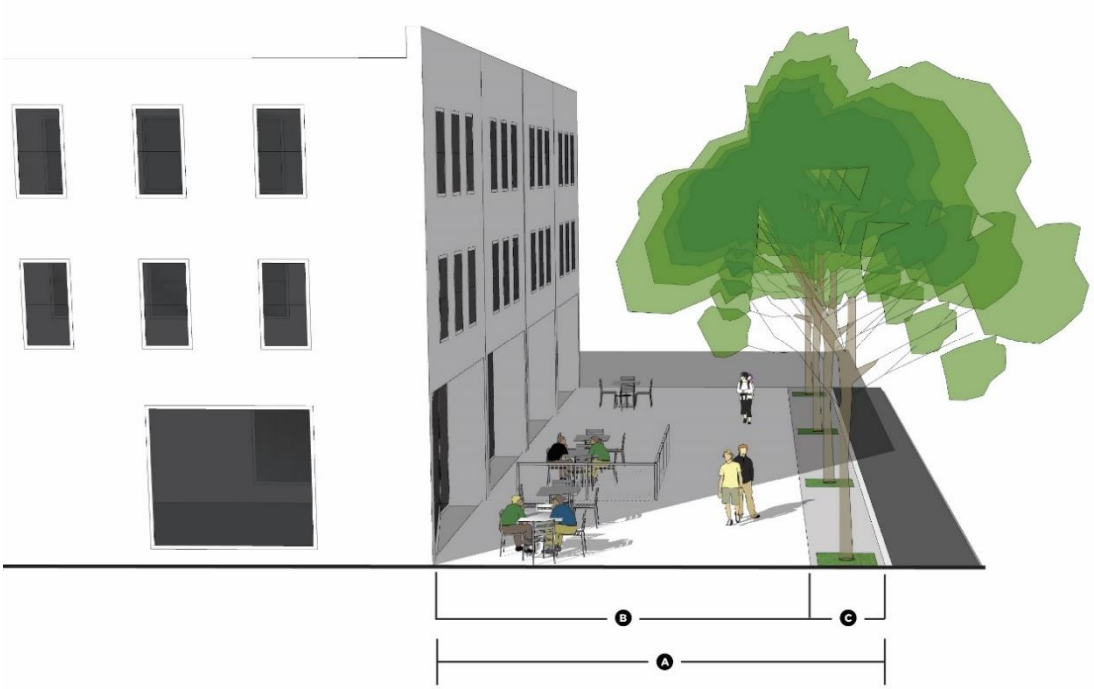


Applicability	See Table 3.4-20. Zoning Districts and Streetscaping Requirements	
Streetscape Width (Max)	65’	**A**
Streetscape Elements	Building Setback: Varies	**B**
	Utility Placement: 5’	**C**
	Maintenance Strip: 2’	**D**
	Sidewalk Min.: 6’	**E**
	Planting Area Min.:7’	**F**
Planting Type	Tree Lawn	
Tree Spacing	40’ On Center	

b. Mixed-Use

STREETSCAPE TYPES

Table 3.4-22. Mixed-Use



Applicability	See Table 3.4-20. Zoning Districts and Streetscaping Requirements	
Streetscape Width (Max)	35’	**A**
Streetscape Elements	Sidewalk Min.: 8’ Planting Area Min.: 7’	**B** **C**
Planting Type	Tree Gate; Lawn	
Tree Spacing	35’ On Center	

c. Multi-Way

STREETSCAPE TYPES

Table 3.4-23. Multi-Way



Applicability	See Table 3.4-20. Zoning Districts and Streetscaping Requirements	
Streetscape Width (Max)	65’	**A**
Streetscape Elements	Sidewalk Min.: 10’	**B**
	Planting Area Min.: 7’	**C**
	Parking: 20’	**D**
	Access Lane: 11’	**E**
	Median Min.:11’	**F**
Planting Type	Tree Gate/Lawn	
Tree Spacing	35’ On Center	

d. Residential

STREETSCAPE TYPES

Table 3.4-24. Residential



Applicability	See Table 3.4-20. Zoning Districts and Streetscaping Requirements	
Streetscape Width (Max)	Building Setback: Varies	**A**
	Utility Placement: 5’	**B**
	Maintenance Strip Min.: 2’	**C**
	Sidewalk Min.: 5’	**D**
	Planting Area Min.: 7’	**E**
Planting Type	Tree Lawn	
Tree Spacing	40’ On Center	

F. Street Connectivity

1. All residential subdivisions comply will design the street configure to comply with the minimum Connectivity Index in **3.4.2D**.

2. A residential and nonresidential subdivision will provide a stub out to undeveloped land adjacent to the subdivision.

   a. Stub-out connections to adjoining residential properties shall occur at least every nine hundred (900) feet or in alignment with abutting subdivision streets along each boundary of the subdivision.

   b. The stubout will require a temporary turnaround at the terminus of the stubout of a minimum of eight (80) feet in diameter.

   c. The developer will need to extend the sidewalk along the entire length of the stubout on both sides of the street if the developer is constructing the entire width of the internal subdivision street that will dead end or stubout to the adjacent property (refer to **3.4.4B.7**).

3. A new subdivision will connect to an existing stub out adjacent to the proposed subdivision.

4. Permanent cul-de-sacs and dead-end streets shall not exceed three hundred (300) feet in length unless no other alternative is available as determined by the City Engineer.

   a. A cul-de-sac street shall be platted and constructed with a concrete paved cul-de-sac at the closed end having a turnaround with a minimum outside paving diameter of at least one hundred (100) feet and a minimum street right-of-way diameter of at least one hundred twenty (120) feet.

G. Secondary Ingress and Egress

1. All multi-family residential and nonresidential development shall provide at least one secondary form of ingress and egress to a public street.
   a. A multi-lot or master planned subdivision will require a secondary form of ingress and egress to a public street for each phase.
2. All single-family development shall provide a minimum number of access points as required by **Table 3.4-25**.
   a. When the calculation of access points results in a fraction, the number of required access points shall be rounded up to the next whole number.
3. Access points must be to a local, collector or larger facility. Stub outs for connections to future developments are considered access points.
4. Each phase will comply with the minimum number of access points.
5. The Planning Director or the respective decision-making authority may require additional access points if the configuration, number of lots, or other consideration creates the need for additional access.
6. The planning director or the respective decision-making authority may reduce the number of access points due to topography, natural features, or the configuration of adjacent development.

Table 3.4-25. Minimum Number of Access Points

NUMBER OF RESIDENTIAL UNITS	MINIMUM NUMBER OF ACCESS POINTS
<100 units	3
100 – 199 units	4
< 199 units	1 additional access point for each 100 units exceeding 199 units

Notes:
1. Any additional access points must be shown on the plat and the associated construction plans.

H. Street Names, Signs and Lighting

1. Streets shall be named to provide continuity with existing streets. Names of new streets shall not duplicate or cause confusion with the names of existing streets.
2. Street signs shall be furnished and installed by the developer for all intersections within or abutting the subdivision.
3. Such signs shall be of a type approved by the City and include the block number.
4. Street signs shall be installed in accordance with the prescribed type currently in use by the Texas Manual on Uniform Traffic Control Devices.

5. Street marking shall be applied by the subdivider in compliance with the City's specifications and the most recent edition of the Texas Manual on Uniform Traffic Control Devices.

6. Streetlights shall be installed by the developer at major street intersections within the subdivision or site development, and at major intersections on the boundaries of the subdivision in accordance with the requirements set forth in **3.4.8 Street Lighting and Related Features**.

3.4.6 PRIVATE STREET REGULATIONS

A. Intent

It is the intent of these private street regulations:

1. To allow private street developments to occur within the City on a limited and restrictive basis;
2. To provide for diverse housing options that help the City remain competitive in the development market and meet the needs of residents;
3. To ensure private streets are constructed to the quality standards of public streets; and
4. To ensure private street developments are accessible by safety and emergency services of the City.

B. General Provisions

1. A private street development shall comply with all provisions of the UDC including the subdivision (**Article 3**), zoning (**Article 4**), and pertinent supplemental (**Article 5**) standards.
2. Private street development shall be subject to Subdivision Design Standards contained in **3.4** of the UDC.
3. A private street development shall only be permitted in the designated zoning districts outlined in the land use chart contained in **4.4.1 Uses Permitted by District** through approval of a specific use permit.
4. A private street development shall be subject to impact fees, parkland dedication or fee-in-lieu parkland fees.
5. There shall be no required minimum or maximum acreage size and or number of lots within private street developments. However, minimum and maximums will be evaluated on a case-by-case basis through the specific use permit process.
6. The location of the private street development among other criteria required in this section will be subject to the approval of the City Commission through the specific use permit process. A private street development that meets the criteria of this subsection will not be entitled to the specific use permit as a matter of right but shall only obtain approval for the specific use permit at the sole discretion of the City Commission.
7. A private street development shall not impede the current or future street circulation needs of the City, such as obstructing a road designated as a collector or arterial connection in the City's transportation plan.
8. A private street development shall not disrupt an existing or proposed City pedestrian, bike, or trail pathway.
9. Except where substantial existing natural or manmade barriers would render the requirement unreasonable, each private street development should have direct access to a collector street.
10. There shall not be overconcentration of gated and private street developments that could negatively impact neighborhood development pattern.

C. Development Guidelines

1. Private streets shall be constructed to the street design standards **3.4.5 Street Design Standards** contained in the UDC and any other construction specifications for public right-of-way required by the City.

2. A private street development must provide access for emergency vehicles, public and private utility maintenance and service personnel, the US Postal Service, and other government governmental employees in pursuit of their official duties.

3. A private street development that has an access control gate or cross arm must have a minimum uninterrupted pavement width of 22 feet at the location of an access control device. If an overhead barrier is used, it must be a minimum of 14 feet in height above the road surface.

4. A private street development that has an access control gate shall also provide a turnout or turnaround area outside the gated perimeter pursuant to the City's transportation design criteria and specifications.

5. A private street development that has an access control gate shall also provide two stacking spaces (10 feet in width by 20 feet in length) dimensioned at the location of the keypad. Vehicles waiting to enter the private street development cannot stack in the public right-of-way.

6. The City fire marshal or his designated representative shall approve the installation of access gates, which shall meet the City's fire code requirements for emergency operation. The type of gate or control access mechanism is subject to review and approval by the City fire marshal and shall be maintained by the property or homeowners association.

7. The property or homeowners association shall provide keypads and codes, as well as a receiver and mechanism designed to open gates automatically in response to a remote traffic signal preemption device meeting the specifications of emergency service providers, at all gates into the community.

8. In the event that at any time any gate does not promptly and automatically open for an emergency vehicle utilizing a traffic signal preemption device, the emergency responders shall be privileged to remove, disable or destroy any locking device, gate or piece of a gate in order to gain access. The deed restrictions shall recognize and incorporate this requirement, and further hold the City and its emergency providers harmless from any and all claims or damages arising from the property or homeowners association's failure to maintain the gate to this standard or for the removal or destruction of such gates or devices.

9. Street Lighting on private streets are required to meet the City's specifications and shall be installed and maintained by the property or homeowners associations at no cost to the City.

10. The developer is responsible for the installing and designing water and wastewater utilities to the City's specifications (or to other public utility as determined by CCN). All water and wastewater mains and associated appurtenances shall be publicly owned and maintained by the service provider.

11. The developer is responsible for installing, designing, and operating all electrical facilities to the utility provider's standards. All electric facilities shall be owned and maintained by the utility provider.

12. The developer is responsible for the installation of the stormwater system to the City's standards, and the HOA is responsible for maintenance of the stormwater system.

D. Review Criteria for a Planned Development District for a Private Street Development

1. A planned development district shall be requested prior to the subject property being platted. Approval of a planned development district does not constitute approval of a site plan or plat.

2. A planned development district request shall provide the following criteria:

   a. Concept plan

      The concept plan shall show the general layout of the development including streets, lots, buildings (excluding one and two single family uses), parking, proposed open space features, gate

house(s), proposed screening walls, clubhouse and other general features of the proposed development.

b. Emergency Access and Vehicle Stacking

A private street development with a gated entry feature shall show on the concept plan the required turnaround, emergency access and vehicles stacking criteria in **3.4.6C Development Guidelines**.

E. Compliance with Other Plans

The staff will issue a recommendation to the City Commission based on the compatibility of the private street development within the surrounding area, conformance to the City's development standards contained in the UDC and the City's existing plans.

1. Future Land Use Plan

The impact of the private street development on future and existing land uses surrounding land uses shall be examined as part of each request for a private street development.

2. Bicycle and Trail Master Plan

The proposed private street development shall be valuated to assess the impact of private streets on access, including ingress and egress and continuity of the pedestrian, bike and trail system planned within the community.

3. Transportation Plan

The proposed private street development will be evaluated to assess its impact on the efficiency, convenience and safe functioning and implementation of the City's transportation plan.

F. Review Criteria for a Subdivision Plat Involving a Private Street Development

Plats shall provide the following information:

1. Private street subdivisions shall provide the following note on the face of the plat:

"The streets have not been dedicated to the public for public access nor been accepted by the City as public improvements, and the streets shall be maintained by the property or homeowners association within the subdivision. The street shall always be open to emergency vehicles, public and private utility service personnel, the U.S. Postal Service and governmental employees in pursuit of this official duties."

2. Private streets shall be dimensioned, named, and designated as a common area, but not public right-of-way.

3. The plat shall show pre-existing easements unaffected by the platting process.

4. The plat shall provide utility and drainage easements containing utilities or drainage improvements.

5. The plat shall provide an access easement for utility service providers, safety and emergency services, postal service, and any other service personnel that may need to access the development to perform routine maintenance.

G. Perpetual Maintenance of Private Streets

1. Formation of Property or Homeowners Association

a. Subdivisions with private streets shall have a property or homeowners association that will own and maintain the private streets and appurtenances.

b. The property or homeowners association shall provide for the payment of dues and assessments required to maintain the private streets.

c. The property or homeowners' association documents must be reviewed and approved by the City attorney and recorded with the County Clerk prior to the associated Final Plat being recorded with the County.

2. Property or Homeowners Association Reserve Fund

The property or homeowners association documents must establish a reserve fund for the maintenance of private streets and other improvements such as common greenbelts, security stations structures equipment, common areas and other development infrastructure to be maintained by

a. The reserve fund shall be independent of any other property or homeowners association funds.

b. The balance of the fund shall be equal to the total replacement cost of the private streets and other improvements divided by the average life expectancy of those improvements times the age of the improvements.

c. The property or homeowners association shall have an annual review performed by a certified public accounting firm verifying the amount in the reserve fund.

3. Property or Homeowners Association Membership Disclosures

Every owner of a lot within the private street development shall be a member of the property owners association and shall be made aware of the following provisions.

a. The property or homeowners association documents must indicate that the streets within the development are private, owned and maintained by the property or homeowners association and that the City has no obligations to maintain or reconstruct the private streets.

b. The property or homeowners association documents shall include a statement indicating that the City may, but is not obligated to, inspect private streets, and require repairs necessary to ensure that they are maintained to City standards.

c. The property or homeowners association may not be dissolved without approval of the City Commission and written consent of the City.

d. The property or homeowners association documents shall note that certain City services shall not be provided on private street, such as routine police patrol, enforcement of traffic and parking ordinances. Depending on the characteristics of the proposed development other services may not be provided.

e. The property or homeowners association documents shall contain a provision that requires access to emergency vehicles, utility personnel, the U.S. Postal service, and governmental employees in pursuit of their official duties.

f. The outlining criteria for Conversion of Private Streets to Public Streets contained in **3.4.6H** of the UDC shall be included in the property or homeowners association documentation to increase awareness of voluntary and mandatory process for converting private streets to public streets.

4. Assignment of Property or Homeowners Association Lien Rights

The property or homeowners association shall provide the City the authority to file a lien or to secure payment from homeowners for the maintenance, repair and replacement in part or in whole of all privately held common areas, including but not limited to streets, drainage, street Lighting or other appurtenances or associated ancillary items. No portion of the of the property owners association

documents pertaining to maintenance of the private streets may be amended without the written consent of the City.

H. Conversion of Private Streets to Public Streets

1. Voluntary Conversion

The City may but is not obligated to accept public streets for public access and maintenance. The procedure must conform to all the following provisions:

a. The property or homeowners associations must submit a petition signed by at least seventy-five (75) percent of its members.

b. All the infrastructure must be in a condition that acceptable to the City.

c. All security stations, gates, and other structures no consistent with a public street development must be removed.

d. All funds in the reserve fund must be transferred to the City.

e. The request to convert the private street to public streets must be considered by the Planning & Zoning Commission and approved by the City Commission. An ordinance converting the private streets to public streets must be approved by the City Commission prior to the recording of said subdivision plat.

f. A revised subdivision plat shall be submitted to the planning department after the City Commission has approved the request to convert existing private streets to public streets.

g. Prior to the revised subdivision plat being recorded with the County the property or homeowners association documents shall be revised and refiled to remove requirements specific to private street subdivisions.

2. Mandatory Conversion

a. The City will notify the property or homeowners association of violations of the private street regulations. Failure to bring the subdivision into compliance with the regulations may cause the City to revoke the planned development district for the private streets.

b. If the planned development district is revoked, the City may correct all remaining violations, remove the security stations, and unilaterally refile the subdivision plat thereby dedicating the streets to the public.

If the planned development district is revoked, all funds in the reserve fund will become property of the City and will be used to offset any costs associated with converting the private streets to public streets. In the event the balance is not enough to cover all expenses, the property or homeowners association will be responsible for unpaid work.

3.4.7 ACCESS MANAGEMENT

A. General Provisions

The purpose of this section is to:

1. Prohibit the indiscriminate location and spacing of driveways while maintaining reasonable vehicular access to and from the public street system;
2. Reduce conflicting turning movements and congestion and thereby reducing vehicular accidents; and
3. Maintain and enhance a positive image for the attraction of new, high-quality developments in the City.

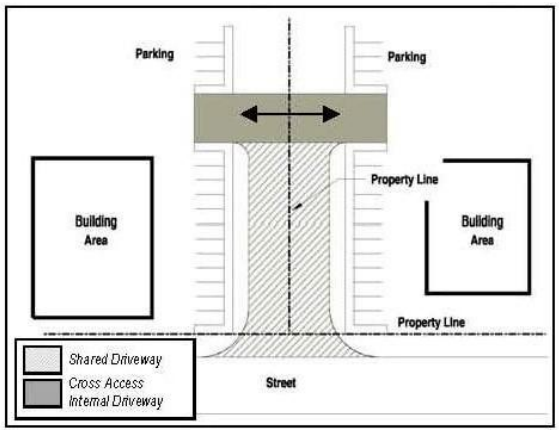
B. Applicability

1. A person commits an offense if the person constructs, reconstructs, relocates or in any way alters the design or operation of any driveway without first obtaining a building permit issued by the building official.
2. No driveway shall be allowed or permitted if, in the determination of the City Engineer, it is detrimental to the public health, safety, and welfare of the community.

C. Common Access

1. A common access easement is required between adjacent lots used, zoned, or planned for nonresidential and multi-family uses fronting on any street section unless the City Engineer authorizes an exemption due to site constraints.
2. The use of common driveways shall require the dedication of a joint-use perpetual private access easement on each affected property.
3. Said dedication shall be provided on the Final Plat of the subject properties, or be filed by separate instrument, subject to review and approval by the City Engineer.
4. The plat shall state that the property owner shall maintain the easement.
5. The common access easement shall encompass the entire width of the planned driveway plus an additional width of one foot on both sides of the drive.

Figure 3.4-6. Example of a Common Driveway



D. Driveway Design for Non-State Maintained Roadways

The following standards shall be followed in the design and construction of driveways. The values in the following tables represent minimum standards to be applied in designing and locating driveways on City/county streets.

1. Driveway Dimensions and Spacing (Non-State Maintained Roadways)

Table 3.4-26. Dimensions for Driveways at Non-State Maintained Roadways indicates the minimum dimensional values required for driveways along City/county-maintained roadways (local streets, collector streets, arterial streets). **Figure 3.4-7** illustrates driveway spacing.

2. Deceleration Lanes for Driveways on Arterial Streets Required (Non-State Maintained Roadways)

a. When the turning volume for a driveway exceeds 60 vehicles per hour during the peak hour, a deceleration lane shall be provided on arterial streets with a posted speed of 40 mph to 45 mph.

b. When the turning volume for a driveway exceeds 50 vehicles per hour during the peak hour, a deceleration lane shall be provided on arterial streets with a posted speed greater than 45 mph.

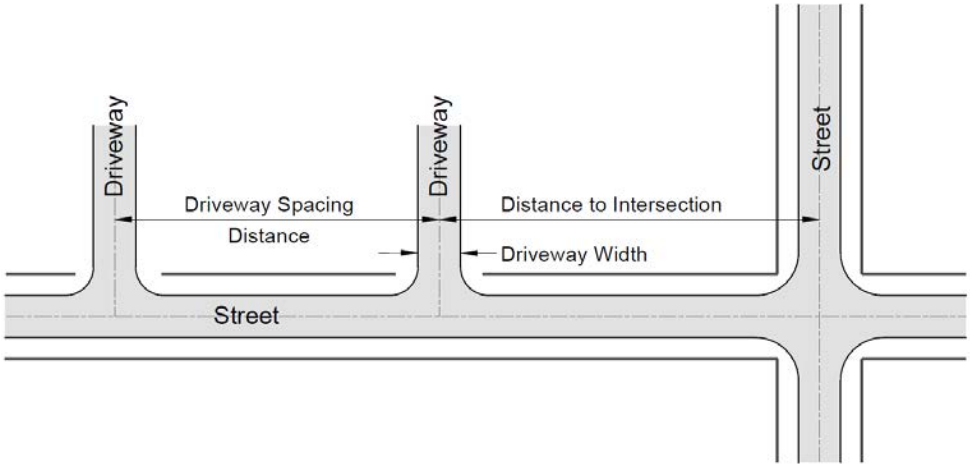
Table 3.4-26. Dimensions for Driveways at Non-State Maintained Roadways

CRITERIA	STREET CLASSIFICATION	NONRESIDENTIAL DRIVEWAY	SERVICE DRIVEWAY
Driveway Throat Width	Arterial Street	24-40’	30-48’
	Collector Street	24-40’	30-48’
	Local Street	24-36’	28-40’
Driveway Curb Radius	Arterial Street	20-30’	25-30’
	Collector Street	10-20’	10-20’
	Local Street	10-20’	10-20’
Minimum Distance to Intersection Along Roadway	Arterial Street	200’	200’
	Collector Street	150’	150’
	Local Street	50’	100’
Minimum Centerline Driveway Spacing Along Roadway	Arterial Street	250’	250’
	Collector Street	150’	150’
	Local Street	100’	100’

Notes:

1. Nonresidential driveways include multi-family uses.
2. The requirements for driveway throat width and driveway curb radius are for standard undivided two-way operation and may be varied by the City Engineer if traffic volumes, truck usage, common driveways, and other factors warrant such.
3. Minimum centerline spacing does not implicitly determine the number of driveways allowed. Driveways served by deceleration lanes may be spaced at closer intervals if approved by the City Engineer.
4. Distance measured from the intersection right-of-way line to the centerline of the proposed driveway.
5. Nonresidential, multi-family and service driveways shall not be permitted on local streets.

Figure 3.4-7. Illustration of Driveway Spacing



E. Required Internal Storage (Minimum Throat Length/Stacking)

1. Minimum Throat Length

The driveway for any multi-family or nonresidential property that connects to an arterial street, collector street, or local street shall extend onto private property a minimum distance of fifteen (15) feet, but not less than the required front landscape edge width, from the right-of-way line before intersecting any internal circulation drive.

2. Driveway Stacking

Driveway stacking shall be provided on multi-family or nonresidential properties for corresponding driveways in accordance with **Table 3.4-27**. Required driveway stacking for driveways that provide ingress/egress to parking areas of twenty (20) or greater spaces.

Table 3.4-27. Required Driveway Stacking

AVERAGE NO. OF PARKING SPACES PER DRIVEWAY	TOTAL NO. OF PARKING SPACES	MINIMUM STACKING LENGTH
20-49	20-49	Landscape Edge + 20’
	50-199	50’
	200+	75’
50-199	50-199	75’
	200+	100’
200+	200+	100’

Notes:

1. The average number of parking spaces per driveway is calculated by dividing the total number of parking spaces by the number of commercial and multi-family driveways. (Service driveways are not included in the calculation.
2. The total number of parking spaces is the sum of all spaces accessible by a driveway or driveways both on-site and off-site. The internal storage shall be separated from parking areas by a five-foot (5’) wide, raised curb island or median. Planting requirements for the island or median shall be one (1) Small Tree and one (1) five-gallon (5 Gal.) shrub for every fifteen (15) linear feet. Appropriate signage (e.g. stop, yield, etc.) shall be placed for any vehicular cross movement or internal circulation that intersects the ingress/egress circulation beyond the required internal storage.

F. Adequate Sight Distance

1. Driveways shall be prohibited where adequate sight distance is not available for the established speed limit.
2. Sight distances shall be calculated in accordance with the latest edition of the AASHTO "A Policy on Geometric Design of Highways and Streets."
3. If a field inspection indicates that driveway sight distance may be insufficient, the applicant will be required to submit vertical and horizontal information prepared by a registered professional engineer to the City Engineer that verifies adequate sight distance is available for the proposed driveway location.

G. Traffic Impact Analysis (TIA)

1. The City Engineer may request a traffic impact analysis when 5,000 or more daily vehicle trips are anticipated to be generated by the development or if the development is anticipated to cause severe impacts on either the roadways system or the internal circulation of an adjoining development.
2. A traffic impact analysis shall be prepared in accordance with the City's traffic study procedures, traffic circulation analysis guidelines, and current available traffic counts.
3. The City Engineer may require a pre-submittal meeting with the property owner or developer after the submission of a development application, such as a plat or site plan, to define the scope of the TIA if deemed necessary for the project.

3.4.8 STREET LIGHTING AND RELATED FEATURES

A. General Provisions

1. The City may establish a standard specification for all aspects of the streetlight structure within a separate technical manual (refer to **1.10 Technical Manuals**).
2. Installation of streetlights, typically decorative in nature, that exceed the specification requires a written and recorded agreement with the Homeowners' or Property Owners' Association establishing the means of long-term maintenance and replacement. All bases must be compatible with the City's standard pole design.
3. The City may choose to exceed its own standard specification at its discretion for special programs and districts (such as historic districts and similar) for streetlights, decorative street signs, and decorative traffic control devices

B. Street Lighting Requirements

1. Street Lighting will be reviewed by both the City and the electric service provider. It is the responsibility of the applicant to receive the necessary plan approvals from both the City and the electric service provider.
2. The minimum streetlight spacing and type of street light used in the development will depend on the electric service provider's design criteria for streetlights.
3. Cost of installation of street Lighting shall be borne by the developer.

3.4.9 WATER UTILITY

A. General Provision

1. All subdivisions in the city limits and the ETJ shall provide an adequate water distribution system and connect to a public water system in conformance with the standards of the public water service provider.
    a. The city limits and ETJ are serviced by various public water providers and it is the responsibility of the applicant to determine the public water provider that services their property.
2. Any new water main(s) must designed and installed by the developer's engineer prior to public water provider accepting such water facility or facilities for maintenance.
    a. The developer's engineer will coordinate with both the City Engineer and public water provider to receive construction plan approval for the construction or modification of water facilities.
3. The public water provider can prohibit a connection to an existing or proposed water system when they determine that a connection will exceed capacity or overload the water system to serve the anticipated water demand of the proposed development.
4. In the absence of specific standards, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current standards of the American Water Works Association and the most current criteria included in the Texas Administrative Code (Title 30, Part 1, Chapter 290), Public Drinking Water.
5. The public water provider shall make the final determination of the adequacy of the proposed system.
6. The public water provider in coordination with the City Engineer may require the phasing of development or improvements to maintain adequate water capacity.
7. All water mains shall be constructed within the street right-of-way and easements will be dedicated to the public water provider.
    a. The public water provider shall determine placement and width of water easements.

B. Water Line Extension to Subdivision Perimeters

All water lines installed within a subdivision must extend to the border and perimeter of the subdivision to allow for future water extensions to adjacent properties, regardless of whether such extensions are required for service within the subdivision.

C. Fire Hydrants

1. Fire hydrants shall be placed on block corners or near the center of the block to place all or every lot within a radius of five hundred (500) feet in residential areas, but under no circumstances shall a hose-lay for more than five hundred (500) feet be made from the fire hydrant to cover all of every lot within the Subdivision or tract under development.
2. Fire hydrants shall be located in commercial and industrial areas so that all of every lot shall be within a radius of three hundred (300) feet, but under no circumstances shall a hose-lay of more than three hundred (300) feet be made in order to adequately afford fire protection to the building or buildings.
3. A fire hydrant shall be placed at the entrance or at the end of all cul-de-sacs subject to review of the fire marshal in coordination with the public water service provider.

4. Hydrants must provide enough pressure for fire protection in accordance with the City's adopted fire codes subject to review and approval of the fire marshal in coordination with the public water service provider.

3.4.10 WASTEWATER UTILITY

A. General Provisions

1. All subdivisions in the City and ETJ shall provide an approved means for wastewater collection and treatment and connection to an adequate public wastewater system in conformance with the standards of the public wastewater provider.

a. The city limits and ETJ are serviced by various public wastewater providers and it is the responsibility of the applicant to determine the public water provider that services their property.

2. Any new wastewater main(s) must be designed and installed by the developer's engineer prior to the public wastewater provider accepting the wastewater facility or facilities for maintenance.

a. The developer's engineer will coordinate with both the City Engineer and public wastewater provider to receive construction plan approval for the construction or modification of wastewater facilities.

3. The public wastewater provider can prohibit a connection to an existing or proposed wastewater system that they determine will exceed the capacity or overload the system to serve the anticipated wastewater demand of the proposed development.

4. The public wastewater provider in coordination with the City Engineer may require the phasing of development or improvements to maintain adequate wastewater capacity.

5. The public wastewater provider in coordination with the City Engineer shall make the final determination of the adequacy of the proposed system.

6. The public wastewater provider shall determine placement and width of wastewater easements.

B. Wastewater Connection

1. Any development occurring within five hundred (500) feet or less of an existing or proposed wastewater line shall extend and connect to the City's facilities (or to other public utility as determined by CCN).

2. A development may only use an on-site sewage facility (OSSF) if subject to one of the following provisions:

a. The closest corner of the proposed subdivision shall be at a distance of more than 500 feet, as measured along the proposed sewer line, from a public gravity sanitary sewer system, and the proposed subdivision shall contain no more than one parcel for each 50-foot length of such distance beyond 500 feet including any fractions of such 50-foot lengths; or

b. A connection to such sewer shall involve unusual costs, such as a lift station or street boring, and the initial cost of providing centralized sewer service shall be at least $20,000.00 per parcel, with such initial cost being calculated by the public utilities board and the city engineer and being the sum of public and private costs.

3. Any on-site sewage facility (OSSF) that is permitted will be constructed in accordance with the Texas Administrative Code (Title 30, Part 1, Chapter 285), On-Site Sewage Facilities.

4. The Cameron County Health Official or the City's designated representative will review and approve all septic system permits for any property in both the city limits, ETJ and the County.

C. Wastewater Line Extension to Subdivision Perimeters

1. All laterals and wastewater mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collection system, regardless of whether such extensions are required for service within the subdivision.
2. If due to physical constraints, a new subdivision will never be constructed beyond a developing subdivision, the City Commission may approve a Subdivision Waiver Petition for this requirement prior to action on the Construction Plans or prior to action on any plat.

3.4.11 PRELIMINARY UTILITY PLAN

A. Applicability

1. A preliminary utility plan shall detail both **3.4.9 Water Utility** and **3.4.10 Wastewater Utility** requirements and may be required as part the following plat applications in which the modification or extension of utilities is required for the proposed development:
   a. Preliminary Plat (refer to **3.2.1**);
   b. Final Plat (refer to **3.2.2**);
   c. Replat (refer to **3.2.4**)
2. Preliminary utility plans shall comply with the criteria contained in the City's standard applications forms and checklists.
3. Preliminary utility plans shall be subject to the development review process in **Figure 2.3-5 Development Review Process for Subdivision Related Applications** required for plat and development applications.

B. Plan Criteria

1. Concurrent with the submission of a Preliminary Plat (refer to **3.2.1**), Final Plat (refer to **3.2.2**) or any other plan in which the modification of public utilities is required, the developer shall submit a map or plan showing the location and size of water utility and wastewater utility mains, which will be required to provide adequate service to the lots specified in the proposed plat.
2. Preliminary utility plans shall show existing and proposed fire hydrant systems to show adequate fire protection as required in the UDC and the City's fire code.

C. Coordination with Other Utility Providers

1. When the subdivision is in an area served by a utility provider other than the City, the developer is still required to provide a water system analysis, indicating adequate water supply and water quality for review by the City Engineer.
2. When a subdivision is in an area served by a utility provider other than the City, the developer must provide a letter from the utility provider stating that facilities exist in the area to provide adequate domestic service and fire protection.
3. If the City has reason to believe that there may be water supply or pressure concerns the City may require, a water system analysis, indicating adequate water supply and water quality.
4. A plat will not be approved until a letter has been provided from the utility provider stating that they have accepted the plans for construction.

3.4.12 OTHER UNDERGROUND UTILITIES

A. General Provisions

1. All distribution lines, cables, or utilities shall be installed below ground within the subdivision to eliminate the necessity for disturbing the street, curb and gutter, sidewalk and other services and structures when making connections.

a. When a new subdivision is developed in an area with existing above ground utility lines, the developer shall be responsible for locating the lines within the subdivision and along its perimeter underground.

b. Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area may be located above ground on the perimeter of the subdivision being served, subject to discretion of the City Engineer.

c. The installation of these utilities shall conform to commonly accepted construction standards, subject to discretion of the City Engineer.

2. The developer or property owner shall provide separate service lines for water and wastewater to each lot or point of metering.

3. The developer or property owner shall coordinate with all other appropriate utility companies for the extension of their respective utility lines and service to and within the addition and for any costs or refunds of such cost.

4. All plats and site plans for residential and multi-family developments shall require all internal telephone lines, cable television lines, electric lines, and utility lateral and services lines and wires to be placed underground except as otherwise herein provided.

a. In special or unique circumstances or to avoid undue hardships, a Subdivision Waiver Petition may be approved by the City Engineer to permit the construction and maintenance of overhead electric utility lateral or services lines and of overhead telephone and cable tv lines and may approve any plat or site plan with such approved variances, waivers, or exceptions.

b. All Final Plats for residential and multi-family subdivisions submitted for approval by the City must display signature approval by utility companies prior to submittal.

(i) All multi-family site plans must display signature approval by utility companies before any building permits are issued.

(ii) No final plat or site plan shall be approved, and no building permit will be issued without such approval.

c. Where electrical service is to be placed underground, street or site facilities shall also be placed underground.

d. All electrical, cable television, and telephone support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations in subdivisions shall be pad mounted or placed underground.

e. Nothing herein set forth shall prohibit or restrict any utility company from recovering the difference between the cost of overhead facilities and underground facilities.

(i) Each utility whose facilities are subject to the provisions of this UDC shall develop policies and cost reimbursement procedures with respect to the installation and extension of underground service.

f. Unless specifically stated otherwise, temporary construction service may be provided by overhead utility lines and facilities without obtaining a waiver.

5. All installations regulated by the provisions set forth herein shall be in conformance with the intent of this ordinance and shall conform to any regulations or specifications that the various public utility companies may have in force from time to time.

6. Nothing in this ordinance shall be construed to require any existing facilities to be placed underground when no development is proposed.

B. Company Notification to City

All utility companies will notify the City, in writing, at least forty-eight (48) hours before digging, boring, drilling, etc.

3.5 SUBDIVISION RELIEF PROCEDURES

3.5.1 SUBDIVISION WAIVER PETITION

A. Purpose

The purpose of a subdivision waiver of a particular standard or requirement of these subdivision regulations, as such are applicable to plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an application or modified.

B. Decision-Making Authority

After review and recommendation from the Planning Director and the City Engineer, the Planning & Zoning Commission shall have the final decision-making authority regarding the approval or denial of a subdivision waiver.

C. Applicability

1. An applicant may request a subdivision waiver of a particular standard or requirement applicable to a Preliminary Plat, to Construction Plans, or where no preliminary plat application has been submitted for approval, to a Final Plat or a Replat.
2. A subdivision waiver petition shall be specific in nature and shall only involve relief consideration for one standard or requirement.
3. An applicant may, if desired, submit more than one subdivision waiver petition if there are several standards or requirements at issue.

D. Submittal Procedures

1. A request for a subdivision waiver shall be submitted in writing by the applicant with the recording of any plat or construction plan application.
2. No subdivision waiver may be considered or granted unless the applicant has made such written request.
3. The applicant's subdivision waiver request shall state the grounds for the subdivision waiver request and all failure to do so, will result in denial of the application unless the applicant submits a Waiver of Right to 30-Day Action in accordance with **2.3.4H**.

E. Approval Criteria for a Subdivision Waiver

1. A subdivision waiver to regulations within this UDC may be approved only when, in the Planning & Zoning Commission's opinion, undue hardship will result from strict compliance to the regulations.
2. The Planning & Zoning Commission shall consider the following factors:
   a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
   b. The number of persons who will reside or work in the proposed development; and
   c. The effect such subdivision waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.
   d. Financial hardship to the applicant shall not be deemed to constitute undue hardship.
3. No subdivision waiver shall be granted unless the Planning & Zoning Commission finds:

a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this UDC would deprive the applicant of the reasonable use of his or her land; and

b. That the subdivision waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the subdivision waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area;

c. That the granting of the subdivision waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this UDC; and

d. That the granting of the subdivision waiver will not constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or comprehensive plan of the City.

4. If the subdivision waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the subdivision waiver and shall be grounds for reconsideration of the subdivision waiver request.

F. Action by the Planning & Zoning Commission

The Planning & Zoning Commission shall:

1. Review the plat application, subdivision waiver petition, the findings of the Planning Director, and any other information available, and determine whether the application conforms to these subdivision regulations.

2. Act within thirty (30) calendar days following the date the application has passed completeness check (refer to **2.3.4 Determination of Application Completeness**), unless the applicant submits a Waiver of Right to 30-Day Action as outlined in **2.3.4H**.

3. The Planning & Zoning Commission shall consider the Approval Criteria for a Subdivision Waiver set forth in **3.5.1E**, and shall take one of the following actions:

a. Deny the petition, and impose the standard or requirement as it is stated in these subdivision regulations and development standards; or

b. Grant the petition and waive in whole or in part the standard or requirement as it is stated in this UDC.

G. Effects of Approval

Following the granting of a subdivision waiver, the applicant may submit or continue the processing of a plat or Construction Plans, as applicable.

H. Expiration

The subdivision waiver granted shall remain in effect for the period the plat or Construction Plans are in effect and shall expire upon expiration of either or both of those applications.

I. Extensions

Extension of those applications shall also result in extension of the subdivision waiver.

3.5.2 SUBDIVISION PROPORTIONALITY APPEAL

A. Purpose

The purpose of a petition for relief from a dedication, construction requirement, or a requirement to pay a fee, other than an impact fee authorized by the Texas Local Government Code Chapter 395 is to ensure that the imposition of uniform dedication, construction, and fee standards to a proposed development does not result in a disproportionate burden on the property owner, taking into consideration the nature and extent of the demands created by the proposed development on the City's roadways and public water and wastewater facilities.

B. Applicability

1. An applicant may file a petition for relief under this **3.5.2 Subdivision Proportionality Appeal** to contest any requirement to dedicate land or to construct Public Improvements as required by this UDC, other ordinance, or attached as a condition to approval of the application.

2. A petition under this **3.5.2 Subdivision Proportionality Appeal** shall not be used to waive standards on grounds applicable to any subdivision waiver as outlined in **3.5.1 Subdivision Waiver**.

C. Petition Requirements

1. Petition Form

The petition for relief from a dedication, construction, or fee requirement shall allege that application of the standard relating to the requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks or roadway system or does not reasonably benefit the proposed development.

2. Study Required

The applicant shall provide a study in support of the petition for relief that includes the following information:

a. Capacity Utilized

(i) Total capacity of the City's water, wastewater, storm drainage, parks or roadway system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development.

(ii) If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.

b. Capacity Supplied

(i) Total capacity to be supplied to the City's water, wastewater, storm drainage, parks, or roadway system by the proposed dedication of an interest in land or construction of public improvements.

(ii) If the application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of public improvements.

c. Capacity Comparison

(i) Comparison of the capacity of the City or a public utility's facilities to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, construction of public improvements, or payment of a fee.

(ii) In making this comparison, the impacts on the City's public facilities system(s) from the entire development shall be considered.

d. Oversizing

The effect of any City participation in the costs of oversizing the public improvement to be constructed in accordance with the City's requirements.

e. Other Information

Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the City.

D. Time for Submitting a Petition and Study

1. A petition for relief from a dedication, construction, or fee requirement shall be filed with the City Engineer within fourteen (14) calendar days following the City Commission's decision to conditionally approve or deny an application.
2. The study in support of the petition shall be filed within thirty (30) calendar days following the initial decision unless the applicant (petitioner for relief) seeks an extension in writing.
3. The City Engineer may extend the time for submitting the study for a period not to exceed an additional thirty (30) calendar days for good cause shown.
4. Where land or facilities to be dedicated are located in the ETJ of the City and are to be dedicated to the County, a petition for relief or study in support of the petition shall be accepted as complete for review by the City Engineer only when such petition or study is accompanied by verification that a copy has been delivered to and accepted by the County, as applicable.

E. Review by the City Engineer

1. The City Engineer shall be the responsible official for a petition for relief from a dedication or construction requirement.
2. The City Engineer shall consider the petition for relief from a dedication or construction requirement based upon the following criteria:

a. The City Engineer shall determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks or roadway system, and whether the application of the standard or condition reasonably benefits the development.

b. In making such determination, the City Engineer shall consider the evidence submitted by the applicant, the report and recommendation of the City Engineer and, where the property is located within the City's ETJ, any recommendations from the County, as applicable.

c. The City Engineer shall determine whether the applicant bears the burden of proof to demonstrate that the application of a dedication or construction requirement that is uniformly applied imposes a disproportionate burden on the applicant.

d. In response to a petition for relief from a dedication or construction requirement pursuant to **3.5.2 Subdivision Proportionality Appeal** and to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City may participate in the costs of Public Improvements, credit or offset the obligations against payment of impact fees, or relieve the property owner any of the obligations.

F. Action by the City Engineer

1. Based on the criteria in **3.5.2E Review by the City Engineer,** the City Engineer shall take one of the following action.
    a. Deny the petition for relief, and impose the dedication or construction requirement as required by this ordinance; or
    b. Grant the petition for relief, and waive any dedication or construction requirement to the extent necessary to achieve proportionality; or
    c. Grant the petition for relief, and direct that the City participates in the costs of acquiring land for or constructing the public improvement under standard participation policies.
2. The decision of the City Engineer may be appealed to the Planning & Zoning Commission (refer to **3.5.2G**).

G. Appeal of the City Engineer's Decision Regarding Subdivision Proportionality

1. The decision of the City Engineer regarding a subdivision proportionality may be appealed to the Planning & Zoning Commission.
2. A written request for such appeal shall be received by the City Engineer within fourteen (14) calendar days following the denial of the City Engineer.
3. The Planning & Zoning Commission shall:
    a. Review the petition application, supporting study, the recommendation of the City Engineer, and any other information available, and determine whether the application conforms to these subdivision regulations and the regulations contained in **3.5.2** governing a Subdivision Proportionality Appeal.
    b. Determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the City's public utilities, storm drainage, parks or roadway system, and whether the application of the standard or condition reasonably benefits the development.
    c. Shall hear and consider the appeal within thirty (30) calendar days following receipt of the appeal request by the City Engineer.
4. The decision of the Planning & Zoning Commission shall be final.

H. Effects of Relief

1. The City Engineer may require the applicant to submit a modified application or supporting materials consistent with the relief granted by the Planning & Zoning Commission.
2. The relief granted on the petition shall remain in effect for the period the application is in effect and shall expire upon expiration of the plat or related application.

I. Expiration or Failure to File Application

Where an application was denied based upon the imposition of the standard requiring dedication of land or construction of a required public improvement and the Planning & Zoning Commission's decision is to grant some level of relief, the applicant shall resubmit the application within sixty (60) calendar days following the date the petition for relief is granted, in whole or in part, showing conformity with the Planning & Zoning Commission's decision on the petition.

1. If the application is not resubmitted within the sixty (60) day period, the relief granted by the Planning & Zoning Commission on the petition shall expire.
2. If the re-submittal of the application is modified in any other way, a new petition for relief may be required by the City Engineer.
3. If the application for which relief was granted is denied on other grounds, a new petition for relief may be required by the City Engineer.

ARTICLE 4. ZONING REGULATIONS

Article Contents

4.1 General Provisions

4.2 Zoning Procedures

4.3 Zoning Districts

4.4 Land Uses

4.5 Building Types

4.6 Zoning Development Standards

4.1 GENERAL PROVISIONS

4.1.1 ZONING DISTRICTS ESTABLISHED

A. Zoning Districts

The adoption of the City's Official Zoning Map establishes the zoning districts in **Table 4.1-1. Zoning Districts**.

Table 4.1-1. Zoning Districts

UDC SECTION	ZONING DISTRICTS
RESIDENTIAL DISTRICTS	
4.3.1A	AG – Agriculture
4.3.1B	R-E – Residential Estate
4.3.1C	R-1 – Residential Single-Family
4.3.1D	R-2 – Residential Suburban
4.3.1E	R-3 – Residential Transition
NONRESIDENTIAL DISTRICTS	
4.3.2A	CC – Corridor Commercial
4.3.2B	RC – Regional Center
4.3.2C	LI – Light Industrial
4.3.2D	HI – Heavy Industrial
TRADITIONAL NEIGHBORHOOD AND FORM DISTRICTS	
4.3.3F	TN – Traditional Neighborhood
4.3.3E	TN-MU – Traditional Neighborhood Mixed-Use
4.3.3D	TN-C – Traditional Neighborhood Corridor
4.3.3C	DE – Downtown Edge
4.3.3B	DG – Downtown General
4.3.3A	DC – Downtown Core
SPECIAL AND OVERLAY DISTRICTS	
4.3.4B	O-H – Historic Overlay District
4.3.4C	O-A – Airport Overlay District
4.3.4D	PDD – Planned Development Districts

B. District Boundaries

Unless otherwise specified, district boundaries are lot lines, the centerlines of streets, creeks, and railroad right-of-way, or such lines extended.

4.1.2 OFFICIAL ZONING MAP

A. Incorporation of Map

The location and boundaries of the zoning districts defined in **4.1.1 Zoning Districts Established** are established by the adoption of the Official Zoning Map of the City referred to as the "zoning map" hereafter.

B. Map Interpretation

1. Where any uncertainty exists about a zoning boundary that was established by legal description, the legal description accompanying the amending ordinance governs.
2. In circumstances in which the legal description for the property in question is missing, the Planning Director will determine the location of the zoning district boundary.
    a. An appeal of the Planning Director's determination of the zoning district boundary may be appealed to the Zoning Board of Adjustment pursuant to **4.2.11B.1 Appeal of an Administrative Decision**.

C. Maintenance

1. The Planning Director is responsible for maintaining a paper and electronic copy of the zoning map. The Planning Director will maintain and update the zoning map in a GIS (Geographic Information Systems) format.
2. The zoning map will show the date the zoning map was adopted by the City and the date the last amendment was approved by City Commission.

D. Zoning Map Amendments

1. The Planning Director will use all reasonable means to ensure that no changes are made to the zoning map without authorization by official action of the City Commission.
2. Any changes or amendments made to the zoning district boundaries shall be incorporated into the zoning map promptly after the City Commission has approved such amendment.
3. The Planning Director will maintain a record of all map amendments approved by the City Commission.

E. Zoning Upon Annexation

When land is annexed or otherwise brought into the jurisdiction of the City it may be classified in the **Agriculture (AG) District** or assigned another zoning classification based on the comprehensive plan, existing land uses, any applicable annexation agreement and other relevant considerations.

4.1.3 NONCONFORMITIES

A. Purpose

The purpose of this section is to regulate nonconforming uses, lots, or structures that are created when zoning designations or regulations are created or changed such that an existing lawfully established use, lot or structure no longer conforms to the regulations of this UDC; to explain the effect of this nonconforming status and help differentiate nonconformities, which have legal status under this zoning code, from zoning violations, which are illegal and subject to penalties and enforcement action. The regulations of this chapter are also intended to:

1. Recognize the interests of landowners in continuing to use their property for uses that were lawfully established;
2. Promote maintenance, reuse and rehabilitation of existing buildings; and
3. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

B. Authority to Continue

Any nonconformity that existed on the effective date specified in **1.3 Effective Date** or any lot, structure use or situation that becomes nonconforming upon adoption of any amendment to this zoning code or any amendment of the zoning map subsequent to the effective date specified in **1.3 Effective Date** may be continued, subject to the regulations of this chapter.

C. Determination of Nonconforming Status

1. The burden of proving that a nonconformity exists (as opposed to a zoning code violation) is the responsibility of the subject owner.
2. The Planning Director is authorized to determine whether reliable evidence of nonconforming status has been provided by the subject owner.
3. Building permits, zoning determinations, lawfully recorded plats, lawfully recorded instruments of conveyance, aerial photography owned by a governmental agency, and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the Planning Director is authorized to consider whether other forms of evidence provided by the owner are reliable and adequate to document nonconforming status. Common examples of evidence that may be determined to be reliable and adequate include:
    a. Professional registrations or business licenses;
    b. Utility billing records;
    c. Rent records;
    d. Advertisements in dated publications;
    e. Listings in telephone or business directories; and
    f. Notarized affidavits affirming the date of lawful establishment of the use or structure.
4. The Planning Director's determination of nonconforming status may be appealed to the board of adjustment in accordance with **4.2.11 Zoning Relief**.

5. Repairs and Maintenance

Nothing in this UDC shall prohibit the routine operation and maintenance of legal nonconforming uses, structures, lot or sites.

6. Change of Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes or tenancy, ownership, or management.

D. Nonconforming Lots

1. Existing Platted Lots are Conforming Lots

Any existing lot platted prior to the adoption of this UDC, which was legally conforming, shall be deemed a conforming lot.

2. Residential Lot Exemption

The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts, except that a lot having less area than herein required that was an official "lot of record" prior to the adoption of this UDC may be used for a single family dwelling. All other lot and building regulations apply.

E. Nonconforming Structures

1. Nonconforming structures are permitted to exist for continued and creative reuse to contribute to the surrounding character, diversity, and services in the neighborhood until such structures are removed.
2. Repairs to nonconforming structures or portions thereof are permitted, so long as the nonconforming portion of the structure is not enlarged in volume, area or footprint.
3. Reconstruction of nonconforming structures or portions thereof amounting to less than 50% of the existing square feet are permitted so long as the nonconforming portion of the structure is not enlarged in volume, area or footprint.
4. Voluntary removal, damage or destruction of a nonconforming structure or portion thereof amounting to 50% or more of the existing square feet shall require either complete removal of the structure or its reconstruction in conformance with existing regulations.
5. Involuntary damage to or destruction of a nonconforming structure (from fire, winds or other calamity) shall permit the owner to rebuild, reconstruct or restore the structure on the same footprint of the original structure plus any addition or expansion that is allowed by the underlying zoning district. Such reconstruction is permitted as long as it begins within eighteen (18) months of the loss and complies with all other applicable zoning, development and building codes.
6. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
7. A structure or portion thereof within any zoning district may be altered to decrease its nonconformity.
8. A nonconforming structure may be brought into conformity by way of an approved variance from the Board of Adjustment, a rezoning action, or by altering the structure to comply with the standards of the underlying zoning district. A structure constructed unlawfully shall not be considered a nonconforming structure for the purposes of this chapter and is a prohibited structure unless it is brought into compliance as provided herein.

F. Nonconforming Uses

1. Discontinuance of Nonconforming Use

a. If a nonconforming use ceases operations for a period of more than six (6) months, then such nonconforming use shall be deemed to be permanently discontinued.

b. For the purpose of this paragraph, to "cease operations" shall mean to intentionally terminate operations of the nonconforming. Any nonconforming use that does not involve a permanent type of structure or operation, and that is moved from the premises shall be considered to have been discontinued, regardless of intent.

2. Expansion of Nonconforming Use

A nonconforming use of a portion of a building may be expanded or extended into the remaining portions of the building if the development administrator determines that the areas of the building in which the expansion is proposed were manifestly arranged and designed for the use. Nonconforming use may not be expanded or extended in any other way unless the expansion reduces or eliminates the nonconformity.

3. Noncompliance with Off-Street Parking Requirements

If a use is deemed nonconforming due to noncompliance with off-street parking requirements, the following shall apply:

a. Whenever a building or use is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for additional parking spaces, such additional spaces shall be provided in accordance with **4.6.2 Parking** based on the new use or area.

b. This requirement does not apply if a Special Exception or Alternative Compliance approval has been granted for a reduced parking requirement.

4. Noncompliance with Landscaping Requirements

If a use is deemed nonconforming due to noncompliance with landscaping requirements, the following shall apply:

a. If an existing building or use is altered (i.e., at least twenty (20) percent of the original floor area), then the standards and criteria contained within **4.6.3 Landscaping** shall apply.

b. If an existing building is altered less than twenty (20) percent, then the standards and criteria contained in **4.6.3 Landscaping** shall not apply.

c. Additionally, any use requiring a Specific Use Permit, or a Planned Development zoning designation must comply with **4.6.3 Landscaping** unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district.

4.1.4 AMORTIZATION OF NONCONFORMING USES

A. City Commission Initiation

The City Commission may, by majority vote, request that the Zoning Board of Adjustment study and decide upon the amortization of a nonconforming use, including a specific date that the use is to be considered amortized.

B. Action by the Board to Begin Analysis

1. If the Commission so directs, the Zoning Board of Adjustment shall, at its next available meeting, make a motion to do the following:
   a. Continue the matter to a future meeting; or
   b. Begin amortization proceedings and direct staff to study and analyze the nonconforming use and present its findings at a specified future meeting of the Board.
2. If the Board votes to continue the matter, it is continued for up to six (6) months. At the conclusion of six (6) months, the Board will vote either to discontinue amortization proceedings or to initiate amortization proceedings in accordance with this section based upon the *prima facia* facts of the case.
3. The Board will set a date for the completion of the analysis and the first public hearing required under **E** below.
4. Lack of a sufficient majority (75% of members of the Board) on a motion made under this subsection **B** will result in discontinuation of the amortization proceedings.

C. Notification of Parties

1. The property owner subject to the amortization must be notified prior to the initial meeting of the Board.
2. The City shall provide notice of the public hearings by mail to property owners within two hundred (200) feet of the property subject to the proceedings, and may compel the appearance of experts and witnesses to give testimony at the public hearings.
3. The term “owner” as it is used in this Section refers to both the property owner and the business owner; if one party is specified, it is understood that the specified person is used exclusive of the other person.

D. Content of Initial Meeting

1. No evidence or testimony will be considered by the Board at the initial meeting; however, the Board may direct staff or the owner to gather and present additional information in considering whether to proceed with amortization hearings, including financial records or appraisals of the subject property or surrounding properties, or direct staff or the property owner to provide such information at the public hearings.
2. The owner may be present at the initial meeting and respond to questions from the Board but may not present evidence or testimony until the commencement of the public hearings, except as specifically directed by the Board (see **E** below).

E. Public Hearings Required

1. The Zoning Board of Adjustment shall issue no order regarding the amortization of a nonconforming use until it has held two (2) public hearings on the matter.

2. Staff shall present evidence prior to the first public hearing addressing the impacts of the nonconforming use on surrounding properties and other persons affected by the nonconforming use.
3. Staff may also present other evidence requested by the City Commission in its action initiating the amortization or requested by the Board at its initial meeting.
4. The analysis and any order of the Board must specifically address the following factors:
    a. An affirmative finding that the use creates a Nuisance or threat of imminent destruction, damage, or injury to property and persons.
    b. The character of the surrounding properties or neighborhood.
    c. The degree of incompatibility of the use within the zoning district in which it is located.
    d. The manner in which the use is being conducted.
    e. The hours of operation of the use
    f. The extent to which continued operation of the use may threaten health or public safety.
    g. The environmental impacts of the use and its operation including, but not limited to, noise, Glare, dust, odor, and traffic generated by the use and its operation.
    h. The extent to which public disturbances and Nuisances, including the items listed in **d** above are created by the use and can be expected to continue in the future operation of the use.
    i. Other factors relevant to the question of whether continued operation of the use will cause adverse impacts upon nearby properties or affected persons.
    j. The extent to which the nonconforming use impacts the market value and desirability of surrounding properties or neighborhoods.
5. Upon presentation of the analysis, along with testimony and evidence presented by the owner or the owner's representatives, witnesses, or experts, as well as witnesses or experts as may be compelled by the Board to present testimony or evidence on any material issue related to the amortization, the Board shall do the following:
    a. Open the public hearing;
    b. Enter into a period of deliberation upon the evidence and testimony presented;
    c. Propose a date for the amortization period to end based on the recommendation of staff and the factors listed in **F.3** below, should the amortization be ordered after the second public hearing;
    d. Declare a date for the second public hearing and final decision no later than ninety (90) calendar days from the date of the first public hearing.
6. The Board may request further information or evidence be provided by staff at the second public hearing.
7. All evidence and testimony shall be presented directly to the Board. The Board may call witnesses to testify multiple times at the same hearing or at each hearing, but there shall be no cross-examination or questioning from any party at a public hearing other than those questions asked by the Board or directed to the Board.

F. Final Board of Adjustment Action

1. Decision Following Second Public Hearing

Following the second public hearing, the Zoning Board of Adjustment may order that the nonconforming use be discontinued in accordance with a plan to amortize the value of the use, including structures and equipment associated with the use, over a specified period of time.

2. Issuance of Order Without Owner's Financial Information

Failure by the owner to provide financial documentation, records, or other evidence does not prevent the Board from establishing a date by which the use must be amortized and made compliant with this UDC.

3. Factors to Be Addressed in The Order to Amortize

The order must address all factors listed in **E.4** above and give consideration to the following:

a. The owner's capital investment in assets that existed on the property prior to the use becoming a nonconforming use, including structures, fixed equipment, and other assets not feasibly transferrable to another site.

b. Costs that are directly attributable to discontinuing the use by the compliance date, including costs of demolition, relocation, early termination of lease, and discharge of mortgage.

c. Any return on investment since inception of the use based on net income.

d. Anticipated annual recovery of investments based on projected net income.

e. The character of the surrounding uses and properties and the uses allowed under the current zoning on the property.

f. The property rights of affected persons, including the property owner and business owner, as well as the rights and the welfare of surrounding property owners and other persons affected by the proposed use.

4. Effect of Order Upon Cessation of Use

a. If the Board votes to issue an order amortizing the nonconforming use and establishes a compliance date, the use must cease all operations by that date and the owner may not continue or reestablish the nonconforming use, including any operation subject to the order of the Board, on or after that date.

b. The Board may structure its order so as to phase amortization of portions of the use by certain dates and may establish any conditions upon the use operation related to the factors listed in **E.4** or **F.3** above; however, the Board may not issue an order that explicitly or in effect provides for only a partial amortization with no date by which the use must entirely cease.

5. Approval of Motion

a. A motion to issue an order to amortize the nonconforming use and establish a compliance date must be affirmed by at least seventy-five percent (75%) of the members of the Board.

b. If no motion is made, or less than seventy-five percent (75%) of the members vote to approve a motion to amortize the use, the amortization proceedings are discontinued and the nonconforming use may continue subject to the provisions and requirements of **4.1.3** above, unless the decision of the Board is appealed (see **G.1** below).

G. Appeal and Extension of Order

1. If the Board approves a motion to discontinue amortization proceedings, or the proceedings are discontinued due to lack of a motion or insufficient votes to approve a motion to amortize the use, the

decision of the Board is final unless appealed to a court of competent jurisdiction no later than ten (10) calendar days following the Board's decision.

2. If the Board approves a motion to amortize the use by setting a compliance date, the decision of the Board is final unless appealed to a court of competent jurisdiction no later than ten (10) calendar days following the Board's decision.

3. The Board may approve a one-time extension of up to six (6) months after the compliance date following a public hearing and consideration of additional testimony and evidence by the owner, and subject to any conditions the Board may place upon the extension to protect public safety and welfare.

H. This Section as Applied to Manufactured Housing Use or Communities

In applying the regulations and procedures of this section to a Manufactured Housing use or community, the City will apply these regulations and procedures in a manner consistent with **TLGC Section 211.018**.

4.2 ZONING PROCEDURES

4.2.1 NOTICING, HEARINGS, AND ACTION

A. Noticing Requirements

1. Generally

a. Notice is required to be provided as shown in **2.1.7**.

b. No hearing may be held on an Application unless sufficient notice is provided.

c. Applicability of Notice Requirements in HP Overlay

d. A request to expand or contract the boundary of the HP overlay, or to rezone a property within the HP overlay, is subject to additional notice requirements associated with hearings before the Historic Preservation and Design Review Board (HPDRB) under **4.2.3C**.

e. Published Notice and Written Notice of Public Hearing for Zoning Changes Involving Real Property

2. Published Notice

Notice of the public hearing to occur before the City Commission shall be accomplished by publishing the purpose, date, time, and place of the public hearing in the official newspaper of the City before the fifteenth (15^{th}) calendar day prior to the date of the public hearing.

3. Written Notice for Protest (also referred to as "Mailed Notice")

a. Before the fifteenth (15^{th}) calendar day, written notice of the public hearing before the Plan 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 two hundred (200) feet of the property on which the change in classification is proposed.

b. Said written notice shall be served by depositing the notice, postage paid, in the regular United States mail.

c. If written notice as required is not sent before the fifteenth (15^{th}) calendar day prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met.

d. Such notice shall include:

(i) Legal description of the property and the street address or approximate location within the City;

(ii) Present zoning classification of the property and the zoning sought by the applicant. If not a rezoning, then the nature or intent of the Application shall be described;

(iii) The date, time, and place of hearing;

(iv) The web site that contains the zoning map and information regarding the rezoning;

(v) The phone number where questions may be answered; and

(vi) Other information as may be necessary to provide adequate and timely public notice.

4. "Published Notice" of Public Hearing for Zoning Changes Involving Regulation Text

   a. For requests involving proposed changes to the text of the zoning regulations, notice of the City Commission public hearing shall be accomplished by publishing the purpose, date, time, and place of the public hearing in the official newspaper of the City before the fifteenth (15^{th}) calendar day prior to the date of the public hearing.

   b. Changes in the zoning text that do not change zoning district boundaries (i.e., that do not involve specific real property) do not require written notification to individual property owners.

5. Published Notice and Written Notice of an Appeal of a City Administrative or Interpretative Decision to the Board of Adjustment

   a. For an Appeal of a City Administrative or Interpretative Decision, the Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice by written notice in the mail addressed to all owners of real property located within two hundred (200) feet of the property on which the appeal is made, and by publication of notice of such hearing in the City's official newspaper.

   b. Both the mailed and published notice shall be given before the fifteenth (15^{th}) calendar day prior to the date for the hearing.

   c. At the hearing, any party may appear in person or by Attorney or by agent.

6. Additional Rules and Procedures Established

   a. The City Commission may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals (e.g., required plans, plats, etc.), which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the applicant or its agent(s).

   b. The City Commission may, by policy enacted through a resolution, direct notice of a Zoning Map Amendment (Rezoning) beyond two hundred (200) feet. Failing to adhere to such notice does not constitute a procedural violation and does not alter the protest area.

   c. Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

B. Hearing Procedures

1. The City will not hold a public hearing required for an application under this section unless the hearing has been property noticed under **4.2.1A above**.

2. During every required public hearing, the board or commission conducting the hearing must allow any parties with interest in interest or citizens to submit information and comments verbally or in writing.

3. A board or commission authorized to hold a public hearing under this section may adopt its own rules of order governing the conduct of hearings and the presentation of information and comments pursuant to **Chapter 551** of the Texas Government Code.

C. Conditions of Approval and Decision-Making Criteria

1. In acting upon an application listed under this section, the City Commission or Responsible Official shall, at a minimum, consider and make findings based on any criteria listed under the section related to the application.

2. Unless otherwise specified, failure to make findings based upon each individual condition or criteria shall not invalidate a decision on any application if the decision or action does not:
   a. Authorize a use or action prohibited under this UDC; and
   b. Does not deny the applicant any procedural rights under this section.
3. For decisions that are discretionary, such as a zoning text or map amendment or a Specific Use Permit, the City Commission may impose additional conditions beyond those listed in this section that the City Commission believes will further the public health, safety, welfare, and interest.

D. Required Time for Action

1. This section governs the processing and approval of zoning-related applications as listed in this section. For processing and approval of subdivision-related applications, see **3.2 Subdivision Plats**.
2. Action by the City on an application submitted under this section will take place in accordance with the deadlines published in this section or a City-adopted calendar or schedule.
3. In the event of a conflict between a deadline or time limitation listed in this UDC and a City-adopted calendar or schedule, this UDC shall govern.
4. By adopting this section, the City Commission intends that the City administer and enforce all Application deadlines consistent with State Law, including **TLGC Chapter 245**.
5. If an applicable deadline does not appear in this UDC or a City-adopted calendar or schedule, the City will enforce the deadline consistently with **TLGC Chapter 245**.
6. Modification of an Application

   The applicant may modify any complete application following its Official Vesting Date, and prior to the expiration of the period, if any, during which the City is required to act on the application.
7. Modifications Requested by the City

   If the modification is for revisions requested by the City, and the modification is received at least ten (10) business days prior to the time scheduled for decision on the application, then the Responsible Official or commission will decide the application within the period for decision prescribed by this UDC (see **2.3. Application Submittal Procedures**).
8. Modifications Not Requested by the City
   a. Unless otherwise specified, in all other instances (e.g., when the applicant chooses to submit a revised application because of a change in development decisions), the modified application will extend the time for deciding the application for a period equal to the maximum time allowed to decide the original application, if any.
   b. The extension of the time for deciding the application shall commence on the date the applicant submits the modified application.

4.2.2 ZONING TEXT AND MAP AMENDMENTS

A. Process Requirements

1. Zoning Amendments Require City Commission Approval

The City Commission may, from time to time, amend, supplement, or change, by ordinance, the boundaries of the districts shown on the Official Zoning Map, or the regulations established in this Article, consistent with State Law.

2. Planning and Zoning Commission Recommendation Required for all Amendments

The City Commission will not take action on any proposed amendment until the Planning and Zoning Commission holds a public hearing and issues a recommendation on the amendment.

3. Petitions Submitted to the City Commission

a. Any person or corporation having a proprietary interest in any property may petition the City Commission for a change or amendment to the zoning provisions of this Ordinance; or

b. The Plan Commission may, on its own motion or on request from the City Commission, study and propose zoning changes and amendments for the City Commission's consideration.

B. Two Types of Zoning Amendments

1. Zoning Map Amendment (Rezoning)

A Zoning Map Amendment (Rezoning) is a change or modification to the boundaries of any zoning district within the City's Zoning Map.

2. Zoning Text Amendment

A Zoning Text Amendment is the change of the text within this Ordinance and does not include change or modification to the boundaries of any zoning districts.

C. Rezoning Historic Preservation Zoning Map

See **4.2.3. Historic Preservation Zoning Map Amendments**.

D. Planning and Zoning Commission Recommendation Requires Public Hearing

1. The Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and report to the City Commission.

2. In the case of a Zoning Map Amendment (Rezoning):

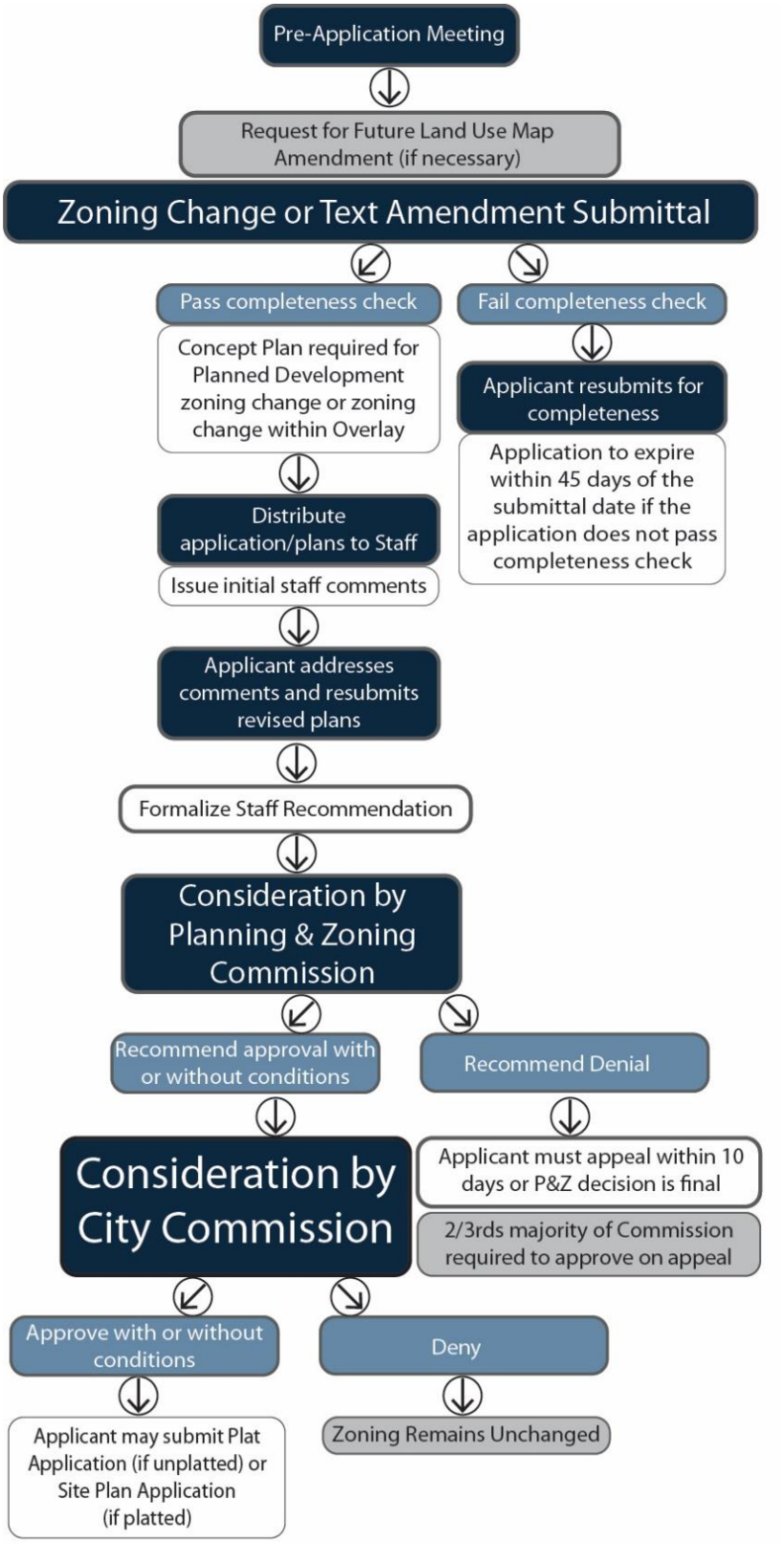
a. Written notice of all public hearings before the Planning and Zoning Commission on a proposed Zoning Map Amendment (Rezoning) shall be sent to all owners of real property within the zoning amendment area and within two hundred (200) feet of the zoning amendment area or property on which the change is requested.

b. Such notice shall be given not less than fifteen (15) calendar days before the date set for hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved City tax roll or County tax roll for the area affected.

c. The requested Zoning Map Amendment (Rezoning) must be in accordance with the adopted Comprehensive Plan.

d. For selected zoning districts, each rezoning application shall be accompanied by a Site Plan (see **4.2.4 Site Plan**).

Figure 4.2-1. Overview of the Zoning Text and Map Amendment Process



E. City Commission Decision and Public Hearing Required

1. A public hearing shall be held by the City Commission before adopting any proposed amendment.
2. Notice of the time and place of the hearing must be published in a newspaper of general circulation in the City before the fifteenth (15^{th}) calendar day before the date of the hearing.

F. Three-Fourths City Commission Vote Required for Protested Amendments

1. If qualified property owners file a protest with the City Secretary against a proposed Zoning Map Amendment consistent with **2** below, the Zoning Map Amendment will not become effective except by a three-quarter (3/4) vote of the City Commission.
2. Two Types of Eligible Protesters:

   a. Protesters Within the Zoning Amendment Area

   The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area included within a proposed amendment boundary.

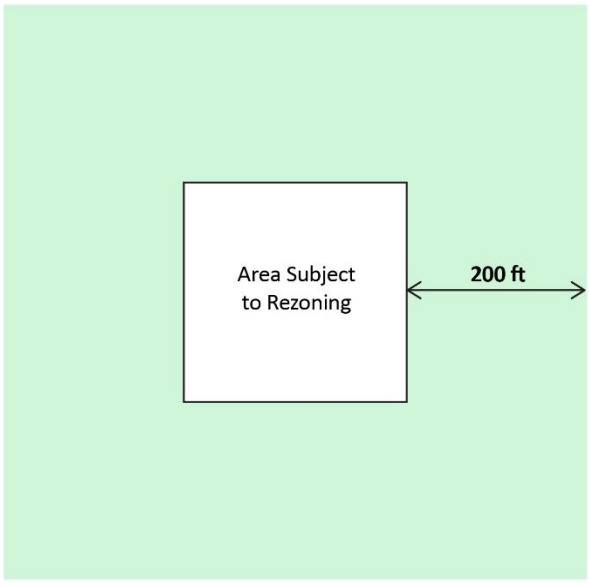
   b. Protesters Outside of the Zoning Amendment Area

   The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area within a two hundred (200) foot radius of the exterior boundary of the area included in a proposed amendment.

G. Calculation Example

Assume that the two hundred (200) foot buffer surrounding the area subject to rezoning includes ten (10) acres. If an individual owns two (2) acres within the buffer, his/her protest would constitute twenty (20) percent (see **Figure 4.2-2. Calculation of Notification Area**).

Figure 4.2-2. Calculation of Notification Area



Notifications are sent to all property owners within 200 ft of the area proposed for rezoning, as shown on the most recent tax roll.



Opposition to the rezoning by property owners representing 20% or greater of the notification area would trigger a requirement for a 3/4 vote of the City Council to approve the rezoning.

H. Three-Fourths City Commission Vote Required After Planning and Zoning Commission Denial

1. If the Planning and Zoning Commission votes to recommend denial of an application for zoning map amendment, the recommendation of denial is considered final unless the applicant appeals within ten (10) days of the Commission's decision.
2. The applicant is responsible for paying any appeal fees that appear in the City's adopted Fee Schedule at the time the applicant files the appeal with the Planning Director.
3. The City Commission must vote by a three-quarter (3/4) majority or greater to approve the application on appeal.

I. Effect of City Commission Decision

1. If the City Commission approves the request, the Planning Director will revise the Official Zoning Map and reference the date of City Commission action and the ordinance number adopting the zoning change.
2. If the City Commission denies the request, the applicant may not submit the same request for at least one (1) year following the date of the City Commission's decision.

4.2.3 HISTORIC PRESERVATION ZONING MAP AMENDMENTS

A. Process Requirements

1. Historic Preservation (HP) Zoning Changes Require City Commission Approval

The City Commission may change, by ordinance, the boundaries of the HP overlay or a base zoning district within the HP overlay as shown on the Official Zoning Map (referred to in this section as HP rezoning).

2. HPC and PZ Commission Recommendation Required for all HP Rezonings

The City Commission will not take action on any proposed HP rezoning until the Historic Preservation Commission (HPC) and Planning and Zoning Commission each hold a public hearing and issue a recommendation on the HP rezoning.

3. Initiation of HP Rezoning

a. The City Manager or their designee or any person or corporation having a proprietary interest in any property may petition the City Commission for a change to the HP overlay; or

b. The HPC may, on its own motion or on request from the City Commission, study and propose HP overlay changes for the City Commission's consideration.

B. Preservation Officer and HPC Action

1. A request for HP rezoning must include a complete application provided by the Historic Preservation Officer (HPO).

C. Public Notice and Sign Posting for HP Rezoning

1. In addition to the notification requirements listed under **4.2.1**, prior to the public hearing before the HPC, the HPO shall send written notice according to the following procedure:

(i) At least seventy-two (72) hours before the public hearing before the HPDRB, the HPO will send written notice of the public hearing to the representative of each Qualified Neighborhood Organization within three hundred (300) feet of the boundary of the proposed HP rezoning and to each property owner within the boundary of the proposed HP rezoning.

(ii) The HPO shall serve the written notice by depositing the notice, postage paid, in the regular United States mail.

(iii) The written notice must include:

(1) Legal description of the property and the street address or approximate location within the City;

(2) Present zoning classification of the property and the zoning sought by the applicant. If the request is to expand or contract the HP overlay, the notice shall include a description of the area of expansion or contraction;

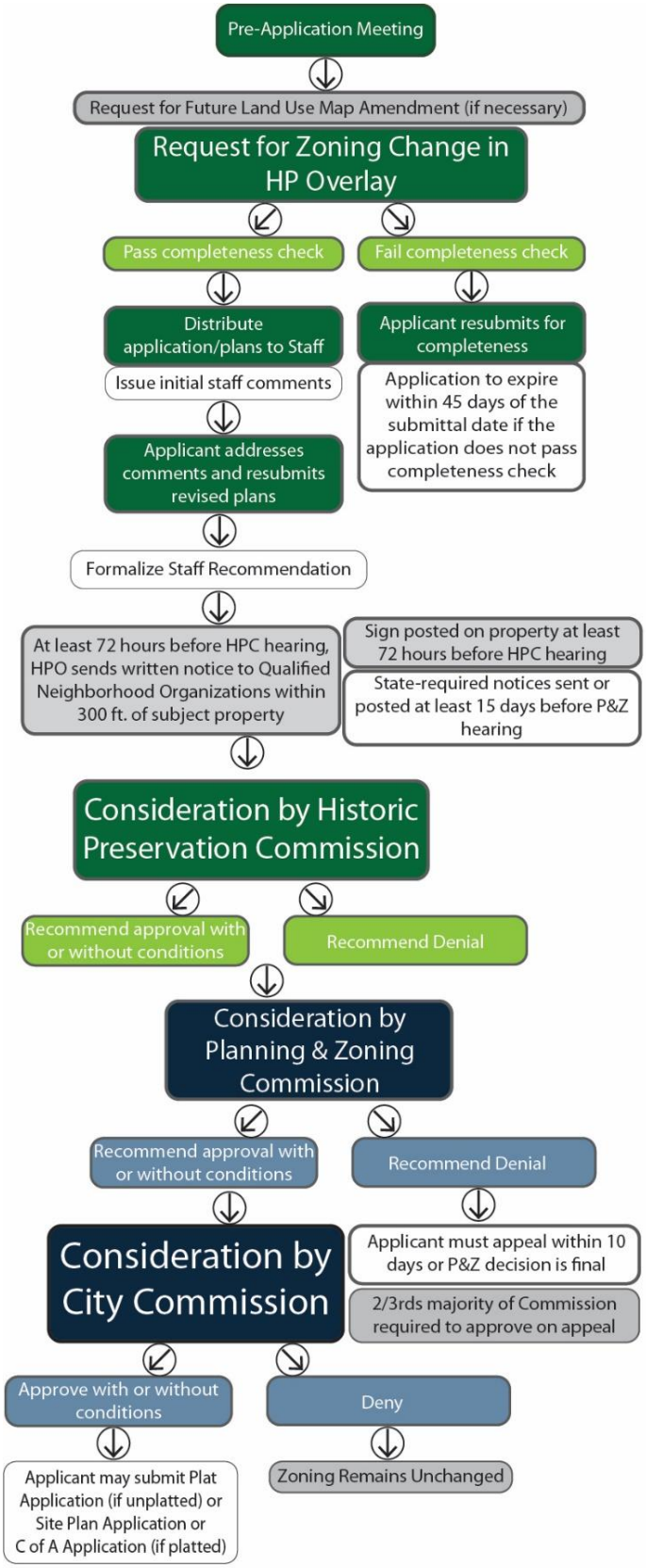
(3) The date, time, and place of hearing;

(4) The web site that contains the zoning map and information regarding the rezoning;

(5) The phone number where questions may be answered; and

(6) Other information as may be necessary to provide adequate and timely public notice.

Figure 4.2-3. Overview of HP Zoning Change Process



2. At least seventy-two (72) hours prior to the public hearing before the HPC, a sign must appear upon the property that conforms to the following:

   a. The sign shall state that the property is the subject of an HP rezoning application;

   b. The HPO shall furnish and post the sign on the property proposed to be rezoned;

   c. The applicant must maintain the sign continuously on the property in a place visible from the abutting street until the City Commission makes its decision on the HP zoning map amendment;

   d. If more than one street abuts the property or the property has more than three hundred (300) feet of frontage, the HPO may require more than one sign on the property.

3. Effect of Posted Sign Maintenance

   If the sign becomes lost or damaged due to theft, weather, or other cause beyond the control of the applicant, it will not invalidate a public hearing, the adoption of any proposed HP rezoning, or any other official action concerning such zoning map amendment.

D. Planning and Zoning Commission Recommendation Requires Public Hearing

1. Following review and recommendation by the Historic Preservation Officer and the HPC, the Planning and Zoning Commission shall hold a public hearing on any application for any HP zoning change prior to making its recommendation and report to the City Commission.

2. The Planning Director will provide notice of the public hearing in accordance with **4.2.1**.

E. City Commission Decision and Public Hearing Required

1. Following review and recommendation by the Planning and Zoning Commission, a public hearing shall be held by the City Commission before adopting any proposed HP rezoning.

2. The Planning Director will provide notice of the public hearing in accordance with **4.2.1**.

F. Three-Fourths City Commission Vote Required for Protested Amendments

The requirements of **4.2.2F**. apply to any qualified protest of a request HP rezoning.

G. Three-Fourths City Commission Vote Required After Planning and Zoning Commission Denial

1. If the Planning and Zoning Commission votes to recommend denial of an application for zoning map amendment, the recommendation of denial is considered final unless the applicant appeals within ten (10) days of the Commission's decision.

2. The applicant is responsible for paying any appeal fees that appear in the City's adopted Fee Schedule at the time the applicant files the appeal with the Planning Director.

3. The City Commission must vote by a three-quarter (3/4) majority or greater to approve the application on appeal.

H. Effect of City Commission Decision

1. If the City Commission approves the request, the Planning Director will revise the Official Zoning Map and reference the date of City Commission action and the ordinance number adopting the zoning change.

2. If the City Commission denies the request, the applicant may not submit the same request for at least one (1) year following the date of the City Commission's decision.

4.2.4 SITE PLAN

A. Purpose

1. The purpose of the Site Plan process is to coordinate and expedite review of proposed improvements to property. Through Site Plan review, the City and other jurisdictional agencies can effectively apply the standards of this UDC and other applicable development standards to Multi-Family, Mixed-Use, and Nonresidential development.
2. This process is intended to promote the efficient use of land, safe vehicular and pedestrian circulation, appropriate provision of landscaping, open space, parking, screening, and Lighting.

B. Design Standards and Specifications

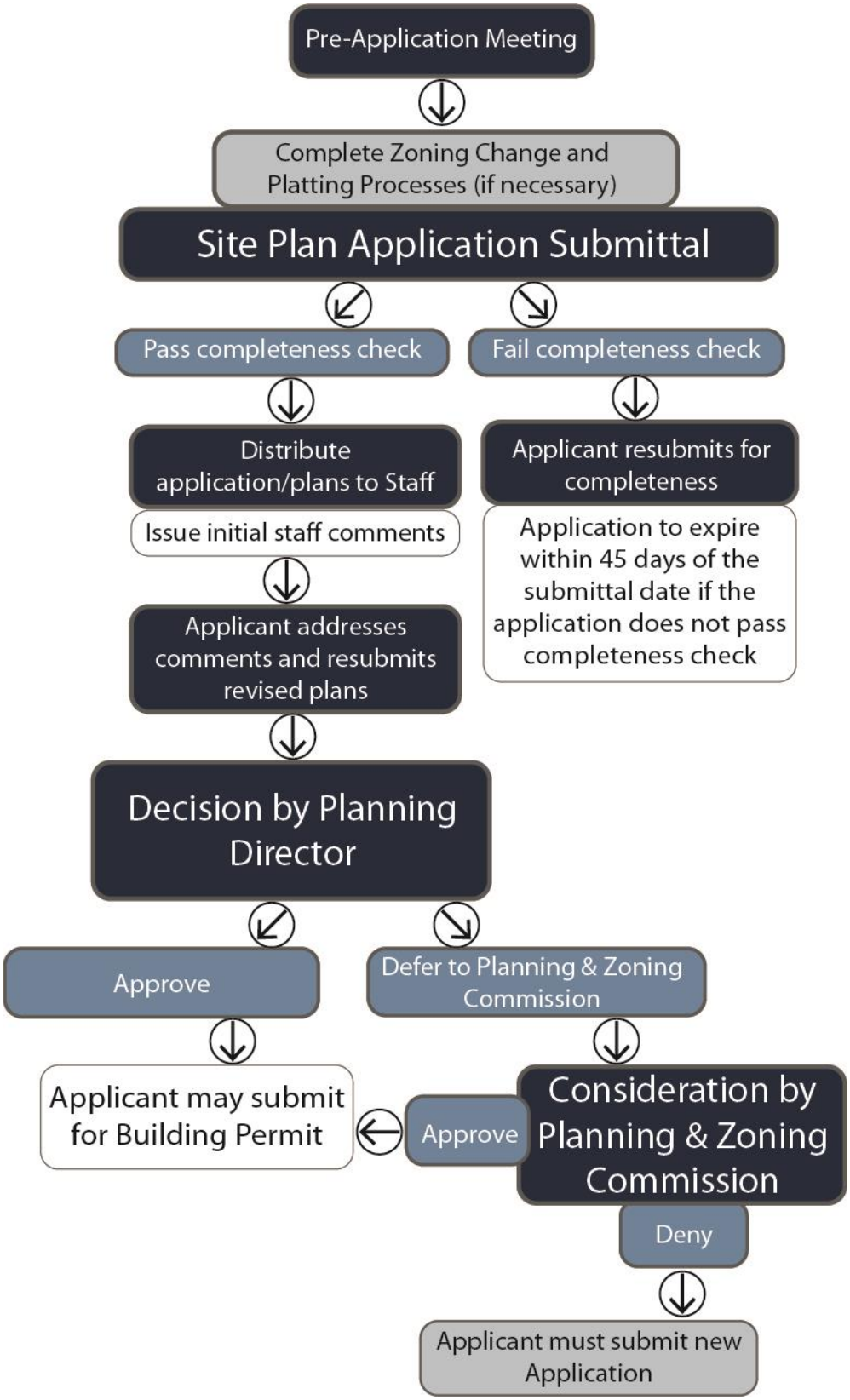
All Site Plans must conform with applicable requirements and regulations found in the following documents or articles:

1. **Article 3. Subdivision Regulations**;
2. **Article 4. Zoning Regulations**;
3. Fire Code;
4. Building Code;
5. Engineering Criteria Manual;
6. Any design standards and specification approved by the City Commission following adoption of this UDC.

C. Site Plan Applicability

1. The following applications require Site Plan approval:
   a. A request for approval to construct one (1) or more residential buildings consisting of more than three (3) units per building;
   b. A request for approval to construct residential and nonresidential uses in the same building (Mixed-Use);
   c. A request for approval to construct a nonresidential development;
   d. A request for approval to construct a building within a Planned Development district, unless otherwise exempted in this UDC or in the ordinance adopting the Planned Development district;
   e. A request for a shared nonresidential facility within a residential Subdivision, such as a clubhouse, pool house, or gated entry maintained by a Homeowners' Association;
   f. A request for approval of a Specific Use Permit, unless otherwise exempted in **4.2.7** or this UDC; or
   g. Expansion or reconstruction of a building identified in this subsection **4.2.4C.1** or an existing building that changes from a use not listed in this subsection **4.2.4C.1** to a use identified in this subsection **4.2.4C.1** or a use that requires a Specific Use Permit.
2. Residential development that is platted and consists of three (3) or fewer units is exempt from the requirement to Site Plan and may apply for a building permit by submitting a Plot Plan (see **4.2.8B.7.c**).

Figure 4.2-4. Overview of the Site Plan Process



D. Fees, Forms, and Procedures

1. The City's adopted Fee Schedule will establish fees relating to the Site Plan approval process.

2. The City will not approve a Site Plan for a property until the property owner provides evidence demonstrating payment of indebtedness (see **2.3.3E**)

3. The City is hereby authorized to prepare application forms that include requirements for information, checklists, architectural or engineering drawing sizes and contents, contact information for the property owner, applicant, and technical consultants, and any other information necessary to review the application for compliance with City codes.

4. The applicant is responsible for scheduling and attending a Pre-Application meeting and submitting the application by the deadline indicated on the City's published Development Schedule.

5. The Planning Director is responsible for maintaining and making available the application forms.

6. The application forms may be revised or changed at any time without notice.

E. Approval Process

1. Administrative Site Plan

a. The Planning Director is responsible for approving a Site Plan with no associated Specific Use Permit if it meets all the requirements of the UDC and the following criteria:

(i) The Site Plan complies with the regulations of this UDC, the underlying zoning district, and all other applicable development regulations;

(ii) The Site Plan ensures the efficient use of land, safe vehicular and pedestrian circulation, appropriate provision of Landscaping, Lighting, Fencing and Screening, and Parking;

(iii) The property is served or will be served by Adequate Public Facilities;

(iv) The Site Plan coordinates and correctly documents Public Facilities or their construction;

(v) The Site Plan does not conflict with any requirements or standards of **Article 3. Subdivision Regulations** or the applicant has obtained the necessary Subdivision Waiver;

(vi) The Site Plan provides for coordination of streets consistent with the Future Thoroughfare Plan, including providing deceleration lanes, median openings, and turn bays, and provides access between properties, where practical, through one (1) or more driveway stub-outs (see **3.4.7C**) and one (1) or more Cross Access Easements;

(vii) The design and location of parking areas and loading facilities ensures that all spaces are usable and safely located (see **4.6.2**);

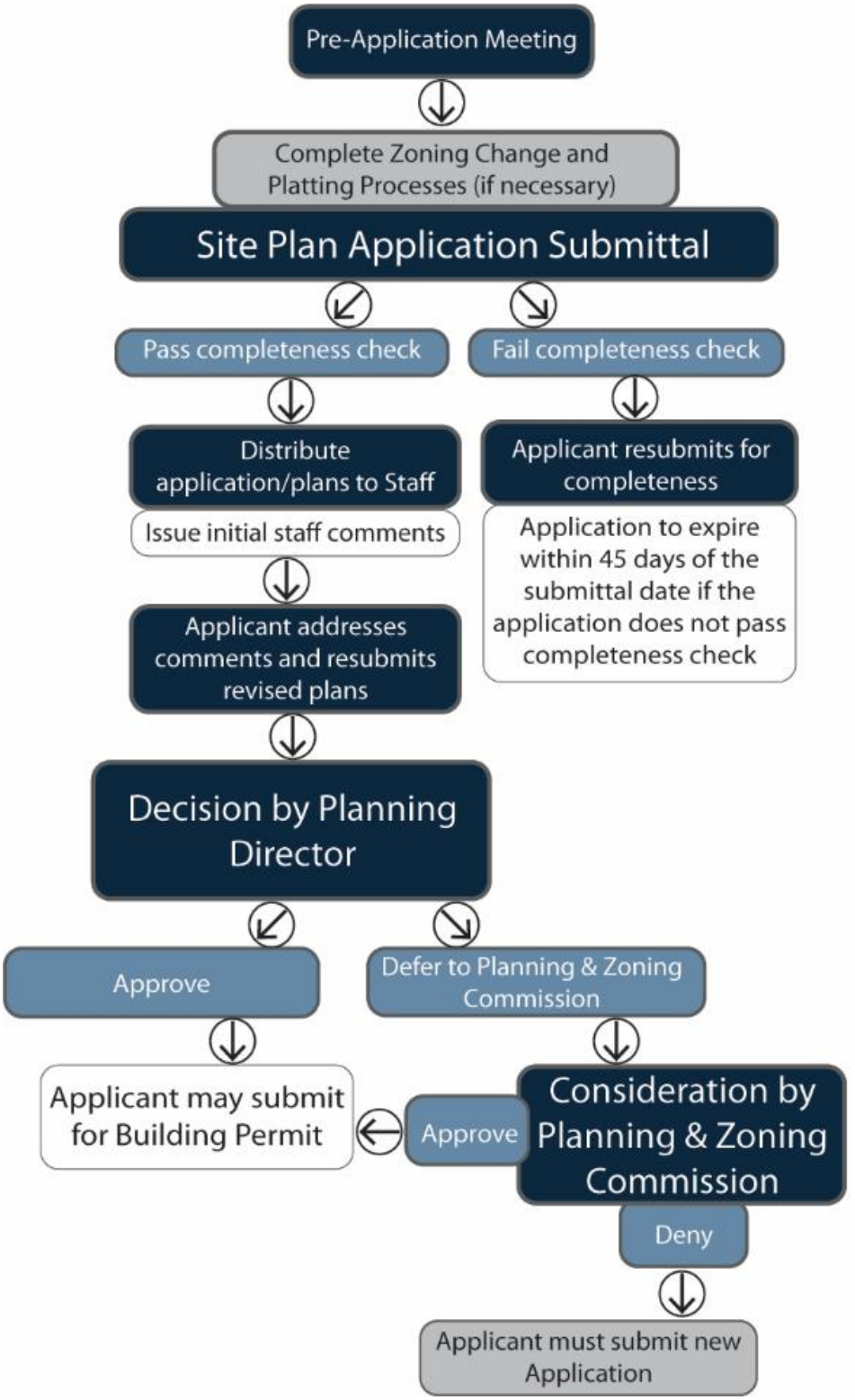
(viii) The Site Plan provides sufficient landscaping and screening to adequately buffer and shield lights, noise, movement, or activities from abutting properties and complement and integrate the design and location of buildings into the overall site design (see **4.6.3 Landscaping** and **4.6.4 Fencing and Screening**);

(ix) The Site Plan provides sufficient width and suitable grade to accommodate potential traffic and to provide access for garbage disposal, firefighting and emergency equipment.

b. The Planning Director may authorize review and approval of a Site Plan simultaneously with review and approval of a building permit.

c. The Planning Director will deny any Site Plan application that does not meet the criteria listed in **a** above.

Figure 4.2-5. Overview of the Site Plan Approval Process



(i) Exterior Lighting is designed to ensure the safety of visitors to the site and to building occupants, and minimizes Glare and reflection of light upon abutting properties (see 4.6.7);

(ii) The Site Plan provides and configures open space in a way that ensures such areas are usable for the planting and sustenance of trees and shrubs, provides an area for safe pedestrian paths and for seating and shaded areas, contributes to the objectives of 4.6.3 Landscaping., and prevents large expanses of paved area;

(iii) The Site Plan protects and conserves soil from erosion by wind or water; and

(iv) The Site Plan complies with 5.6. Stormwater Management.

d. Planning Director Action

(i) The Planning Director will inform the applicant of any deficiencies and provide instructions for the resubmittal of corrected plans in accordance with the City's adopted Development Schedule.

(ii) The Planning Director may not deny a Site Plan but may defer any Site Plan he or she refuses to approve to the Planning and Zoning Commission for approval or denial.

e. Letter of Decision

The Planning Director will issue an official Letter of Decision within ten (10) calendar days of the date the Site Plan is approved or denied.

2. Site Plan with Specific Use Permit Request

A Site Plan associated with a Specific Use Permit must conform with the following criteria (for process to approve a Specific Use Permit without a Site Plan, see 1 above):

a. After the Planning Director determines a Site Plan application is complete (see 2.3.4), the Planning Director will conduct an administrative technical review of the application.

b. The purpose of the review is to determine the following:

(i) The Site Plan and associated Specific Use Permit comply with the regulations of this UDC, the underlying zoning district, and all other applicable development regulations;

(ii) The Site Plan and associated Specific Use Permit promote the goals and objectives of the Comprehensive Plan;

(iii) The property is served or will be served by adequate public facilities;

(iv) Buildings and structures utilized in the operation of the Specific Use Permit are adequate to support the use or can be improved to support the use;

(v) The Site Plan coordinates and correctly documents Public Improvements or their construction;

(vi) The Site Plan and associated Specific Use Permit prevent or mitigate any adverse impacts, including overcrowding and congestion;

(vii) The Site Plan and associated Specific Use Permit does not conflict with any requirements or standards of Article 3. Subdivision Regulations or the applicant has obtained the necessary Subdivision Waiver (see 3.5.1);

(viii) The Site Plan provides for coordination of streets consistent with the Transportation Plan, including providing deceleration lanes, median openings, and turn bays, and provides access between properties, where practical, through one (1) or more driveway stub-outs (see 3.4.7C) or one (1) or more Cross Access Easements;

(ix) The design and location of parking areas and loading facilities ensures that all spaces are usable and safely located (see 4.6.2);

(x) The Site Plan provides sufficient landscaping and screening to adequately buffer and shield lights, noise, movement, or activities from abutting properties and complement and integrate the design and location of buildings into the overall site design (see 4.6.3 Landscaping and 4.6.4 Fencing and Screening);

(xi) The Site Plan provides sufficient width and suitable grade to accommodate potential traffic and to provide access for garbage disposal, firefighting and emergency equipment;

(xii) Exterior Lighting is designed to ensure the safety of visitors to the site and to building occupants, and minimizes Glare and reflection of light upon abutting properties (see 4.6.7);

(xiii) The Site Plan provides and configures open space in a way that ensures such areas are usable for the planting and sustenance of trees and shrubs, provides an area for safe pedestrian paths and for seating and shaded areas, contributes to the objectives of 4.6.3 Landscaping, and prevents large expanses of paved area;

(xiv) The Site Plan protects and conserves soil from erosion by wind or water; and

(xv) The Site Plan complies with 5.6. Stormwater Management.

c. Use of Existing Building

(i) If the Site Plan and Specific Use Permit request involves use or expansion of existing buildings or structures, the Building Official may conduct an inspection of buildings or structures to be utilized or expanded with the Specific Use Permit prior to or after the applicant submits an application for Specific Use Permit to determine the adequacy of the buildings or structures to support the proposed use and to make recommendations for improvements to the buildings or structures.

(ii) The City Commission may condition approval of the Site Plan with Specific Use Permit on compliance with the Building Official's recommendations, and the Building Official may withhold a Certificate of Occupancy if the buildings or structures do not comply with the conditions.

d. Public Hearings Required

The Planning Director will review the Site Plan according to the criteria in b above and will prepare a report with a recommended action to the Planning and Zoning Commission.

(i) The Planning Director will post public notice and mail individual notices to property owners within 200 feet of the subject property describing the request for Site Plan associated with a Specific Use Permit according to the same requirements found in 4.2.1.

(ii) The Planning and Zoning Commission will conduct a public hearing, consider the report and recommendation of the Planning Director, and make recommendation to the City Commission.

(iii) If the Planning and Zoning Commission recommends denial of a Site Plan with associated Specific Use Permit, City Commission may only approve the application by a two-thirds (2/3rds) majority.

(iv) The City Commission may, after conducting a public hearing, vote to approve, approve with conditions, or deny the Site Plan and associated Specific Use Permit.

(v) If the City Commission denies the request, the applicant may not submit the same request for at least one (1) year following the date of the City Commission's decision.

e. Letter of Decision

Once City Commission approves, approves with conditions, or denies the Site Plan and associated Specific Use Permit, the Planning Director will issue an official Letter of Decision within ten (10) calendar days.

F. Site Plan Effect of Approval

1. By approving a Site Plan, the City authorizes the applicant to apply for approval of a Building Permit and to receive approval of Construction Plans associated with the property for which the Site Plan was approved.
2. During the time the Site Plan remains valid, the City will not apply additional requirements concerning building placement, streets, drives, parking, landscaping, or screening.
3. Site Plan approval is separate and distinct from other permits and approvals required by the UDC or other regulatory agencies.

G. Amendments to Approved Site Plans

The Planning Director may administratively approve changes from an approved Site Plan without requiring the applicant to submit a new Site Plan, if the requested changes meet the following criteria:

1. Adjustments of no more than ten percent (10%) or fifty (50) feet in any direction, whichever is less, to the location or configuration of roadways, sidewalks, utilities, parking areas, buildings, landscape features (shrubs and trees), ponds, or any other improvements depicted on the Site Plan.
2. Adjustments of no more than five percent (5%) to the building square footage of any individual building to be constructed within the area of the Site Plan. Administrative adjustments made by the Planning Director must comply with limitations (minimum or maximum) on impervious cover, height, or floor area for the district.
3. Adjustments of no more than five percent (5%) to the parking required within the area of the Site Plan.
4. Is a minor adjustment to flat work such as curbs, sidewalks, streets, decks, and other paved areas if there is no net increase in impervious coverage within the area of the Site Plan.
5. Adjusts any building façade, including adjustments to materials, colors, windows, weather protection such as awnings and porticos, or building height adjustments of ten (10) feet or less. The Planning Director is not authorized to make an administrative adjustment that increases residential unit density, adds one or more floors, or reduces compliance with any architectural or building height requirements of this UDC.
6. Is a minor adjustment to landscaping shown on the Site Plan, provided that the revision complies with 4.6.3.
7. Does not authorize the construction or relocation of any retaining wall, regardless of whether the retaining wall is shown on the Site Plan.

H. Dormant Site Plans and Site Plan Expiration

1. Other than Site Plans associated with an SUP, a Site Plan approval expires two (2) years from the approval date unless an applicant or property owner demonstrates Progress Toward Completion or a new Site Plan is approved for the property.
2. If other plans, plats, permits or other activity qualifying as Progress Toward Completion are approved for a portion of the property for which a Site Plan has been approved, the Site Plan for the remaining

portion will expire unless otherwise exempted from expiration by this UDC, a Development Agreement, or by State Law.

3. If a Site Plan expires, all vesting claims shall also expire on the property, and the applicant must submit a new Site Plan subject to the regulations in place at the time.

I. Revocation of Site Plan approval

The City may revoke approval of a Site Plan if the City determines that the applicant has not met the conditions of approval or if the Site Plan contains, or is based upon, incorrect information or if approval was obtained using fraud or deceit.

J. Additional Development, Site Modifications, or Redevelopment

Following the completion of improvements shown on an approved Site Plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised Site Plan, which shall be considered a new project and shall require submittal and approval of a revised Site Plan.

4.2.5 CERTIFICATE OF APPROPRIATENESS AND DEMOLITION IN THE HP OVERLAY

A. Applicability

This **Section 4.2.5** applies to existing buildings or structures within the HP Overlay district. For new development or construction within the HP Overlay district, see **4.6.11. Development in the Historic Overlay**.

B. Fees, Forms, and Procedures

1. A Certificate of Appropriateness is required prior to issuance of a Building Permit, permit for a Sign, or Certificate of Occupancy.
2. If the work requires permitting, the Building Official must transmit a signed letter to the Historic Preservation Officer (HPO) certifying that the application for Building Permit, Sign Permit, or Certificate of Occupancy is complete.
3. The City's adopted Fee Schedule will establish fees relating to the Certificate of Appropriateness approval process.
4. The City will not approve a Certificate of Appropriateness for a property until the property owner provides evidence demonstrating payment of indebtedness (see **2.3.3E**)
5. The City is hereby authorized to prepare application forms that include requirements for information, checklists, architectural drawing sizes and contents, contact information for the property owner, applicant, and technical consultants, and any other information necessary to review the application for compliance with City codes.
6. the HPO is responsible for maintaining and making available the application forms applicable to a request for a Certificate of Appropriateness.
7. The application forms may be revised or changed at any time without notice consistent with the UDC.

C. Exemptions

The following are exempt from the requirement to obtain a Certificate of Appropriateness:

1. Routine maintenance of existing landscaping.
2. Removal of a non-historic fence.
3. Replacement of window glass.
4. Changing the message on a marque or changeable message sign.
5. Installing a banner (see **5.3.3C.2**)

D. Heritage Officer Action

1. The HPO will inform the applicant of any deficiencies within ten (10) business days of the date the applicant files the application for a Certificate of Appropriateness and will provide instructions for the resubmittal of corrected plans in accordance with **TLGC Chapter 245**.
2. The HPO may require the applicant to attend a pre-application meeting prior to submitting an application.
3. A completed application must include the following:
    a. Proposed building elevations, if the work will affect a building façade;

b. Site plan, if the work will include an addition to the building or installation of fences, walls, ramps, hardscape, accessory buildings, driveways, sidewalks, patios, decks, or other addition or installation;

c. Photographic documentation of the original building condition, if available; and

d. Specifications, drawings, material samples, or other reasonable request for information made by the HPO.

4. The HPO is authorized to administratively approve any application for a Certificate of Appropriateness that meets the following conditions:

a. Ordinary Repair and Maintenance

(i) Repair using the same material and design as the original building or structure and the repair requires no structural modifications.

(ii) Repainting using the same color.

(iii) Reroofing using the same type and color of material.

(iv) Repair of sidewalks and driveways using the same type and color of materials.

b. Doors and Entrances

(i) Removal of a non-historic or non-contributing door and replacement with a door that is more appropriate to the era of the building's construction.

(ii) Removal of burglar bars

(iii) Repair or minor modification to exterior steps or stairways using the same material and design as the original.

(iv) Reopening of an enclosed porch if the removal returns the porch to its original condition, materials, and appearance.

c. Windows

(i) Removal of non-historic windows if replaced by windows that match the original windows in materials and design.

(ii) Restoring original window openings.

(iii) Removal of non-historic shutters or metal awnings.

(iv) Repair of window framing.

(v) Installation of vents or louvers if placed within an existing opening and there is no modification to the building other than removal of glazing panels.

(vi) Removal of burglar bars.

d. Siding

(i) Removal of non-historic siding if the removal uncovers or exposes historic siding. HPC approval is required if the historic siding is missing or damaged and requires replacement following removal of non-historic siding.

e. Roofing (Change of Materials or Color)

(i) Removal of composite roof shingles if replaced with original roofing materials, including clay tiles or metal.

(ii) Change of composite roof color.

(iii) Change of metal roof color.

(iv) Replacement of guttering.

f. Accessory Structures

(i) Construction of, or addition to, an accessory building or structure in the rear yard and not visible from the street.

(ii) Construction of, or addition to, an accessory building or structure less two hundred (200) square feet in a rear yard but where one or more sides are visible from a street, if the proposed building or structure matches the architecture, materials, and style of the primary building on any side visible from a street.

g. Rear Additions

(i) An addition to the rear of a building if the addition is less than two hundred (200) square feet, expands an existing non-historic section of the building, including an earlier addition or area that uses non-historic materials, matches the existing roof ridgeline, and is not visible from a street.

h. Painting

(i) Reasonable changes to paint color on an existing painted surface consistent with the rest of the historic district or landmark characteristics.

(ii) Paint removal, pressure washing using water only, or graffiti removal, if performed using the most recent Standards for Rehabilitation published by the Office of the Secretary of the Interior or successor standards.

i. Landscaping

(i) Replacement of paved or impervious areas with sod or landscaping.

(ii) Sprinkler system installation.

(iii) Replacement of landscaping or sod areas with xeriscaping, if the replacement complies with 4.6.3 and 5.1, is in character with the historic district, and does not remove any historic or Contributing Elements.

(iv) New plantings that comply with 4.6.3 and that are in character with the historic district.

j. Hardscaping

(i) Extension or expansion of a driveway if the new driveway area measures no more than twelve (12) feet in width not to exceed fifty percent (50%) of the lot width.

(ii) Construction of a parking pad no more than eight (8) feet wide and extending perpendicular to an existing driveway on the same lot a distance of not more than eighteen (18) feet, unless the driveway loops back to the street with a design that meets the specifications required for the street type to which the driveway connects (see 3.4.7).

(iii) Sidewalks within the property that are less than eight (8) feet in width are exempt from depth or length restrictions provided they are constructed with concrete or a material consistent with a historic sidewalk based on photo documentation.

k. Fences, Railings, and Walls

(i) Replacement of chain link, plywood, vinyl, or other non-historic fence material with wood, wrought iron, garden loop, or masonry fence that is consistent with fences in the historic district.

(ii) Recreation of a historic fence or handrail based on photo documentation.

(iii) New fence, railing, or wall within the side or rear yard or property line that does not replace an existing fence, railing, or wall.

l. Signs

(i) Changes to content or configuration, such as changes of copy, re-painting, or re-facing the sign, and that do not change the location, area, or Lighting of the sign.

(ii) Signs consistent with a master sign plan previously approved by the HPC.

(iii) New permanent signs listed under 5.3.

m. Other New Construction Located Behind the Building and Not Visible from a Street

n. Other Changes, Repair, or Additions

(i) Interior work.

(ii) Changes to awning fabric color consistent with the historic district or landmark characteristics.

(iii) Renewal of an expired Certificate of Appropriateness if the expired Certificate complies with this UDC.

(iv) Removal of a prohibited element or feature; if the HPO determines that removal has the potential to damage or destroy other historic elements on the building, the HPO may defer approval to the HPC.

(v) Emergency measures to protect a feature or element, including weatherization or stabilization.

(vi) Foundation repair.

(vii) Installation of mechanical units such as HVAC, if screened in accordance with 4.6.4.

(viii) Electrical repair or installation other than Solar Panels or Solar Arrays.

(ix) Plumbing repair or installation.

(x) Satellite Earth Station less than one (1) meter or amateur radio antenna less than forty (40) feet, if located behind the front building line.

(xi) Glass replacement.

(xii) Dumpster screening if the material is consistent with the primary building on the same lot.

(xiii) Other rooftop equipment if screened in accordance with 4.6.4.

5. Administrative Action within Fourteen Days

Upon submittal of a completed application (see 4.2.5D.1), the HPO will approve or deny an application that meets the criteria for administrative approval in 4.2.5D.4 above and that meets the criteria for approval listed in **Subsection B.f** below within fourteen (14) business days of the date the application is determined to be complete.

6. Criteria for Approval

   a. In consideration of an application for Certificate of Occupancy, the HPO and HPC must refer to any design guidelines adopted by the City Commission to evaluate the proposed work.

   b. In addition, the preservation commission must consider specific factors related to the following:

      (i) The degree to which the proposed work is consistent with the applicable design guidelines;

      (ii) The degree to which the proposed work would destroy or alter all or part of a historic feature, element, or resource;

      (iii) The degree to which the proposed work would serve to isolate the historic resource from its surroundings, or introduce visual elements that are out character with a historic feature, element, or resource;

      (iv) The degree to which the proposed work is compatible with the significant characteristics of a historic feature, element, or resource; and

      (v) The purposes and intent of the HP district regulations and this UDC.

7. Application Forwarded to HPC for Approval or Denial

   a. If the application does not meet the criteria for administrative approval in 4.2.5D.4 above, or the HPO refuses to approve the application for any reason, the HPO will forward the application to the HPC.

   b. The HPO or HPC may request that the applicant provide additional documentation supporting the request, including architectural records and specifications.

8. Appeal of Administrative Action

   The applicant or any interested party may appeal the decision of the HPO to the HPC within ten (10) days of the date of decision.

E. HPC Action

1. The HPC will approve or deny an application within thirty-five (35) calendar days of the date the application is determined to be complete.

2. If an application is denied without prejudice due to insufficient information, the applicant may resubmit the request at any time.

3. If an application is denied with prejudice, the applicant may not resubmit the request until six (6) months have elapsed from the date of HPC decision.

4. Failure of the HPC to take action on the request within thirty-five (35) days constitutes approval of the request unless the applicant agrees to or requests an extension of the thirty-five (35) day period.

F. Letter of Decision

The Heritage Officer will issue an official Letter of Decision within ten (10) business days of the date the Certificate of Appropriateness is approved or denied.

G. Request for Demolition

1. Applicability

a. This Subsection F applies to any application for demolition in the HP overlay. No demolition, partial demolition, substantial alteration, or relocation of a building, structure, object, or other resource in the HP overlay shall occur until an application for demolition is approved.

b. The HPO may administratively approve applications for demolition permits for non-contributing minor outbuildings within the HD such as carports, detached garages, sheds, and greenhouses determined by the HPO to not possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.

2. Evidence of Unreasonable Economic Hardship

The applicant bears the burden of proof that a building or structure constitutes an unreasonable economic hardship. In considering a request for demolition, the HPC may require that the applicant provide the following:

a. The owner cannot make reasonable beneficial use of or realize a reasonable rate of return on a structure or site, regardless of whether that return represents the most profitable return possible, unless the proposed demolition or relocation is allowed;

b. The structure and property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, that would result in a reasonable rate of return; and

c. The owner has failed to find a purchaser or tenant for the property during the previous two years, despite having listed the property on the MLS, or for sale by owner with proof of advertising and or other substantive proof of effort to sell the property during that period.

d. The evidence of unreasonable economic hardship introduced by the owner may, where applicable, include proof that the owner's affirmative obligations to maintain the structure or property make it impossible for the owner to realize a reasonable rate of return on the structure or property.

3. Relief for Low-Income Resident Homeowner

a. When a low-income resident homeowner is unable to meet the requirements set forth in this section, the HPC may waive some or all of the requested information or request substitute information that the low-income resident homeowner may obtain without incurring undue costs.

b. If the HPC cannot make a determination based on information submitted and an appraisal has not been provided, then the HPC may request that an appraisal be made by the City within sixty (60) days, which will result in the application for demolition being held until the appraisal is complete.

4. HPC Consideration

The HPC must consider the public benefits obtained from retaining the cultural resource.

a. As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the HPC by affidavit:

(i) For all structures and property:

(1) The past and current use of the structures and property;

(2) The name and legal status (e.g., partnership, corporation) of the owners;

(3) The original purchase price of the structures and property;

(4) The assessed value of the structures and property according to the two most recent tax assessments;

(5) The amount of real estate taxes on the structures and property for the previous two years;

(6) The date of purchase or other acquisition of the structures and property;

(7) Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two years;

(8) All appraisals obtained by the owner or applicant within the previous two years in connection with the owner's purchase, financing or ownership of the structures and property;

(9) Any listing of the structures and property for sale or rent price asked and offers received;

(10) Any consideration given by the owner to profitable adaptive uses for the structures and property;

(11) Any replacement construction plans for proposed improvements on the site;

(12) Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and

(13) The current fair market value of the structure and property as determined by a qualified appraiser.

(14) Any property tax exemptions claimed in the past five years.

b. For income-producing structures and property:

(i) Annual gross income from the structure and property for the previous two years;

(ii) Itemized operating and maintenance expenses for the previous two years; and

(iii) Annual cash flow, if any, for the previous two years.

c. Loss of significance

(i) An applicant may provide to the HPC information which may show a loss of significance in regards to the subject of the application in order to receive HPC approval of the demolition.

(ii) If, based on the evidence presented, the HPC finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant it may make a recommendation for approval of the demolition.

(iii) In making this determination, the HPC must find that the owner has established by a preponderance of the evidence that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation.

(iv) Additionally, the HPC must find that such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.

(v) The HPC shall not consider or be persuaded to find loss of significance based on the presentation of circumstances or items that are not unique to the property in question and not shared by other similar properties in the HP district.

d. Proposed Replacement of Structure to be Demolished

For property located within a historic district, the HPC shall be guided in its decision by balancing the contribution of the property to the character of the HP Overlay with the special merit of the proposed replacement project.

(i) Documentation and Strategy

(1) Applicants that have received a COA regarding demolition may be required to document buildings, objects, sites or structures which are intended to be demolished with photographs and provide them to the HPO.

(2) Applicants may be required to prepare for the HPO a salvage strategy for reuse of building materials deemed valuable by the HPO for other preservation and restoration activities.

(3) Applicants that have received an approval of a COA regarding demolition shall be permitted to receive a demolition permit without additional HPC action on demolition, following the HPC's recommendation of a COA for new construction.

(4) Permits for demolition and construction may be issued simultaneously if requirements for new construction are met, and the property owner provides financial proof of his ability to complete the project.

(5) When the HPC recommends approval of a certificate for buildings, objects, sites, structures designated as historic, or for resources in the HP district, permits shall not be issued until all plans for the site have received approval from all appropriate City commissions and departments.

(6) Permits for parking lots shall not be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan was approved as a replacement element for the demolished object or structure.

e. Additional Request for Information

(1) In the event that the HPO or HPC determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the HPO shall notify the owner.

(2) Failure by the owner to submit such information within 15 days after receipt of such notice may be grounds for denial of the owner's claim of unreasonable economic hardship.

5. Postponement to Explore Alternatives to Demolition

a. The HPC may postpone action on the demolition request for up to sixty (60) days from the date the application is considered complete (see 4.2.5A). The HPC may institute the sixty (60) day period if it finds that the building or structure proposed for demolition exhibits one or more of the following characteristics:

(i) Character, interest, or value as part of the historic development, heritage or cultural characteristics of the City, state, or county.

(ii) Location as the site of a significant historic event.

(iii) Identification with a person who significantly contributed to the cultural and development of the City.

(iv) Contribution to the City's economic, social, or historical context

(v) Portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

(vi) Embodiment of distinguishing characteristics of an architectural type or specimen.

(vii) Identification as the work of an architect or master builder whose individual work has influenced the development of the City.

(viii) Embodiment of elements of architectural design, detail, materials, or craftsmanship that represent a significant architectural innovation.

(ix) Relationship to other distinctive buildings, sites, or areas which are eligible for preservation according to a plan based on historic, cultural, or architectural motif.

(x) Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or the City as a whole.

(xi) Archaeological value in that it has produced or can be expected to produce data effecting theories of historic or prehistoric interest.

b. The HPC must use this additional time to find alternatives to demolition.

c. If a feasible alternative is not found within the sixty (60) day period, the HPC shall forward the request for demolition to the City Commission.

6. Issuance of permit

a. When the HPC recommends approval of a COA regarding demolition of buildings, objects, sites, or structures in historic districts or historic sites that have been determined to be contributing, permits shall not be issued until all plans for the site have received approval from the City Commission.

b. Upon receiving the recommendation of the HPC, the City Commission must decide upon the request within thirty (30) days. If the City Commission does not issue a decision on the request within thirty (30) days, the request is automatically approved.

c. Once the replacement plans are approved a fee shall be assessed for the demolition based on the approved replacement plan square footage. The fee must be paid in full prior to issuance of any permits and shall be deposited into a City account directed by the HPO for the benefit and or rehabilitation of local historic resources including the prevention of demolition by neglect.

d. Fees shall be as follows and are in addition to any fees charged by the building department:

(i) 0—2,500 square feet = $1,500.00

(ii) 2,501—10,000 square feet = $4,000.00

(iii) 10,001—25,000 square feet = $10,000.00

(iv) 25,001—50,000 square feet = $20,000.00

(v) Over 50,000 square feet = $30,000.00

7. Treatment of Site Following Demolition

Following the demolition or removal of an historic resource located in the HP district, the applicant must do the following within sixty (60) days of demolition:

a. remove all traces of previous construction, including foundation;

b. Grade, level, sod and seed the lot to prevent erosion and improve drainage, and

c. Repair, at the applicant's expense, any damage to public rights-of-way, including sidewalks, curbs and streets, that may have occurred in the course of removing the building, object, or structure and its appurtenances.

8. Prevention of demolition by neglect.

a. Applicability

(i) The exterior features of any historic resource, objects, sites, or structures (including but not limited to structural elements, building materials, fences, light fixtures, steps, pavement, paths or any other appurtenant feature), or any type of outdoor advertising sign shall be preserved against decay and deterioration and kept free from certain structural defects.

(ii) The property owner must, upon written request by the HPO, repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to any of the following defects:

(1) Deteriorated or inadequate foundation (including piers, and perimeter beams), defective or deteriorated flooring or floor supports or flooring or floor supports or joists of insufficient size to carry imposed loads with safety;

(2) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;

(3) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective materials or deterioration. This includes members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;

(4) Fireplaces or chimneys that lean, list, bulge or settle due to defective material or deterioration. This includes fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;

(5) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors, including the following:

(a) Defective protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

(b) Any fault or defect in the building which renders same structurally unsafe or not properly watertight.

(6) In addition, the owner or other person having legal custody and control of an historic landmark or a building, object, site, or structure located in an historic district must keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the City's minimum housing codes and ordinances.

b. Petition to Correct Defects due to Neglect

(i) The HPO and the HPC are authorized to work with a property owner to encourage maintenance and stabilization of structures and identify resources available before taking enforcement action under this section.

(ii) The HPC, on its own initiative, or the HPO, under direction from the HPC, may file a petition with the Building Official petitioning that the City require correction of defects or repairs to any structure covered by this section so that such structure shall be preserved and protected in accordance with the purposes of this UDC and other applicable City ordinances.

c. Emergency Stabilization and Repair

(i) No structure may be demolished due to a public safety hazard until it has been inspected by the HPO.

(ii) The HPC has the right to delay demolition for up to sixty (60) days to consider alternative measures to secure the structure.

(1) If the HPC authorizes alternative measures to secure the structure, the HPO must determine a plan for the further protection of the structure in consultation with the Building Official and Fire Marshal.

(2) If no plan is developed, the HPC may approve an order for demolition and require documentation of the property and a plan for salvage (see **4.d(i)** above).

(iii) When applicable, a recommendation about the feasibility of rehabilitation shall be made by the HPC based upon a report from the HPO.

(iv) The City may repair deterioration that is jeopardizing the long-term viability of a structure and charge the costs to the owner as a lien against the property.

d. Enforcement, Violations, and Penalties

(i) A violation under this Subsection is any act of commission or omission contrary to this **4.2.5**.

(ii) The imposition of any penalty authorized in this Section does not preclude any aggrieved party from instituting civil action against a violation of this Section.

(iii) Prior to bringing any citation or penalty against a property owner, the HPO must serve notice to the property owner listing the violations under this Section and providing a reasonable period of time to cure the violations.

(iv) If the property owner fails to respond to the notice, cure the violation, or submit a plan to stabilize and repair the structure by the date listed in the notice, the City is authorized to begin abatement procedures, including the issuance of fines.

(v) Each day a violation of this Section is permitted to exist constitutes a separate offense.

(vi) The penalties for violation of this Section are as follows:

(1) Any person who constructs, reconstructs, alters, restores, renovates, relocates, stabilizes, repairs or demolishes any building, object, site, or structure in violation of this section must restore the building, object, site, or structure to its appearance or setting prior to the violation.

(a) Any action to enforce this provision shall be brought by the City of Brownsville.

(b) This remedy may be in addition to any criminal prosecution and penalty related to the violation.

(2) If construction, reconstruction, alteration, restoration, renovation, relocation, stabilization, or repair of a landmark or of any building, object, site or structure found to have significance or located in the HP district, or on publicly-owned land, or on a public right-of-way occurs without a permit, the property owner or person responsible may be fined up to $2,000.00 and the license of the company, individual, principal owner, or its or his successor in interest performing such construction, reconstruction, alteration, restoration, renovation, relocation, stabilization, or repair may be revoked for a period of three years.

(3) If demolition of an historic site or of any building, object, site, or structure found to have significance or located in an historic district or located on publicly-owned property, or on a public right-of-way occurs without a permit, the property owner or person responsible may be fined up to $2,000.00 and the license of the company, individual, principal owner; or its or his successor in interest performing such demolition may be revoked for a period of five years.

(4) The fines paid for violations of this section shall be deposited into a City account directed by the HPO for the benefit and or rehabilitation of local historic resources including the prevention of demolition by neglect (see **4.2.5G.8** above).

4.2.6 PLANNED DEVELOPMENT DISTRICT

A. Purpose

1. The base zoning districts established in 4.1.1 are intended to facilitate a broad range of development within appropriate areas of the City. However, the City recognizes that there are a variety of development types as well as unique areas within the City.
2. Therefore, the intent of this section to provide a mechanism for a specialized zoning district that facilitates the creation of developments that are unique due to one or more of the following factors:
   a. Natural setting or location on a highly visible or challenging property;
   b. The mixture of uses or the relationship between those uses;
   c. Coordination of multiple developers with particular specialties.
3. The Planned Development District is intended to establish specific development standards that ensure each Planned Development exceeds the standards of the equivalent base zoning districts.

B. Minimum Area Required for a Planned Development District

1. The minimum size for a Planned Development District is two (2) contiguous acres.
2. The minimum access width to a Planned Development District from a public street is fifty (50) feet.
3. The minimum gross size of an individual lot is 1,500 square feet with a minimum width of twenty (20) feet. Any lot under 3,000 square feet must provide compensating open space within the Planned Development District. The compensating open space shall be no less than 1,500 square feet per lot, in addition to other applicable open space requirements under 4.6.3, and shall have direct frontage along or within a public or private street.

C. Use of Planned Development District

The City Commission, at its discretion and in conformance to the Comprehensive Plan, may approve a Planned Development District to accomplish any of the following on a certain property:

1. Provide for a mix of any number or types of uses, provided each use requested appears on the Permitted Use Chart (see 4.4.3) at the time the City Commission approves the Planned Development District. An applicant may not use a Planned Development District to propose or authorize new uses not found on the Permitted Use Chart.
2. Provide for integrated design and placement of buildings using regulations that govern the bulk, height, footprint, and separation of buildings.
3. Preserve or enhance areas with environmentally significant natural features.
4. Provide for shared open space that supports a variety of temporary uses or events with flexible provisions for gathering, parking, vending, circulation, and staging.
5. Allow for alternate means of integrating or buffering uses proposed within the Planned Development District.
6. Creation of a coordinated and integrated transportation system throughout the district, including the provision of on and off-street parking, provided that the plan facilitates multiple transportation modes, provides sufficient emergency vehicle access, adequately manages stormwater runoff, and that any street not conforming to a standard street typology in this UDC are privately owned and maintained and placed within a separate lot deed restricted for shared use.

D. Fees, Forms, and Procedures

1. The City's adopted Fee Schedule will establish fees relating to the Planned Development District approval process.
2. The City will not approve a Planned Development District for a property until the property owner provides evidence demonstrating payment of indebtedness (see **2.3.3E**)
3. The City is hereby authorized to prepare application forms that include requirements for information, checklists, architectural or engineering drawing sizes and contents, contact information for the property owner, applicant, and technical consultants, and any other information necessary to review the application for compliance with City codes.
4. The applicant is responsible for submitting the application by the deadline indicated on the City's published Development Schedule.
5. the Planning Director is responsible for maintaining and making available the application forms applicable to a Planned Development District request.
6. The application forms may be revised or changed at any time without notice consistent with the UDC.

E. Pre-Application Meeting

The Planning Director may require that a Pre-Application Meeting take place prior to submittal of an application for a Planned Development District (see **2.2.1**).

F. Planned Development Master Plan Required

1. An application for a Planned Development District must be accompanied by a Planned Development Master Plan.
2. The Planned Development Master Plan shall consist of two components:
   a. Planned Development (PD) Design Statement; and
   b. Planned Development (PD) Concept Plan
3. The Planning Director, Planning and Zoning Commission, or City Commission may also require the applicant to produce other supporting maps demonstrating how the Planned Development District will meet the goals of this section and the Comprehensive Plan.
4. PD Design Statement

The PD Design Statement is a written report containing each of the following elements:

a. The name or title of the development authorized by the Planned Development District (PD);
b. Identification of the base district or districts upon which the PD regulations are based and a list of all standards applicable to the base district(s) that the applicant proposes to modify with the PD;
c. A list of requested Subdivision Waivers. Approval of a Subdivision Waiver with the PD will govern approval of the Preliminary Plat and Final Plat;
d. List of property owners and developers. If a master developer initiates the application, the PD Design Statement must contain, if known, a list of prospective developers for subsequent phases or areas within the PD;
e. A description of the location of the PD and its relationship to abutting land uses, whether existing or proposed, or the zoning of neighboring properties. The description should address at a minimum properties and land uses within one-quarter (1/4) mile of the PD. The Planning Director,

Planning and Zoning Commission, or City Commission may require that the description include properties outside of this area based on the size of the proposed PD or the projected impact or relationship between the proposed PD and abutting or adjoining districts;

f. A description of existing and proposed streets that abut, connect to, or may be impacted by the proposed PD;

g. A description of proposed streets within the PD, including any waivers to applicable street standards (see **3.5.1. Subdivision Waiver Petition**), street design and streetscape concepts, and the relationship of the proposed streets with existing or proposed streets outside the PD;

h. Written and illustrated description of the function and design of the PD, including acreage or square footage breakdown of land uses, sub-districts, or areas, building types, relationships between buildings, streets, and open space, residential density (if applicable), and proposed restriction of uses, building orientation, site access, and other characteristics that will define the district or other information deemed helpful or necessary by the applicant or the City. Images may be CAD rendered or images of existing locations.;

i. Analysis of existing elevation, slope, soils, tree cover, and drainage characteristics and the strategies the PD will utilize to protect and preserve these features in their natural condition;

j. Topographic map with minimum five (5) foot contour intervals;

k. Analysis of drainage area acreage and existing flood plain, if any;

l. Identification of existing and proposed utilities and Public Facilities;

m. Description of proposed phasing or sequence of development;

n. Additional material requested by the City.

5. PD Concept Plan

a. The PD Concept Plan (Concept Plan) is a graphic representation of the master plan for a PD.

b. The Concept Plan must be consistent with the PD Design Statement.

c. The Concept Plan must be created to a legible scale and contain sufficient detail to articulate the physical plan for implementing the components of the PD Design Statement within the context of the proposed PD.

d. Examples of components that should be included in the Concept Plan include locations of proposed streets, property lines, landmark features, entryway features, building locations, parking locations, common areas to be constructed with each phase of development and identification of the developer or developers responsible for constructing the common features, anticipated location of stormwater management facilities and the timing and responsibility for construction.

6. Approval of Planned Development Master Plan

Upon approval by City Commission, the Planned Development Master Plan will become part of the ordinance authorizing the Planned Development District.

7. Expiration of Planned Development Master Plan

a. The Planned Development Master Plan will expire one (1) year from the date of approval if the applicant has made no Progress Towards Completion within the Planned Development District.

b. If the Planned Development Master Plan expires, the applicant must submit a new Planned Development Master Plan for approval according to the procedures specified in this **4.2.6F** above.

c. Expiration of the Planned Development Master Plan does not invalidate the Planned Development District. Any new Planned Development Master Plan must comply with the Planned Development District regulations set forth in the adopting ordinance and with this UDC.

G. Approval Process

1. The Planning Director will review the Planned Development District according to the criteria in this **4.2.6** and will prepare a report with a recommended action to the Planning and Zoning Commission.
2. The Planning Director will post public notice and mail individual notices to property owners within 200 feet of the subject property describing the request for a Planned Development District according to the same requirements applicable to a zoning change request (see **4.2.2 Zoning Text and Map Amendments**).
3. The Planning and Zoning Commission will conduct a public hearing, consider the report and recommendation of the Planning Director, and make recommendation to the City Commission.
4. The City Commission may, after conducting a public hearing, vote to approve, approve with conditions, or deny the Planned Development District.
5. Once City Commission approves, approves with conditions, or denies the Planned Development District, the Planning Director will issue an official Letter of Decision within ten (10) calendar days.

H. Requirement to Submit Preliminary Plat for Planned Development District

1. If the applicant proposes to create a Subdivision of the approved Planned Development District, the applicant must prepare a Preliminary Plat following approval of the Planned Development District (see **3.2.1 Preliminary Plat**).
2. If a recorded Plat exists and is sufficient for the purposes of implementing the Planned Development District, the Planning Director may waive the requirement to provide a Preliminary Plat with approval of the Planned Development District.

I. Requirement to Submit Final Plat for Planned Development District

1. After Preliminary Plat approval, the applicant must prepare a Final Plat for the Planned Development District or for each phase of development. The Final Plat shall include all elements required for a Final Plat in **3.2.2** along with the following:
   a. Provisions for the ownership and maintenance of Common Areas and Stormwater Management Facilities that are not placed in City Right-of-Way.
   b. Dedication of the Common Areas and Stormwater Management Facilities listed in **Subitem a** above to a Homeowners Association along with a copy of the documents establishing the Homeowners Association.
2. If the applicant and City agree that a sufficient Final Plat exists and is of record, the applicant must submit proof of the items listed in **Subsection I.1.a** above before obtaining permits for construction, including a Building Permit.

J. Requirement to Submit Site Plan for Planned Development District

The applicant must submit a Site Plan for review and approval before receiving a permit to begin construction within the Planned Development District, including a Building Permit.

K. Planned Development Districts Approved Prior to UDC

1. A Planned Development District approved prior to adoption of this UDC is governed by the ordinance that created the original Planned Development or the most recent amendment to the ordinance.
2. If the ordinance establishing the Planned Development District provides for an expiration date, the expiration date in the ordinance will control. If the ordinance does not provide for an expiration date, the project will expire according to **4.2.6F.7** above.
3. Following adoption of this UDC, any amendment to a Planned Development District created prior to adoption of this UDC must comply with this **4.2.6**.

L. Amendments to Approved Planned Development Districts

1. The Planning Director may approve a request for a minor amendment to an approved Planned Development District (PD) if the Planned Development Master Plan is unexpired and the requested change meets the following criteria:
   a. The request does not have the effect of altering the PD boundaries.
   b. The request does not have the effect of authorizing uses that are prohibited or are not listed within the ordinance adopting the PD or amendment thereto or removing uses that are authorized.
   c. The request does not increase or reduce land allocated to a particular use or uses in a way that is inconsistent with the ordinance adopting the PD or amendment thereto.
   d. The request does not increase or decrease the residential density authorized in the PD by more than ten percent (10%).
   e. The request would not result in a net increase of impervious coverage or net decrease in park or landscaped area.
2. If the Planning Director finds that the request does not meet the above criteria, the applicant must submit the request to the City Commission as a Planned Development District request in accordance with the procedures of this **4.2.6**.

4.2.7 SPECIFIC USE PERMIT

A. Purpose

The uses listed under the various districts within the Use Chart as "S" are so classified because the City Commission has found that these uses may, because of their nature or intensity, be incompatible with other permitted uses in the same district or compatible only with mitigation imposed through standards and conditions attached to the use.

B. Specific Use Permit Applicability

1. The designation of a use as permissible by Specific Use Permit (SUP) does not mean that City Commission will approve the use at any location in the zoning district.
2. Approval of a SUP does not authorize any use other than the particular use authorized in the SUP.
3. A SUP is a land use entitlement granted to a particular property or location and may be transferred from owner to owner so long as the SUP remains unexpired (see **Section 4.2.7H.**)
4. No Specific Use Permit may be enlarged, extended, or relocated unless City Commission approves a new Specific Use Permit.

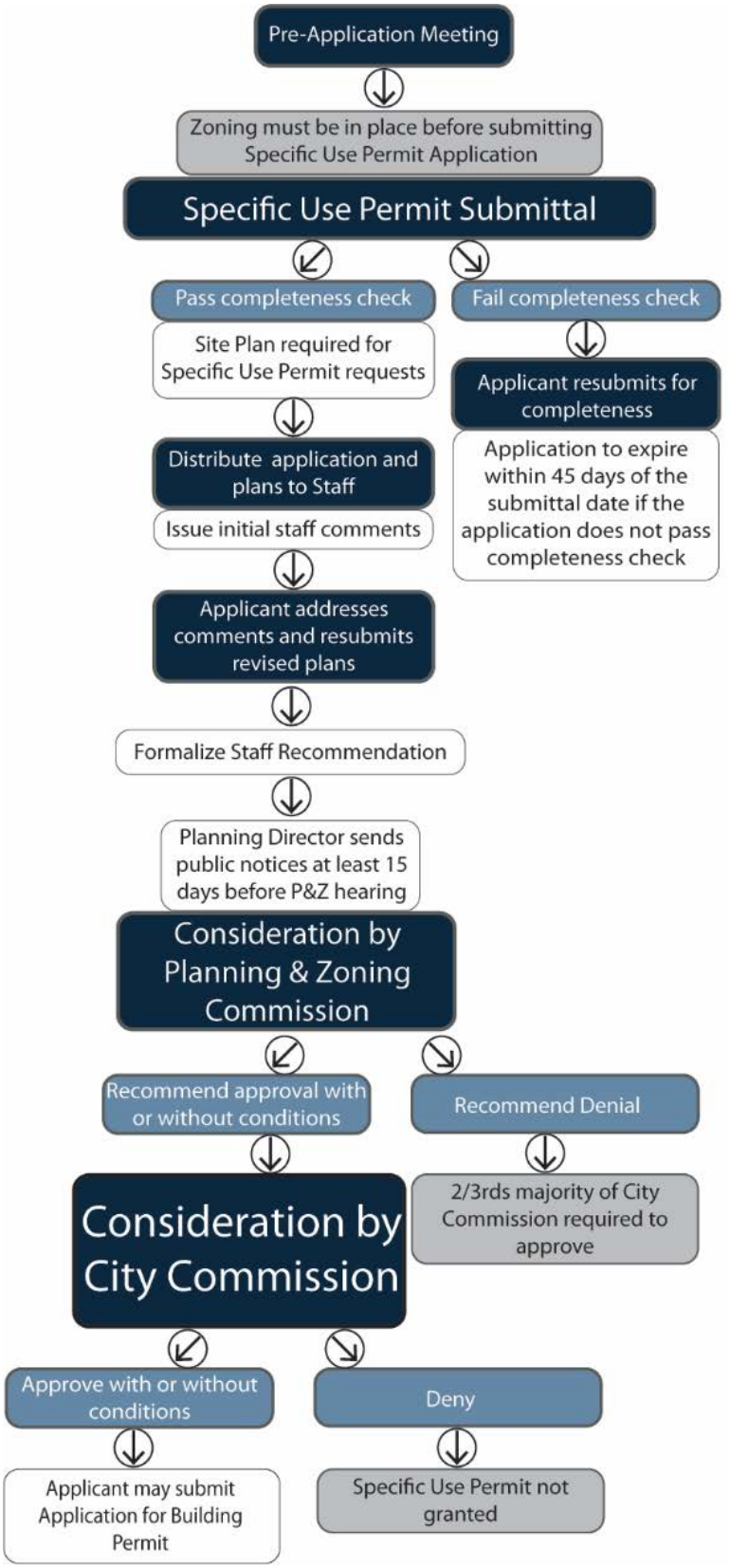
Compatibility Conditions

5. The Planning and Zoning Commission may recommend, and City Commission may require other conditions and safeguards with approval of any SUP for the purpose of protecting other properties within the same or abutting zoning district.
6. The Planning and Zoning Commission or City Commission, in evaluating the SUP request, may require any additional information beyond that required by the Planning Director or this **Section 4.2.7.**, including studies, data, or expert evaluation of the location, function, or characteristics of any use or building proposed in connection with the SUP.
7. No SUP may be approved that is not in conformance with the Comprehensive Plan and this UDC.

C. Pre-Application Meeting and Site Pre-Inspection

1. The Planning Director may require that a Pre-Application Meeting take place prior to submittal of an application for SUP (see **2.2.1**).
2. The Building Official may conduct an inspection of buildings or structures to be utilized with the Specific Use Permit prior to or after the applicant submits an application for Specific Use Permit to determine the adequacy of the buildings or structures to support the proposed use and to make recommendations for improvements to the buildings or structures.
3. The City Commission may condition approval of the Specific Use Permit on compliance with the Building Official's recommendations, and the Building Official may withhold a Certificate of Occupancy if the buildings or structures do not comply with the conditions imposed by the City Commission.

Figure 4.2-6. Overview of the SUP Approval Process



D. Fees, Forms, and Procedures

1. The City's adopted Fee Schedule will establish fees relating to the SUP approval process.
2. The City will not approve a SUP for a property until the property owner provides evidence demonstrating payment of indebtedness (see **2.3.3E**)
3. The City is hereby authorized to prepare application forms that include requirements for information, checklists, architectural or engineering drawing sizes and contents, contact information for the property owner, applicant, and technical consultants, and any other information necessary to review the application for compliance with City codes.
4. The applicant is responsible for submitting the application by the deadline indicated on the City's published Development Schedule.
5. the Planning Director is responsible for maintaining and making available the application forms applicable to a SUP request.
6. The application forms may be revised or changed at any time without notice consistent with the UDC.

E. Approval Process

The applicant for Specific Use Permit must submit information sufficient for the City review and evaluate the request, including a written description of the requested use and an informal sketch of the building, floor space, or existing site proposed for use (for process to approve a Specific Use Permit with a Site Plan see **4.2.4E.2. Site Plan with Specific Use Permit Request**)

1. After the Planning Director issues a determination of completeness for the application (see **2.3.4**), the Planning Director will conduct an administrative technical review of the application.
2. The purpose of the review is to determine the following:
   a. The Specific Use Permit complies with the regulations of this UDC, the underlying zoning district, and all other applicable development regulations;
   b. The Specific Use Permit promotes the goals and objectives of the Comprehensive Plan;
   c. The property is served or will be served by Adequate Public Facilities;
   d. Buildings utilized in the operation of the Specific Use Permit are adequate to support the use or can be modified or improved to support the use;
   e. The Specific Use Permit prevents or mitigates adverse development impacts, including overcrowding and congestion;
   f. The Specific Use Permit provides landscaping and screening which adequately buffer and shield lights, noise, movement, or activities from abutting properties and complement and integrate the design and location of buildings into the overall site design;
   g. The design and location of parking areas and loading facilities ensures that all spaces are usable and safely located;
   h. Sufficient width and suitable grade are provided to accommodate potential traffic and to provide access for garbage disposal, firefighting and emergency equipment;
   i. Exterior Lighting is designed to ensure the safety of visitors to the site and to building occupants, including the minimization of Glare and reflection upon abutting properties;
   j. Any other applicable requirements of **4.2.4E.2.b**.

3. The Planning Director will review the Site Plan according to the criteria in **subitem G.2** above and will prepare a report with a recommended action to the Planning and Zoning Commission.

   a. The Planning Director will post public notice and mail individual notices to property owners within 200 feet of the subject property describing the request for Site Plan associated with a Specific Use Permit according to the same requirements applicable to a zoning change request (see **4.2.1**).

   b. The Planning and Zoning Commission will conduct a public hearing, consider the report and recommendation of the Planning Director, and make recommendation to the City Commission.

   c. The City Commission may, after conducting a public hearing, vote to approve, approve with conditions, or deny the Site Plan and associated Specific Use Permit.

4. Once City Commission approves, approves with conditions, or denies the Site Plan and associated Specific Use Permit, the Planning Director will issue an official Letter of Decision within ten (10) calendar days.

5. If the Planning and Zoning Commission votes unanimously to recommend denial of a Specific Use Permit, City Commission may only approve the application by a two-thirds (2/3rds) majority.

F. Specific Use Permit Effect of Approval

1. By approving a SUP, the City authorizes the applicant to apply for approval of a Building Permit and to receive approval of Construction Plans associated with the property for which the SUP was approved.

2. The City Commission will not grant an SUP unless the applicant is willing to accept and agree to be bound by and comply with the ordinance adopting the SUP, and all supporting documentation including business and operational plans, floor plans, required improvements and conditions of approval and the minimum requirements of the zoning district in which the property is located.

3. During the time the SUP remains valid, the City will not apply additional requirements concerning building placement, streets, drives, parking, landscaping, or screening.

4. SUP approval is separate and distinct from other permits and approvals required by the UDC or other regulatory agencies.

G. Amendments to Approved Specific Use Permits

1. An amendment to any approved SUP will be processed as a new Specific Use Permit request.

2. While the SUP is in effect, no building, premise, site, property, or land used in association with the SUP may be enlarged, modified, altered physically or structurally other than for repairs or renovations to the façade, roof, building interior, fencing, or paving that do not expand the footprint of the building or site, unless City Commission approves an amendment to the SUP.

H. Specific Use Permit Expiration

1. Unless otherwise specified by ordinance adopted by the City Commission, any SUP will expire under the following scenarios:

   a. If, after the SUP is granted, the applicant does not obtain a Building Permit or Certificate of Occupancy within twelve (12) months of City Commission approval; or

   b. After six (6) months of continuous disuse or vacancy of the building or property associated with the SUP.

2. The Planning Director, in determining whether an SUP has expired, may require that the property owner or applicant submit documentation showing that the building or property associated with the

SUP has been occupied within the six (6) month period in question. Requested evidence may be in the form of one or more utility bills showing water or electricity usage, photographs, invoices, or an affidavit.

3. If an applicant relies upon fraudulent or misleading information in obtaining a continuation of an SUP that would otherwise have expired due to disuse, the Planning Director is authorized to revoke both the SUP and the Certificate of Occupancy from the business or property owner.

4. The applicant may request an extension or appeal the decision of the Planning Director to expire the SUP to the Planning and Zoning Commission. The Planning and Zoning Commission may establish an extension period of up to six (6) months beyond the date of its decision during which the SUP will remain valid. If the applicant does not obtain a Certificate of Occupancy within the extension period, the SUP will automatically expire. The City Commission's decision shall be final.

I. Revocation of Specific Use Permit Approval

1. The City Commission may, upon recommendation by the Planning Director and the Planning and Zoning Commission, vote to revoke a Specific Use Permit upon finding that the business or property owner operating under the SUP has violated the requirements, standards, or conditions of the ordinance adopting the SUP or any other requirement or restriction found in this UDC.

2. As an alternative to revoking the SUP, the City Commission may vote to place the business or property owner on probation for up to one (1) year, subject to such criteria as the City Commission deems appropriate to ensure the legal operation of the use and the protection of the public health, safety, and welfare.

3. The SUP is a zoning and land use entitlement that may only be revoked by action of the City Commission. The Planning Director is not authorized to revoke any SUP or Certificate of Occupancy granted under a SUP unless approval for the SUP was obtained by fraud or deceit.

J. Action by City Attorney

If an SUP expires or is revoked under this **4.2.7** and the business or property owner continues operation or does not vacate the site, the City Attorney is authorized to obtain an injunction to prevent the business or property owner from continuing to operate. The business or property owner may be held liable for any penalties under the ordinance approving the SUP or provided under this UDC or the Bee Cave Code of Ordinances.

4.2.8 BUILDING PERMITS

A. Purpose

1. The purpose of a Building Permit is to ensure compliance of new construction, reconstruction, remodel, building finish outs, and other improvement to property with the standards and codes listed in **B** below**.**
2. This process is intended to review appropriate provision of structural and framing members, electrical components and systems, plumbing, weatherproofing and moisture barriers, life safety systems, ingress and egress, signage, screening, and irrigation and landscaping.

B. Design Standards and Specifications

All construction proposed under a Building Permit application, including a Site Plan associated with a Building Permit application, must conform with applicable requirements and regulations found in the following documents or articles:

1. **Article 3. Subdivision Regulations**;
2. **Article 4. Zoning Regulations**;
3. Fire Code;
4. Building Code;
5. Engineering Criteria Manual;
6. Any design standards and specifications approved by the City Commission following adoption of this UDC.
7. The following applications are exempted from requiring Site Plan approval:
   a. A request for approval to construct a building for Agricultural use in an AG district; or
   b. A request for approval to construct a detached single-family residential or duplex building.
   c. For Single-Family Residential and Duplex development, a Plot Plan is required that shows the following:
      (i) All property boundaries with bearing and distance referenced to a corner;
      (ii) Public and private easements;
      (iii) Required building setbacks;
      (iv) Proposed grading and drainage to the street; and
      (v) Proposed improvements including building footprint, driveways, sidewalks, patios, and other permanent fixtures.

C. Fees, Forms, and Procedures

1. The City's adopted Fee Schedule will establish fees relating to the Site Plan approval process.
2. The City will not approve a Site Plan for a property until the property owner provides evidence demonstrating payment of indebtedness (see **2.3.3E**)
3. The City is hereby authorized to prepare application forms that include requirements for information, checklists, architectural or engineering drawing sizes and contents, contact information for the property owner, applicant, and technical consultants, and any other information necessary to review the application for compliance with City codes.

4. The applicant is responsible for submitting the application by the deadline indicated on the City's published Development Schedule.

5. the Planning Director is responsible for maintaining and making available the application forms applicable to a Site Plan request.

6. The application forms may be revised or changed at any time without notice consistent with the UDC.

D. Review and Approval Process

1. The Building Official or designee is the official responsible for reviewing and issuing Building Permits.

2. The Building Official will review a Building Permit application for completeness and inform the applicant of any deficiencies within ten (10) business days.

3. If the applicant does not submit a revised application correcting each deficiency within forty-five (45) calendar days after receiving the response of the Building Official, the application will expire.

4. Upon receiving a completed application for a Building Permit, the Building Official will review the application for compliance with the requirements of this Article and will approve or deny the application within thirty (30) calendar days after the date the application is deemed complete.

   a. If the Building Official communicates to the applicant in writing one or more deficiencies regarding the submitted plans with respect to **B** above, the thirty (30) day limitation may be extended.

   b. If, after the Building Official communicates to the applicant the list of deficiencies, the applicant fails to respond with corrected plans within ninety (90) days, the application is considered expired.

5. If the Building Permit application is denied or expires, the applicant may not commence work until a new application is submitted and approved.

6. If a Building Permit is issued because of false information provided by the applicant or by administrative error, the Building Permit is voidable. Work shall not commence, and a Certificate of Occupancy shall not be issued, until the Building Official approves a corrected application.

4.2.9 CERTIFICATE OF OCCUPANCY

A. Required Before Initiation of Use

No building erected, expanded, modified, remodeled, or altered, or land may be used for any purpose other than those uses authorized by a valid Building Permit or as expressly authorized by the Building Official and Fire Marshal until the Building Official issues a Certificate of Occupancy authorizing the use consistent with the underlying zoning district and **4.4.3 Permitted Use Chart**, the adopted Building Code, Electrical Code, Fire Code, Plumbing Code, and all other provisions of this UDC.

B. Required for Change of Use

If a building or property has been in use under a valid Certificate of Occupancy, a new Certificate of Occupancy is required in the following circumstances:

1. The current use changes to another use authorized in the **4.4.3 Permitted Use Chart**; or
2. The person, business, organization, or other entity to whom the Certificate of Occupancy was issued is succeeded by another entity who will operate the same use; or
3. The entity to whom the Certificate of Occupancy was issued changes its name from the name listed on the Certificate of Occupancy.

C. Application

A completed application for a Certificate of Occupancy shall consist of the following:

1. Information about the project and the applicant provided on forms provided by the Building Official;
2. Any required application fee published in the City's adopted Fee Schedule;
3. Any required plans, reports, or other information required under this section, or required on the application form as published at the discretion of the Building Official; and
4. Other information as may be reasonably required by the Building Official.

D. Review and Approval

1. The Building Official or designee will review the application for compliance with this UDC as well as Building Codes, Fire Codes, and Technical Manuals adopted by the City, and will approve or deny the application within ten (10) business days.
2. The Building Official may withhold issuance of a Certificate of Occupancy until all standards and conditions applicable to an associated development application are met.

E. Cessation of Use

If the entity ceases to operate at the location listed on the Certificate of Occupancy, it must surrender the Certificate of Occupancy immediately to the Building Official.

F. Revocation

The Building Official may revoke a Certificate of Occupancy for cause, including conducting a business illegally or in non-compliance with the terms under which the Certificate of Occupancy was issued.

4.2.10 INTERPRETATIONS OF ZONING CODE AND MAP

A. Interpretations of Zoning Code

1. Uses and Interpretation Rules

a. For the purpose of this Ordinance certain terms or words herein shall be interpreted or defined as follows:

(i) Words used in the present tense include the future tense;

(ii) The singular includes the plural;

(iii) The word "person" includes a corporation as well as an individual;

(iv) The term "shall" is always mandatory; and

(v) The term "may" is discretionary.

2. Words and Terms not Expressly Defined

Words and terms not expressly defined in the UDC are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering, as determined by the Planning Director (see **Subitem c** below).

3. Conflict with Other Laws, Ordinances and Statutes

See **1.7. Conflicting Provisions**.

4. Interpretation of Zoning Code Meaning

a. When a question arises as to the interpretation or application of any requirement, regulation, provision, or clause within this **Article 4** as it applies to an approved Planned Development, Site Plan, Building Permit, Certificate of Occupancy, or other zoning matter, and the question cannot be resolved by the application of **1** above, the Planning Director is the administrator responsible for interpreting the meaning and application of the requirement, regulation, provision, or clause.

b. Appeals of an administrative interpretation may be appealed to the Board of Adjustment, as outlined in **4.2.11B.1.**

5. Classification of Similar Uses

The Planning Director is responsible for determining how a similar use is classified under the use charts.

6. Classification of New and Unlisted Uses

a. If the Planning Director is unable to classify the use under an existing use, the Director will initiate an amendment to the Zoning Code (see **4.2.2. Zoning Text and Map Amendments**).

b. The use is not authorized unless and until the City Commission votes to approve the amendment adding the use to the use charts.

B. Interpretations of Zoning Map

1. When definite distances in feet are not shown on the zoning map, the district boundaries are intended to be along existing streets, alleys or property lines or extensions of or from the streets, alleys or property lines. When the location of a district boundary is not otherwise determined, it shall be determined by the scale of the map as measured from a given line.

2. Where the street layout on the ground varies from the streets shown upon the zoning map, the board of adjustment may apply the designations shown upon the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular area in question.

4.2.11 ZONING RELIEF

A. ADMINISTRATIVE ADJUSTMENTS

1. In addition to administrative adjustments specified for individual zoning-related development applications under this 4.2, the Planning Director is authorized to make administrative adjustments if the application meets the requirements of this 4.2.11.

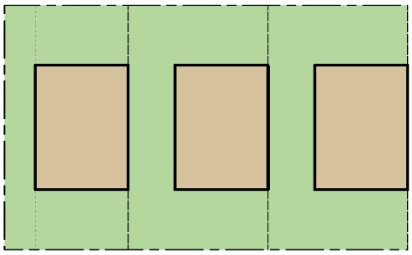
2. Adjustments for Rear-Loaded Residential Formats with Parking Access from an Alley

The minimum lot width regulations in 4.3.1, when present, are reduced to 35 feet wide when garages and parking are accessed from an alley rather than the street on which the property fronts

3. Adjustments for Zero Lot Line Residential Formats

a. Patio and Garden Homes

Patio Homes



(i) The interior side yard setback regulations in 4.3.1 do not apply to the zero lot line side of patio homes (i.e., the exemption applies only to one side yard setback).

(ii) A patio home may only be built along the property line if another offset patio home is located adjacent to that side (i.e., the zero lot line side of a patio home shall not be located next to a traditional single family home).

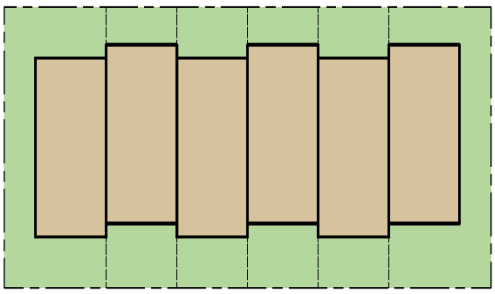
(iii) Separation between buildings shall be no less than ten (10) feet.

(iv) The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of opening.

(v) A three (3) foot wide maintenance and drainage easement shall be provided along the property line on the property adjacent to the zero lot line side of the house.

b. Townhomes on a Single Lot

Townhomes on Separate Lots



Minimum lot frontage shall be twenty (20) feet for interior lots and thirty (30) feet for corner lots when garages and parking are accessed from an alley rather than the street on which the property fronts.

c. Townhomes on Separate Lots

(i) The interior side yard setback regulations in 4.3.1 do not apply to the interior sides of townhomes on separate lots.

(ii) This exemption does not apply to the end units.

(iii) Other dimensions must be consistent with the underlying zoning district and Townhouse building type described in Section 4.5.4F.

4. Urban Form Modification

In Residential Zoning Districts, permitted public buildings, churches, hospitals, universities and colleges, schools, office buildings, multi-family dwellings, townhouse dwellings, single-family attached dwellings and retail uses in a mixed-use office or in a multi-family dwelling may locate in the required front or side corner setback provided that:

a. The building must comprise more than fifty percent (50%) of the frontage of the block face; or the building must exceed a 1:1 ratio to the total frontage of structures currently existing along the same block face;

b. The front or side yard of the building is not adjacent to the front or side yard of a conforming single-family dwelling;

c. All off-street surface parking must be located to the side or behind the building at least twenty (20) feet from the street frontage or screened with an opaque wall measuring at least three (3) feet in height, a continuous row of shrubs measuring at least three (3) feet in height at maturity, or a combination; and

d. The area between the building and the street including the building façade must include at least two (2) major urban design elements visible or accessible from the street frontage. Urban design elements may include but is not limited to:

(i) Dominant architectural features of the building, doors and windows oriented towards the street frontage;

(ii) Sidewalks built on all street frontages that include such features as extra width, street trees, street Lighting, and street furniture;

(iii) On-street parking;

(iv) Bike parking facilities; and

(v) Landscaping.

B. APPEALS

1. Appeal of an Administrative Decision

a. Authority

Per TLGC **Section 211.010**, the Board of Adjustment may hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by an administrative official in the enforcement of these Zoning Regulations.

b. Filing Procedure

(i) Such appeal shall be filed within twenty (20) calendar days after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof.

(ii) The officer from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

c. Stays

(i) An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after filing of the of appeal that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

(ii) In such case, proceedings shall not be stayed, otherwise than by a restraining order that may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

d. Notice

(i) The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof by posting such notice in the mail addressed to all owners of real property located within two hundred (200) feet of the property on which the appeal is made, and by publishing notice of such hearing in a newspaper of general circulation in the City.

(ii) Both the posted and published notice shall be given at least ten (10) days prior to the date set for the hearing. A party may appear at the appeal hearing in person or by agent or attorney. The Board of Adjustment shall decide the appeal within a reasonable time.

e. Concurring Vote of 75 Percent Required

Per TLGC **Section 211.009.(c)**, the concurring vote of seventy-five (75) percent of the members of the Board of Adjustment is necessary to grant an Appeal of an Administrative Decision.

2. Appeals to the City Commission

   a. The appellant must file with the Planning Director a written notice of appeal specifying the grounds for the appeal of a decision of an official or the Planning and Zoning Commission under this **Article 4**. The appeal must be filed within ten (10) calendar days after the decision has been rendered.

   b. The appellant is responsible for paying any required fees under the City's adopted fee schedule.

   c. The City Commission shall decide the appeal at the next meeting for which notice can be provided following the appeal, unless proper notice was already given during the zoning process.

   d. The City Commission may reverse or affirm, in whole or in part, or modify the decision of the Planning and Zoning Commission from which an appeal is taken, subject to any limitation within this **Article 4** such as the requirement for a two-thirds (2/3rds) majority approval of the application.

3. Appeals to the Board of Adjustment

   a. The appellant must file with the Board and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within twenty (20) calendar days after the decision has been rendered.

   b. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Board all papers constituting the record of action that is appealed.

      (i) The appellant is responsible for paying any required fees under the City's adopted fee schedule.

      (ii) 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 that the facts supporting the official's opinion that a stay would cause imminent peril to life or property.

      (iii) If the official certifies in writing that the stay would cause imminent peril to life or property, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.

   c. The Board shall set a reasonable time for the appeal hearing, which shall be no later than thirty (30) calendar days following the date the appeal was taken, and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney.

   d. The Board shall decide the appeal at the next meeting for which notice can be provided following the appeal and not later than the sixtieth (60^{th}) calendar day after the date the appeal is filed.

   e. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.

   f. A member of the City Commission may not bring an appeal under this section. A person aggrieved by a decision made by an administrative official, or any officer, department, board, or bureau of the municipality affected by the decision may appeal.

   g. Finality of Decision; Judicial Review

      (i) The decision of the Board shall be final. However, any of the following persons may present to a district court, county court, or county court at law a verified petition stating that the decision of the Board is illegal in whole or in part and specifying the grounds of the illegality:

(1) A person aggrieved by the decision;

(2) A taxpayer; or

(3) An officer, department, or board of the City;

(ii) The petition must be presented within ten (10) days after the date the decision is filed in the board's office. Subject to the provisions of TLGC **Section 211.011**, only a court of record may reverse, affirm, or modify a decision of the Zoning Board of Adjustment.

C. ALTERNATIVE COMPLIANCE

1. Purpose and Applicability

   a. The purpose of Alternative Compliance is to eliminate the need for variances, *ad hoc*, or discretionary zoning standards by allowing for different standards that conform to the intent of the UDC and the Comprehensive Plan.

   b. A request for Alternative Compliance may be submitted for review and approval with a Site Plan application (see **4.2.3G**).

   c. Alternative Compliance requests must be clearly delineated on the Site Plan or in a narrative format as part of the application submittal. Alternative Compliance requests must include references to specific sections within the UDC that allow for consideration of Alternative Compliance.

   d. Alternative Compliance requests must not reduce or constitute a variance from an applicable zoning district standard unless the UDC identifies the standard as qualifying for Alternative Compliance.

2. Alternative Compliance Evaluation Criteria

   The Planning Director may approve an Alternative Compliance standard if it meets each of the following:

   a. The proposed Alternative Compliance standard is in agreement with and promotes the recommendations and policies of the Comprehensive Plan;

   b. Does not constitute an administrative adjustment to an approved plan (see **4.2.11A Administrative Adjustments**);

   c. The proposed Alternative Compliance standard does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other comparable requirements; and

   d. The proposed Alternative Compliance standard does not modify the land uses allowed in the zoning district in which the subject property is located (see **4.4.3 Permitted Use Chart**).

D. ZONING VARIANCES

1. Conditions Required for Variance

   a. No variance shall be granted without first having given public notice and having held a public hearing on the written variance request in accordance with this section and **TLGC Section 211.008** and unless the Board of Adjustment finds:

      (i) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land; and

      (ii) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

      (iii) That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area; and

      (iv) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this chapter.

      (v) Such findings of the Board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety, and welfare may be secured, and that substantial justice may be done.

2. Findings of Undue Hardship

   a. In order to grant a variance, the Board of Adjustment must make written findings that an undue hardship exists, using the following criteria:

      (i) That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and

      (ii) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and

      (iii) That the relief sought will not injure the permitted use of adjacent conforming property; and

      (iv) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

   b. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege of developing a parcel of land not permitted to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

   c. The applicant bears the burden of proof in establishing the facts that may justify a variance.

   d. The Board of Adjustment shall not grant a variance unless it finds, based upon evidence, that each of the conditions and standards in this section have been met. The Board may impose such conditions, limitations, and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of the UDC.

E. ZONING SPECIAL EXCEPTION

1. Authorized Special Exceptions

   The Board of Adjustment may only approve those special exceptions expressly authorized in this subsection.

2. Authority to File

   Only the owner of the subject property or the property owner's authorized agent may submit an application for a Special Exception.

3. The Board of Adjustment may, in a specific case, and when in its judgment the public convenience and welfare will not be substantially or permanently injured, and after public notice and a public hearing and subject to appropriate conditions and safeguards, authorize special exceptions to permit the following:

   a. The location of a state or municipal building, aviation field, public utility plant, riding academy, commercial greenhouse, athletic field, or philanthropic institution in any use district.

   b. A change in use from a nonconforming use to a less intense nonconforming use (see **4.1.3 Nonconformities**).

4.3 ZONING DISTRICTS

4.3.1 RESIDENTIAL ZONING DISTRICTS

A. Agriculture (AG) District

GENERAL DESCRIPTION	
The AG District is intended for the preservation of open space and to protect the most sensitive natural resources in Brownsville. It may include widely dispersed rural single-family homes but is primarily characterized by extensive, undisturbed landscapes and agricultural activity.	
LOT SIZE AND DENSITY	
LOT AREA (MIN.)	40,000 sq.ft.
LOT WIDTH (MIN.)	100 feet
LOT DEPTH (MIN.)	150 feet
NET DENSITY (DU/AC) (MAX.)	1 DU/Acre
LOT COVERAGE (MAX.)	30% (Including all accessory buildings on the lot)
PRIMARY BUILDING SETBACKS (MIN.)	
FRONT (PRIMARY STREET)	40’ along Arterial streets 30’ along all other streets
FRONT (SECONDARY STREET) (CORNER LOT)	40’ along Arterial streets 30’ along all other streets
SIDE PROPERTY LINE	10’
REAR PROPERTY LINE	10’
REAR OR SIDE (ALLEY)	5’
ACCESSORY BUILDING SETBACKS (MIN.)	
SETBACK FROM PRIMARY BUILDING	10’
SETBACK FROM ANY OTHER ACCESSORY BUILDING	5’ (Shall meet any fire separation standards based on the construction type and use)
SIDE PROPERTY LINE	5’
REAR PROPERTY LINE	5’
REAR OR SIDE (ALLEY)	5’
PARKING PLACEMENT AND ACCESS	
PARKING PLACEMENT	Off-street parking spaces shall NOT be located in the front setback area along any street frontage Exception to the above may be made in the case of porte-cocheres and driveways located in the front setback area
BUILDING HEIGHT	
PRIMARY BUILDING	35’
ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS	
4.4.3 Permitted Use Chart 4.6.1 Building Design 4.6.2 Parking 4.6.3 Landscaping 4.6.4 Fencing and Screening	4.6.5 Residential Adjacency 4.6.6 Innovative Residential Design 4.6.7 Lighting 4.6.8 Accessory Buildings 4.6.9 Wireless Transmission

B. Residential Estate (RE)

GENERAL DESCRIPTION	
The RE District is intended for the development of single-family residential uses in a suburban setting. It accommodates single-family houses as well as accessory dwellings. Characterized by primarily hobby agricultural uses with woodlands, wetlands and scattered buildings.	
LOT SIZE AND DENSITY	
LOT AREA (MIN.)	20,000 sq.ft.
LOT WIDTH (MIN.)	70 feet
LOT DEPTH (MIN.)	100 feet
NET DENSITY (DU/AC) (MAX.)	2 DU/Acre
LOT COVERAGE (MAX.)	40% (Including all accessory buildings on the lot)
PRIMARY BUILDING SETBACKS (MIN.)	
FRONT (PRIMARY STREET)	35' along Arterial streets 25' along all other streets
FRONT (SECONDARY STREET) (CORNER LOT)	35' along Arterial streets 25' along all other streets
SIDE PROPERTY LINE	10'
REAR PROPERTY LINE	10'
REAR OR SIDE (ALLEY)	5'
ACCESSORY BUILDING SETBACKS (MIN.)	
SETBACK FROM PRIMARY BUILDING	10'
SETBACK FROM ANY OTHER ACCESSORY BUILDING	5' (Shall meet any fire separation standards based on the construction type and use)
SIDE PROPERTY LINE	5'
REAR PROPERTY LINE	5'
REAR OR SIDE (ALLEY)	5'
PARKING PLACEMENT AND ACCESS	
PARKING PLACEMENT	Off-street parking spaces shall NOT be located in the front setback area along any street frontage Exception to the above may be made in the case of porte-cocheres and driveways located in the front setback area
BUILDING HEIGHT	
PRIMARY BUILDING	35'
STREETSCAPE STANDARDS	
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements
ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS	
4.4.3 Permitted Use Chart 4.6.1 Building Design 4.6.2 Parking 4.6.3 Landscaping 4.6.4 Fencing and Screening	4.6.5 Residential Adjacency 4.6.6 Innovative Residential Design 4.6.7 Lighting 4.6.8 Accessory Buildings 4.6.9 Wireless Transmission

C. Residential Single-Family (R-1)

GENERAL DESCRIPTION	
The R-1 District is intended for the development of single-family detached residential uses in a suburban setting. It accommodates single-family houses as well as accessory dwellings. It is also intended to maintain existing single-family residential neighborhoods in the city.	
LOT SIZE AND DENSITY	
LOT AREA (MIN.)	5,000 sq.ft.
LOT WIDTH (MIN.)	50 feet
LOT DEPTH (MIN.)	70 feet
NET DENSITY (DU/AC) (MAX.)	8 DU/Acre
LOT COVERAGE (MAX.)	50% (Including all accessory buildings on the lot)
PRIMARY BUILDING SETBACKS (MIN.)	
FRONT (PRIMARY STREET)	25’
FRONT (SECONDARY STREET) (CORNER LOT)	20’
SIDE PROPERTY LINE	5’
REAR PROPERTY LINE	5’
REAR OR SIDE (ALLEY)	5’
ACCESSORY BUILDING SETBACKS (MIN.)	
SETBACK FROM PRIMARY BUILDING	10’
SETBACK FROM ANY OTHER ACCESSORY BUILDING	5’ (Shall meet any fire separation standards based on the construction type and use)
SIDE PROPERTY LINE	5’
REAR PROPERTY LINE	5’
REAR OR SIDE (ALLEY)	5’
PARKING PLACEMENT AND ACCESS	
PARKING PLACEMENT	Off-street parking spaces shall NOT be located in the front setback area along any street frontage Exception to the above may be made in the case of porte-cocheres and driveways located in the front setback area
BUILDING HEIGHT	
PRIMARY BUILDING	35’
STREETSCAPE STANDARDS	
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements
ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS	
4.4.3 Permitted Use Chart 4.6.1 Building Design 4.6.2 Parking 4.6.3 Landscaping 4.6.4 Fencing and Screening	4.6.5 Residential Adjacency 4.6.6 Innovative Residential Design 4.6.7 Lighting 4.6.8 Accessory Buildings 4.6.9 Wireless Transmission

D. Residential Suburban (R-2)

GENERAL DESCRIPTION	
The R-2 District is intended for the development of one- and two-family attached and detached residential uses in a suburban setting. It accommodates single-family houses (including zero-lot line), duplexes and forms of attached housing such as townhomes, as well as accessory dwellings.	
LOT SIZE AND DENSITY	
LOT AREA (MIN.)	2,000 sq.ft.
LOT WIDTH (MIN.)	35 feet for detached residential 25 feet for townhomes
LOT DEPTH (MIN.)	50 feet
NET DENSITY (DU/AC) (MAX.)	22 DU/Acre
LOT COVERAGE (MAX.)	60% (Including all accessory buildings on the lot)
PRIMARY BUILDING SETBACKS (MIN.)	
FRONT (PRIMARY STREET)	10’
FRONT (SECONDARY STREET) (CORNER LOT)	10’
SIDE PROPERTY LINE	0’ (Fire separation standards apply)
REAR PROPERTY LINE	5’
REAR OR SIDE (ALLEY)	5’
ACCESSORY BUILDING SETBACKS (MIN.)	
SETBACK FROM PRIMARY BUILDING	10’
SETBACK FROM ANY OTHER ACCESSORY BUILDING	5’ (Shall meet any fire separation standards based on the construction type and use)
SIDE PROPERTY LINE	5’
REAR PROPERTY LINE	5’
REAR OR SIDE (ALLEY)	5’
PARKING PLACEMENT AND ACCESS	
PARKING PLACEMENT	Off-street parking spaces shall NOT be located in the front setback area along any street frontage Exception to the above may be made in the case of porte-cocheres and driveways located in the front setback area
BUILDING HEIGHT	
PRIMARY BUILDING	35’
STREETSCAPE STANDARDS	
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements
ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS	
4.4.3 Permitted Use Chart	4.6.5 Residential Adjacency
4.6.1 Building Design	4.6.6 Innovative Residential Design
4.6.2 Parking	4.6.7 Lighting
4.6.3 Landscaping	4.6.8 Accessory Buildings
4.6.4 Fencing and Screening	4.6.9 Wireless Transmission

E. Residential Transition (R-3)

GENERAL DESCRIPTION	
The R-3 District is intended for the development of one- and two-family attached and detached residential uses as well as small-scale multifamily uses as a transition between suburban and urban environments. It accommodates a variety of housing types to support diversification, affordability and neighborhood vitality.	
LOT SIZE AND DENSITY	
LOT AREA (MIN.)	2,000 sq.ft.
LOT WIDTH (MIN.)	35 feet for detached residential 25 feet for townhomes 100 feet for all multi-family residential
LOT DEPTH (MIN.)	50 feet
NET DENSITY (DU/AC) (MAX.)	30 DU/Acre
LOT COVERAGE (MAX.)	70% (Including all accessory buildings on the lot)
PRIMARY BUILDING SETBACKS (MIN.)	
FRONT (PRIMARY STREET)	10’
FRONT (SECONDARY STREET) (CORNER LOT)	10’
SIDE PROPERTY LINE	0’ (Fire separation standards apply)
REAR PROPERTY LINE	5’
REAR OR SIDE (ALLEY)	5’
ACCESSORY BUILDING SETBACKS (MIN.)	
SETBACK FROM PRIMARY BUILDING	10’
SETBACK FROM ANY OTHER ACCESSORY BUILDING	5’ (Shall meet any fire separation standards based on the construction type and use)
SIDE PROPERTY LINE	5’
REAR PROPERTY LINE	5’
REAR OR SIDE (ALLEY)	5’
PARKING PLACEMENT AND ACCESS	
PARKING PLACEMENT	Off-street parking spaces shall NOT be located in the front setback area along any street frontage unless the frontage is along an arterial or collector street, in which case no more than one parking aisle with two head-in rows shall be permitted.
BUILDING HEIGHT	
PRIMARY BUILDING	45’
STREETSCAPE STANDARDS	
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements
ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS	
4.4.3 Permitted Use Chart	4.6.5 Residential Adjacency
4.6.1 Building Design	4.6.6 Innovative Residential Design
4.6.2 Parking	4.6.7 Lighting
4.6.3 Landscaping	4.6.8 Accessory Buildings
4.6.4 Fencing and Screening	4.6.9 Wireless Transmission

4.3.2 NONRESIDENTIAL ZONING DISTRICTS

A. Corridor Commercial (CC)

GENERAL DESCRIPTION	
The Corridor Commercial (CC) district is intended primarily to provide sites for locally serving office, retail, personal service, and businesses. Development should be compatible in scale, character, and intensity with adjacent neighborhoods while having convenient access to both pedestrians and automobiles. The district's standards are intended to maintain adjacent residential areas. This district could be located adjacent to residential uses and along some of the city's commercial corridors. This district may include some residential uses as transitions between commercial uses and existing neighborhoods or to encourage more infill redevelopment on underutilized commercial sites along sections of some aging corridors in the city such as Boca Chica, International Blvd., etc.	
SETBACKS	
PRIMARY STREET	25'
SECONDARY STREET	25'
SIDE/REAR	0' (shall also need to meet any fire separation standards required based on the construction type)
ADDITIONAL STANDARDS	
MINIMUM LOT REQUIREMENTS	None
LOT COVERAGE (MAX.)	75% (Including all accessory buildings on the lot)
NET RESIDENTIAL DENSITY (MAX.)	None
DESIGN STANDARDS FOR RESIDENTIAL USES	Front facades shall not face an arterial roadway. Side elevations may be located along an arterial roadway.
TRANSITIONS	Residential density shall not exceed 25% of the density permitted in the adjoining residential district for at least ½ a block adjoining the residential zoning district. Shall meet the Residential Adjacency Standards in Section 4.6.5
PARKING PLACEMENT AND ACCESS	
PARKING PLACEMENT	Off-street parking spaces shall NOT be located in the front setback area along any street frontage unless the frontage is along an arterial or collector street, in which case no more than one parking aisle with two head-in rows shall be permitted.
BUILDING HEIGHT	
PRIMARY BUILDING	45'
STREETSCAPE STANDARDS	
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements
ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS	
4.4.3 Permitted Use Chart 4.6.1 Building Design 4.6.2 Parking 4.6.3 Landscaping 4.6.4 Fencing and Screening	4.6.5 Residential Adjacency 4.6.6 Innovative Residential Design 4.6.7 Lighting 4.6.8 Accessory Buildings 4.6.9 Wireless Transmission

B. Regional Center (RC)

GENERAL DESCRIPTION	
The RC is intended to accommodate auto-oriented and other heavy commercial uses, especially with a regional focus along the city's major arterials and highways. These uses are subject to frequent view by the public given their prominent location along the major corridors. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses. Higher intensity residential uses may be permitted at mid-block locations or as transitions from high traffic corridors to existing neighborhoods.	
SETBACKS	
PRIMARY STREET	25'
SECONDARY STREET	25'
SIDE/REAR	0' (shall also need to meet any fire separation standards required based on the construction type)
ADDITIONAL STANDARDS	
MINIMUM LOT REQUIREMENTS	None
LOT COVERAGE	75% (Including all accessory buildings on the lot)
NET RESIDENTIAL DENSITY (MAX.)	None
DESIGN STANDARDS FOR RESIDENTIAL USES	Front facades shall not face an arterial roadway or highway. Side elevations may be located along an arterial roadway or highway.
TRANSITIONS	Residential density shall not exceed 25% of the density permitted in the adjoining residential district for at least ½ a block adjoining the residential zoning district. Shall meet the Residential Adjacency Standards in Section 4.6.5
PARKING PLACEMENT AND ACCESS	
PARKING PLACEMENT	Off-street parking spaces shall NOT be located in the front setback area along any street frontage unless the frontage is along an arterial or collector street, in which case no more than one parking aisle with two head-in rows shall be permitted.
BUILDING HEIGHT	
PRIMARY BUILDING	45'
STREETSCAPE STANDARDS	
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements
ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS	
4.4.3 Permitted Use Chart 4.6.1 Building Design 4.6.2 Parking 4.6.3 Landscaping 4.6.4 Fencing and Screening	4.6.5 Residential Adjacency 4.6.6 Innovative Residential Design 4.6.7 Lighting 4.6.8 Accessory Buildings 4.6.9 Wireless Transmission

C. Light Industrial (LI)

GENERAL DESCRIPTION	
The LI District is intended to accommodate manufacturing and light industrial uses in order to promote economic viability, encourage employment growth, and limit the encroachment of nonindustrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses.	
SETBACKS	
PRIMARY STREET	25’
SECONDARY STREET	25’
SIDE/REAR	0’ (shall also need to meet any fire separation standards required based on the construction type)
LOT AND AREA STANDARDS	
MINIMUM LOT REQUIREMENTS	6,000 sq.ft.
LOT COVERAGE	75% (Including all accessory buildings on the lot)
PARKING PLACEMENT AND ACCESS	
PARKING PLACEMENT	N/A
BUILDING HEIGHT	
PRIMARY BUILDING	45’
STREETSCAPE STANDARDS	
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements
ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS	
4.4.3 Permitted Use Chart 4.6.1 Building Design 4.6.2 Parking 4.6.3 Landscaping 4.6.4 Fencing and Screening	4.6.5 Residential Adjacency 4.6.6 Innovative Residential Design 4.6.7 Lighting 4.6.8 Accessory Buildings 4.6.9 Wireless Transmission

D. Heavy Industrial (HI)

GENERAL DESCRIPTION	
The HI District is intended to accommodate heavy manufacturing and industrial uses, often involving conversion of raw materials to finished products, in order to promote economic viability, encourage employment growth and further limit the encroachment of nonindustrial development within established industrial areas. This District should maintain significant separation from residential or commercial uses due to potential for Nuisance.	
SETBACKS	
PRIMARY STREET	25’
SECONDARY STREET	25’
SIDE/REAR	0’ (shall also need to meet any fire separation standards required based on the construction type)
LOT AND AREA STANDARDS	
MINIMUM LOT REQUIREMENTS	10,000 sq.ft.
LOT COVERAGE	75% (Including all accessory buildings on the lot)
PARKING PLACEMENT AND ACCESS	
PARKING PLACEMENT	N/A
BUILDING HEIGHT	
PRIMARY BUILDING	45’
STREETSCAPE STANDARDS	
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements
ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS	
4.4.3 Permitted Use Chart 4.6.1 Building Design 4.6.2 Parking 4.6.3 Landscaping 4.6.4 Fencing and Screening	4.6.5 Residential Adjacency 4.6.6 Innovative Residential Design 4.6.7 Lighting 4.6.8 Accessory Buildings 4.6.9 Wireless Transmission

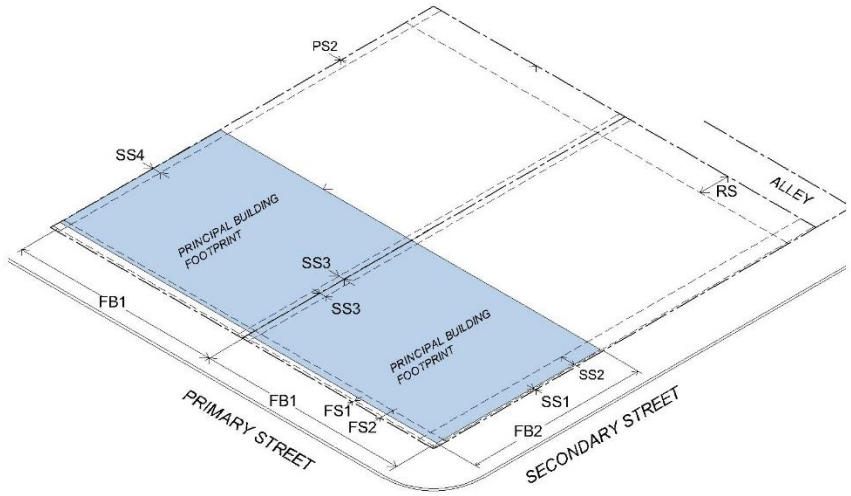
4.3.3 TRADITIONAL NEIGHBORHOOD AND FORM DISTRICTS

A. Downtown Core (DT-C)

GENERAL DESCRIPTION

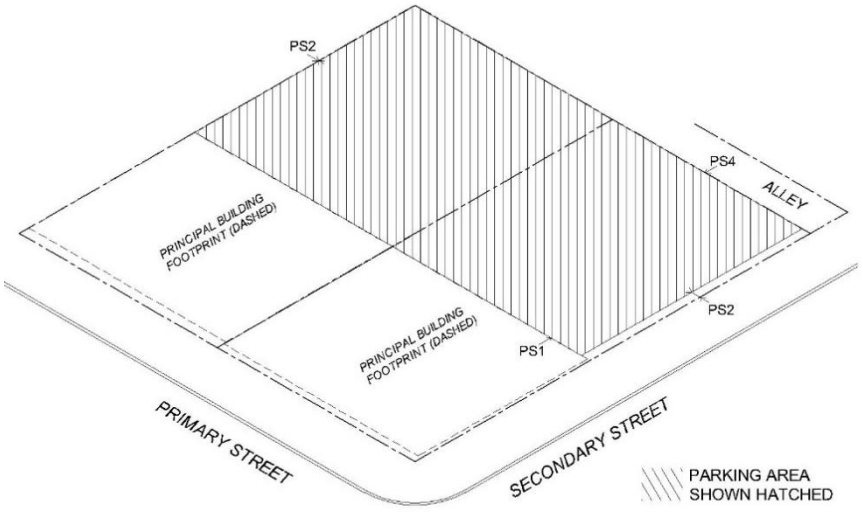
The Downtown Core (DT-C) is intended to accommodate the historic core of Downtown Brownsville with the original storefronts along Elizabeth and Washington Streets while allowing for compatible infill development to fill in any gaps in the street wall. This district allows for a range of commercial and upper floor residential uses that can create a vibrant downtown neighborhood. The standards in this section shall apply to all new construction, and additions to and remodeling of non-contributing structures within the DT-C.

BUILDING PLACEMENT



PRINCIPAL BUILDING SETBACKS		
FS1	Front Setback (min.)	**0'**
FS2	Front Setback (max.)	**10'**
SS1	Side Setback (min.) (secondary street)	**0'**
SS2	Side Setback (min.) (interior)	**0'***
	* Fire Separation Standards apply	
RS	Rear Setback (min.)	**5'**

PARKING PLACEMENT



PARKING SETBACKS		
PS1	Primary Street Setback (min.)	**40'**
	OR behind the Principal Building on the lot	
PS2	Secondary Street Setback (min.)	**5'**
	OR behind the front façade of the Principal Building on the lot	
PS3	Side Setback (min.)	**0'**
PS4	Rear Setback (min.)	**0'****
	**Rear parking setback from the centerline of the alley is 15'	

RESIDENTIAL DENSITY		
MAXIMUM NUMBER OF DWELLING UNITS PER ACRE (NET DENSITY)	48	
BUILDING MASSING		
FB1 - PRIMARY STREET FACADE BUILDOUT	80%	
FB2 - SECONDARY STREET FACADE BUILDOUT	NONE	
BUILDING HEIGHT	60 Feet (Taller buildings may be permitted with an SUP per 4.2.7) Existing buildings allowed an additional 15 feet or one story.	
STREETSCAPE STANDARDS		
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements	
PERMISSIBLE BUILDING TYPES (ADDITIONAL STANDARDS IN SECTION 4.5 APPLY)	■ **Indicates Permitted by Right** ☐ **Indicated Permitted with Conditions**	**LOT STANDARDS AND CONDITIONS**
CORNER COMMERCIAL	■	None
GENERAL COMMERCIAL	■	None
MIXED USE BUILDING	■	None

ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS

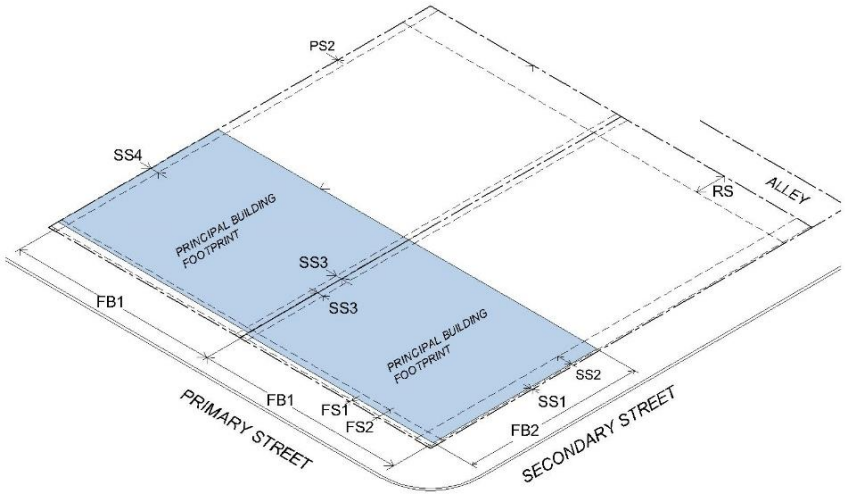
4.4.3 Permitted Use Chart	4.6.5 Residential Adjacency
4.5 Building Types	4.6.6 Innovative Residential Design
4.6.2 Parking	4.6.7 Lighting
4.6.3 Landscaping	4.6.8 Accessory Buildings
4.6.4 Fencing and Screening	4.6.9 Wireless Transmission

B. Downtown General (DT-G)

GENERAL DESCRIPTION

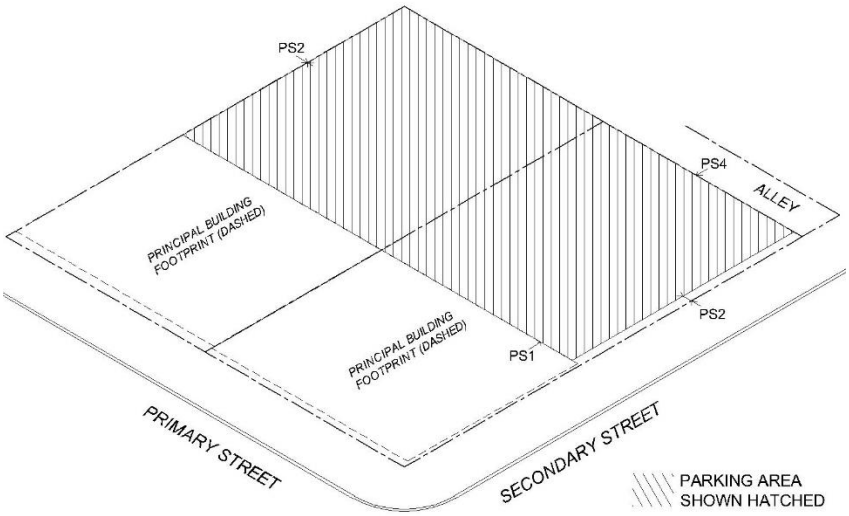
The Downtown General (DT-G) is intended to accommodate a wide range of development and redevelopment within the blocks immediately surrounding the historic core of Downtown Brownsville. This district allows for a range of commercial and higher intensity residential uses that can create a vibrant downtown neighborhood.

BUILDING PLACEMENT



PRINCIPAL BUILDING SETBACKS		
FS1	Front Setback (min.)	**0'**
FS2	Front Setback (max.)	**20'**
SS1	Side Setback (min.) (secondary street)	**0'**
SS2	Side Setback (min.) (interior)	**0'***
	* Fire Separation Standards apply	
RS	Rear Setback (min.)	**5'**

PARKING PLACEMENT



PARKING SETBACKS		
PS1	Primary Street Setback (min.)	**40'**
	OR behind the Principal Building on the lot	
PS2	Secondary Street Setback (min.)	**5'**
PS3	Side Setback (min.)	**0'**
PS4	Rear Setback (min.)	**0'****
	**Rear parking setback from the centerline of the alley is 15'	

RESIDENTIAL DENSITY		
MAXIMUM NUMBER OF DWELLING UNITS PER ACRE (NET DENSITY)	48	
BUILDING MASSING		
FB1 - PRIMARY STREET FACADE BUILDOUT	70%	
FB2 - SECONDARY STREET FACADE BUILDOUT	NONE	
BUILDING HEIGHT	60 Feet (Taller buildings may be permitted with an SUP per 4.2.7)	
STREETSCAPE STANDARDS		
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements	
PERMISSIBLE BUILDING TYPES	■ Indicates Permitted by Right ☐ Indicated Permitted with Conditions	LOT STANDARDS, AND CONDITIONS
TOWNHOUSE	■	Min. Lot Width = 16’
LIVE-WORK UNIT	■	Min. Lot Width = 16’
APARTMENT	■	Min. Lot Width = 100’
COURTYARD APARTMENT	■	Min. Lot Width = 100’
FLEX BUILDING	■	Min. Lot Width = 100’
CORNER COMMERCIAL	■	None
GENERAL COMMERCIAL	■	None
MIXED USE BUILDING	■	None

ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS

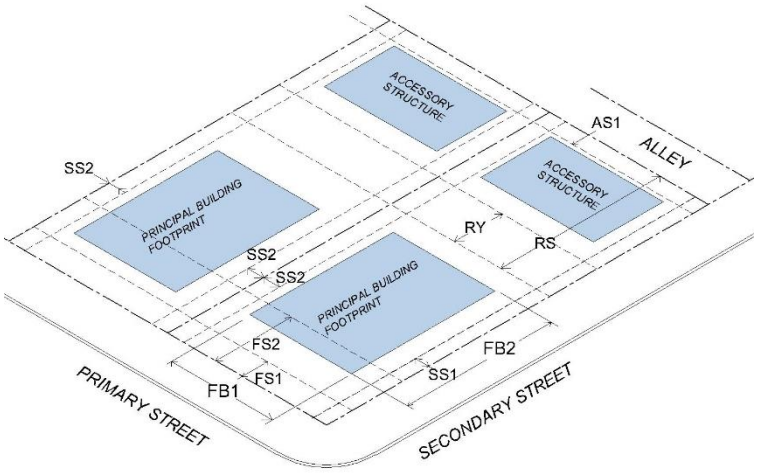
4.4.3 Permitted Use Chart	4.6.5 Residential Adjacency
4.5 Building Types	4.6.6 Innovative Residential Design
4.6.2 Parking	4.6.7 Lighting
4.6.3 Landscaping	4.6.8 Accessory Buildings
4.6.4 Fencing and Screening	4.6.9 Wireless Transmission

C. Downtown Edge (DT-E)

GENERAL DESCRIPTION

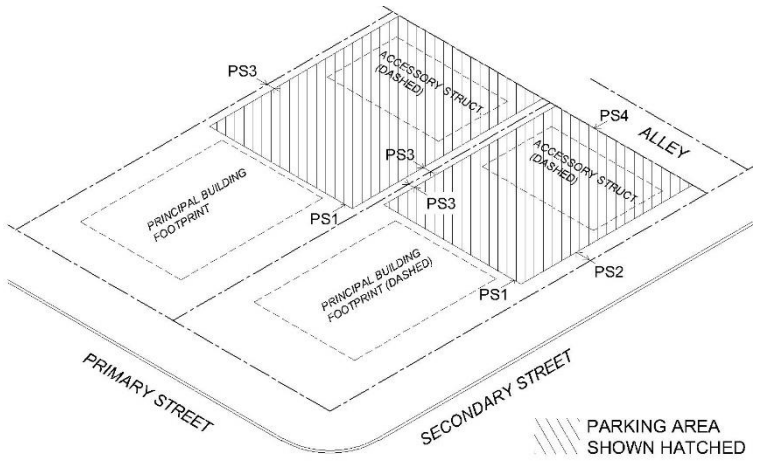
The Downtown Edge (DT-E) is intended to accommodate a wide range of development and redevelopment within the older blocks immediately surrounding downtown as a transition between Downtown Brownsville and the adjoining historic neighborhoods. This district allows for a range of urban residential uses (single-family, duplex, triplex, and small apartments) and live-work and corner commercial uses that are compatible with the character and pattern of the existing neighborhoods.

BUILDING PLACEMENT



PRINCIPAL BUILDING SETBACKS		
FS1	Front Setback (min.) (all building types except Corner Commercial)	**8'**
FS1	Front Setback (min.) (Corner Commercial)	**0'**
FS2	Front Setback (max.)	**20'**
SS1	Side Setback (min.) (secondary street) (all building types except Corner Commercial)	**5'**
SS1	Side Setback (min.) (secondary street) (Corner Commercial)	**0'**
SS2	Side Setback (min.) (interior)	**0'***
	* Fire Separation Standards apply	
RS	Rear Setback (min.)	**5'**
ACCESSORY BUILDING SETBACKS		
AS1	Alley or Rear Setback (min.)	**0'****
	**Setback from the centerline of the alley is 15'	
AS2	Principal Building Setback (min.)	**5'**

PARKING PLACEMENT



PARKING SETBACKS		
PS1	Primary Street Setback (min.)	**50'**
	OR behind the Principal Building on the lot	
PS2	Secondary Street Setback (min.)	**5'**
PS3	Side Setback (min.)	**3'**
PS4	Rear Setback (min.)	**0'****
	**Rear parking setback from the centerline of the alley is 15'	

RESIDENTIAL DENSITY		
MAXIMUM NUMBER OF DWELLING UNITS PER ACRE (NET DENSITY)	30	
BUILDING MASSING		
FB1 - PRIMARY STREET FACADE BUILDOUT	60%	
FB2 - SECONDARY STREET FACADE BUILDOUT	NONE	
BUILDING HEIGHT	35 Feet	
STREETSCAPE STANDARDS		
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements	
PERMISSIBLE BUILDING TYPES	■ Indicates Permitted by Right □ Indicated Permitted with Conditions	LOT STANDARDS AND CONDITIONS
ACCESSORY BUILDING	■	
HOUSE	■	Min. Lot Width = 25’
TOWNHOUSE	■	Min. Lot Width = 16’
COTTAGE ROW	■	Min. Lot Width = 100’
COTTAGE COURT	■	Min. Lot Width = 100’
SMALL APARTMENT	■	Min. Lot Width = 100’
COURTYARD APARTMENT	■	Min. Lot Width = 100’
LIVE-WORK UNIT	■	Min. Lot Width = 16’
CORNER COMMERCIAL	□	On corner lots

ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS

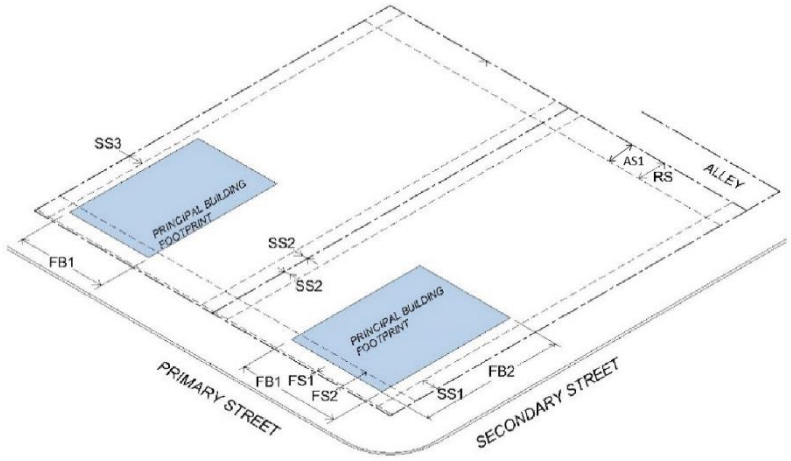
4.4.3 Permitted Use Chart	4.6.5 Residential Adjacency
4.5 Building Types	4.6.6 Innovative Residential Design
4.6.2 Parking	4.6.7 Lighting
4.6.3 Landscaping	4.6.8 Accessory Buildings
4.6.4 Fencing and Screening	4.6.9 Wireless Transmission

D. Traditional Neighborhood Corridor (TN-C)

GENERAL DESCRIPTION

The Traditional Neighborhood Corridor (TN-C) District is intended to accommodate development and redevelopment along the older commercial corridors that connect Downtown Brownsville to the adjoining neighborhoods. These include the corridors of Elizabeth Street, Palm Boulevard, and portions of 6th and 7th Streets going north towards the Interstate. This district allows for a range of small scale neighborhood oriented commercial uses and missing middle residential uses such as live-work, townhomes and small apartments.

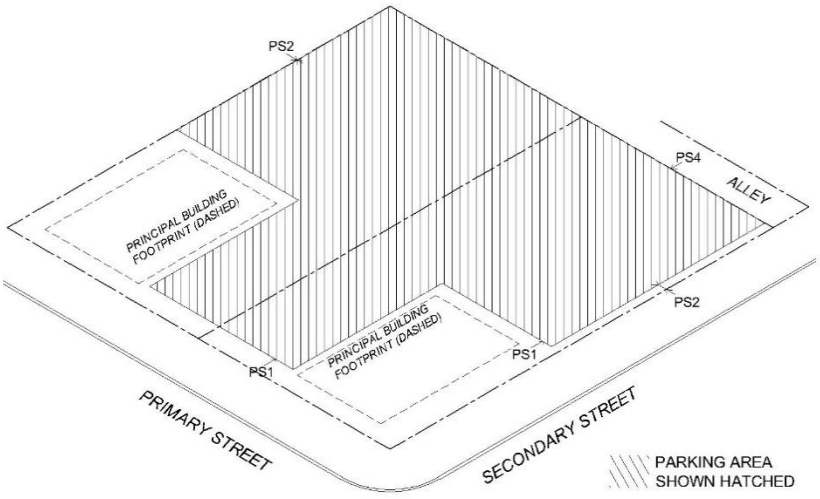
BUILDING PLACEMENT



TRAD NEIGH CORRIDOR- SITE METRICS

PRINCIPAL BUILDING SETBACKS		
FS1	Front Setback (min.)	**5'**
FS2	Front Setback (max.)	**20'**
SS1	Side Setback (min.) (secondary street)	**5'**
SS2	Side Setback (min.) (interior)	**0'***
	* Fire Separation Standards apply	
RS	Rear Setback (min.)	**5'**
ACCESSORY BUILDING SETBACKS		
AS1	Alley or Rear Setback (min.)	**0'****
AS2	Principal Building Setback (min.)	**5'***
	* Fire Separation Standards apply	

PARKING PLACEMENT



PARKING SETBACKS		
PS1	Primary Street Setback (min.)	**40'**
	OR 5' behind the front façade of the Principal Building on the lot	
PS2	Secondary Street Setback (min.)	**5'**
PS3	Side Setback (min.)	**0'**
PS4	Rear Setback (min.)	**0'****
	**Rear parking setback from the centerline of the alley is 15'	

RESIDENTIAL DENSITY		
MAXIMUM NUMBER OF DWELLING UNITS PER ACRE (NET DENSITY)	30	
BUILDING MASSING		
FB1 - PRIMARY STREET FACADE BUILDOUT	60%	
FB2 - SECONDARY STREET FACADE BUILDOUT	NONE	
BUILDING HEIGHT	35 Feet	
STREETSCAPE STANDARDS		
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements	
PERMISSIBLE BUILDING TYPES	■ Indicates Permitted by Right ☐ Indicated Permitted with Conditions	LOT STANDARDS AND CONDITIONS
ACCESSORY BUILDING	■	
TOWNHOUSE	■	Min. Lot Width = 16’
COTTAGE ROW	■	Min. Lot Width = 100’
COTTAGE COURT	■	Min. Lot Width = 100’
SMALL APARTMENT	■	Min. Lot Width = 100’
COURTYARD APARTMENT	■	Min. Lot Width = 100’
LIVE-WORK UNIT	■	Min. Lot Width = 16’
FLEX BUILDING	■	None
CORNER COMMERCIAL	■	None
GENERAL COMMERCIAL	■	None
MIXED USE BUILDING	■	None

ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS

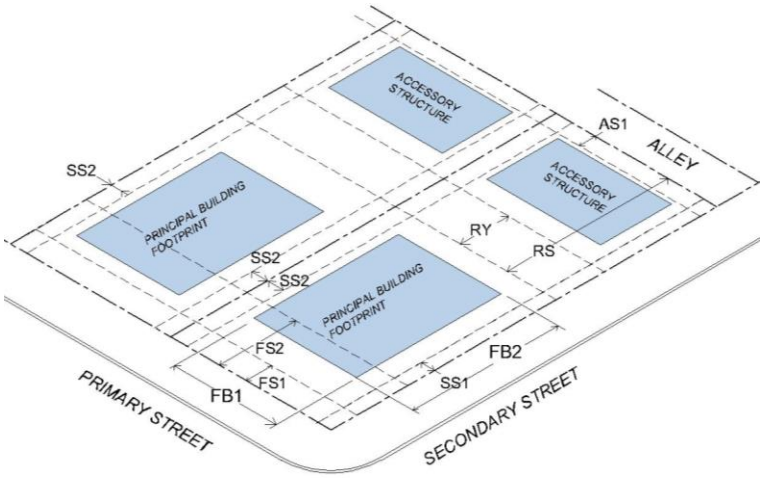
4.4.3 Permitted Use Chart	4.6.5 Residential Adjacency
4.5 Building Types	4.6.6 Innovative Residential Design
4.6.2 Parking	4.6.7 Lighting
4.6.3 Landscaping	4.6.8 Accessory Buildings
4.6.4 Fencing and Screening	4.6.9 Wireless Transmission

E. Traditional Neighborhood Mixed Use (TN-MU)

GENERAL DESCRIPTION

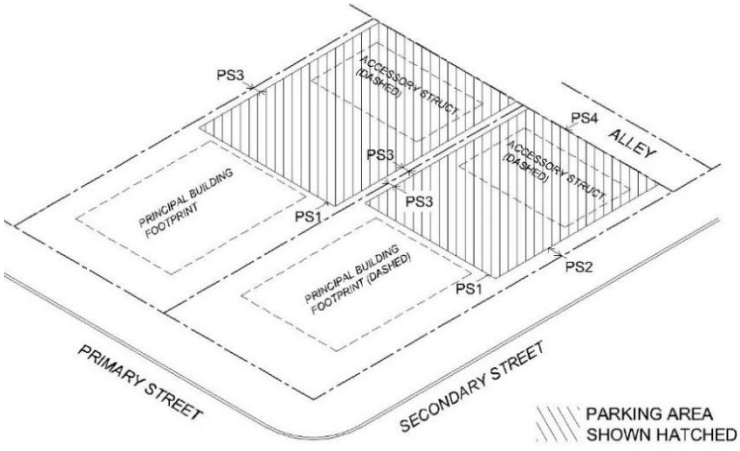
The Traditional Neighborhood Mixed Use (TN-MU) District is intended to accommodate a wide range of development and redevelopment of older commercial nodes next to traditional neighborhoods of Brownsville. These areas would allow the redevelopment of these aging retail plazas and centers into true mixed use with neighborhood serving office, restaurant, retail and service uses and a range of residential building types with a walkable context.

BUILDING PLACEMENT



PRINCIPAL BUILDING SETBACKS		
FS1	Front Setback (min.) (all building types except Corner Commercial)	**10’**
FS1	Front Setback (min.) (Corner Commercial)	**5’**
FS2	Front Setback (max.)	**25’**
SS1	Side Setback (min.) (secondary street) (all building types except Corner Commercial)	**10’**
SS1	Side Setback (min.) (secondary street) (Corner Commercial)	**5’**
SS2	Side Setback (min.) (interior)	**0’***
	* Fire Separation Standards apply	
RS	Rear Setback (min.)	**5’**
ACCESSORY BUILDING SETBACKS		
AS1	Alley or Rear Setback (min.)	**0’****
	**Setback from the centerline of the alley is 15’	
AS2	Principal Building Setback (min.)	**5’**

PARKING PLACEMENT



PARKING SETBACKS		
PS1	Primary Street Setback (min.)	**40’**
	OR 5’ behind the front façade of the Principal Building on the lot	
PS2	Secondary Street Setback (min.)	**10’**
PS3	Side Setback (min.)	**0’**
PS4	Rear Setback (min.)	**0’****
	**Rear parking setback from the centerline of the alley is 15’	

RESIDENTIAL DENSITY		
MAXIMUM NUMBER OF DWELLING UNITS PER ACRE (NET DENSITY)	36	
BUILDING MASSING		
FB1 - PRIMARY STREET FACADE BUILDOUT	60%	
FB2 - SECONDARY STREET FACADE BUILDOUT	NONE	
BUILDING HEIGHT	35 Feet	
STREETSCAPE STANDARDS		
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements	
PERMISSIBLE BUILDING TYPES	■ Indicates Permitted by Right ☐ Indicated Permitted with Conditions	LOT STANDARDS AND CONDITIONS
ACCESSORY BUILDING	■	
TOWNHOUSE	■	Min. Lot Width = 16’
COTTAGE ROW	■	Min. Lot Width = 100’
COTTAGE COURT	■	Min. Lot Width = 100’
SMALL APARTMENT	■	Min. Lot Width = 100’
COURTYARD APARTMENT	■	Min. Lot Width = 100’
LIVE-WORK UNIT	■	Min. Lot Width = 16’
FLEX BUILDING	■	None
CORNER COMMERCIAL	■	None
GENERAL COMMERCIAL	■	None
MIXED USE BUILDING	■	None

ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS

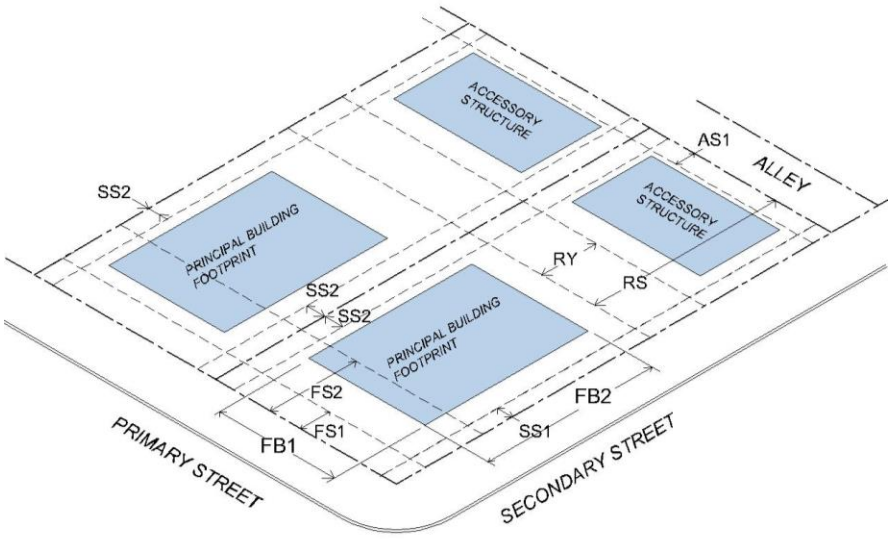
4.4.3 Permitted Use Chart	4.6.5 Residential Adjacency
4.5 Building Types	4.6.6 Innovative Residential Design
4.6.2 Parking	4.6.7 Lighting
4.6.3 Landscaping	4.6.8 Accessory Buildings
4.6.4 Fencing and Screening	4.6.9 Wireless Transmission

F. Traditional Neighborhood (TN)

GENERAL DESCRIPTION

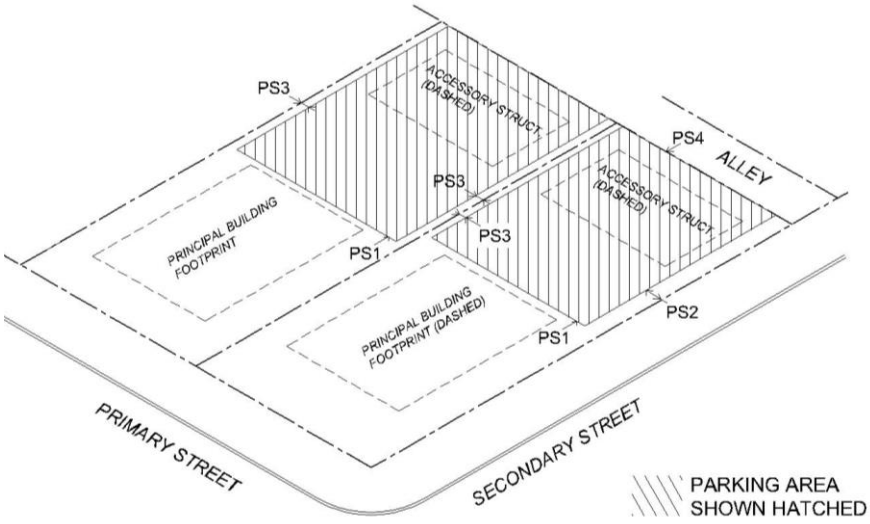
The Traditional Neighborhood (TN) District is intended to accommodate development and redevelopment within the older, established neighborhoods surrounding downtown Brownsville. This district allows for a range of single-family residential residential uses and corner commercial uses in keeping with the historic context of these neighborhoods.

BUILDING PLACEMENT



PRINCIPAL BUILDING SETBACKS		
FS1	Front Setback (min.)	**10'**
FS2	Front Setback (max.)	**25'**
SS1	Side Setback (min.) (secondary street)	**10'**
SS2	Side Setback (min.) (interior)	**5'**
RS	Rear Setback (min.)	**5'**
ACCESSORY BUILDING SETBACKS		
AS1	Alley or Rear Setback (min.)	**0'****
	**Setback from the centerline of the alley is 15'	
AS2	Principal Building Setback (min.)	**5'**

PARKING PLACEMENT



PARKING SETBACKS		
PS1	Primary Street Setback (min.)	**50'**
	OR behind the Principal Building on the lot	
PS2	Secondary Street Setback (min.)	**10'**
PS3	Side Setback (min.)	**3'**
PS4	Rear Setback (min.)	**0'****
	**Rear parking setback from the centerline of the alley is 15'	

RESIDENTIAL DENSITY		
MAXIMUM NUMBER OF DWELLING UNITS PER ACRE (NET DENSITY)	22	
BUILDING MASSING		
FB1 - PRIMARY STREET FACADE BUILDOUT	50%	
FB2 - SECONDARY STREET FACADE BUILDOUT	NONE	
BUILDING HEIGHT	35 Feet	
STREETSCAPE STANDARDS		
ALL STREETS	See Table 3.4-20. Zoning Districts and Streetscaping Requirements	
PERMISSIBLE BUILDING TYPES	■ Indicates Permitted by Right ☐ Indicated Permitted with Conditions	LOT STANDARDS AND CONDITIONS
ACCESSORY BUILDING	■	
HOUSE	■	Min. Lot Width = 35’
COTTAGE COURT	■	Min. Lot Width = 100’
CORNER COMMERCIAL	☐	On corner lots

ADDITIONAL REQUIREMENTS WITHIN THE ZONING REGULATIONS	
4.4.3 Permitted Use Chart	4.6.5 Residential Adjacency
4.5 Building Types	4.6.6 Innovative Residential Design
4.6.2 Parking	4.6.7 Lighting
4.6.3 Landscaping	4.6.8 Accessory Buildings
4.6.4 Fencing and Screening	4.6.9 Wireless Transmission

4.3.4 SPECIAL AND OVERLAY DISTRICTS

A. Purpose

1. All overlay districts are intended to address geographic areas having special and substantial public interest.
2. To the extent specified in this Unified Development Code, property inside the boundaries of an overlay district may be subject to provisions that are more stringent or less stringent than the provisions of an underlying base zoning classification.

B. Historic Overlay District (O-H)

1. The purpose of the Historic Overlay (O-H) District is to preserve areas of historical or cultural significance, including sites, structures, and landmarks. Each individual overlay will have specific standard.
2. See **4.2.3 Historic Preservation Zoning Map Amendments**
3. See **4.2.5 Certificate of Appropriateness and Demolition in the HP Overlay**
4. See **4.6.11 Development in the Historic Overlay**

C. Airport Overlay District (O-A)

1. The purpose of the Airport Overlay District (O-A) is to ensure development near the airport is compatible with airport operations, that land uses surrounding the airport are developed according to the recommendations of the BRO Airport Master Plan, to limit the adverse impacts of airport operations on adjacent properties by accounting for those impacts in the development and use of property near the airport, and to protect the airport from incompatible encroachments.
2. See **4.6.12 Development in the Airport Overlay**

D. Planned Development District (PDD)

1. The purpose of the Planned Development (PD) District is to provide land for uses and developments that promote development that is more sensitive to the natural environment, create a significantly enhanced natural setting or sense of place, or otherwise enhance the standard pattern of development in Brownsville. Development must provide a higher level of amenities to its users or residents than is usually required under the normal standards of this code. A PD may be used to permit new or innovative concepts in land use not permitted by other zoning districts in this Code or to permit development projects that existing districts cannot easily accommodate.
2. See **4.2.6 Planned Development District**

4.4 LAND USES

4.4.1 USES PERMITTED BY DISTRICT

A. Purpose

4.4.3 Permitted Use Chart lists the uses allowed within all zoning districts. Approval of a use listed in this article, and compliance with the applicable use-specific standards for that use, authorize that use only.

B. Explanation of Use Table Abbreviations

1. Permitted Uses: "P" in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Ordinance, including **4.4.4 Additional Use Standards** in this article and the requirements of **4.5 Building Types**, **4.6 Zoning Development Standards,** and **Article 5 Supplemental Regulations**.
2. Specific Use Permit Required: "S" in a cell indicates that, in the respective zoning district, the use is allowed only if issued a Specific Use Permit, in accordance with the procedures of **4.2.7 Specific Use Permit**. Uses requiring a Specific Use Permit are subject to all other applicable regulations of this Ordinance, including **4.4.4 Additional Use Standards** in this article and the requirements of **4.5 Building Types**, **4.6 Zoning Development Standards**, and **Article 5 Supplemental Regulations.**
3. Prohibited Uses: A blank cell indicates that the use is prohibited in the respective zoning district.
4. Additional Use Standards: Regardless of whether a use is allowed by right, or permitted with a Specific Use Permit, there may be supplemental standards that are applicable to the use. The applicability of these standards is noted through a cross-reference in the last column of the table. A number [#] in a cell indicates that the use, whether permitted by right or as a special use, is permitted subject to additional use standards in that district.

C. Use Table Organization

In **4.4.3 Permitted Use Chart**, land uses and activities are classified into general "use categories," "subcategories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within these use categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

4.4.2 CLASSIFICATION OF NEW AND UNLISTED USES

The City recognizes that new types of land uses will arise, and forms of land use not anticipated in this UDC may seek to locate in the City. When application is made for a use category or use type that is not specifically listed in the appropriate use table, the Planning Director shall make a determination as to the appropriate classification of any new or unlisted form of land use in the following manner:

A. The Planning Director shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation, the Planning Director shall consider all relevant characteristics of the proposed use, including but not limited to thefollowing:

1. The actual or projected characteristics of the proposed use;
2. The volume and type of sales, retail, wholesale, etc. for commercial uses;
3. The size and type of items sold and nature of inventory on the premises;
4. The type and number of customers and employees;
5. The hours of operation;
6. The size and arrangement of buildings and parking on the site;
7. The amount of parking needed and estimate of trips generated by the proposed use;
8. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
9. Any dangerous, hazardous, toxic, or explosive materials used in the processing;
10. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
11. The amount and nature of any Nuisances generated on the premises, including but not limited to noise, smoke, odor, Glare, vibration, radiation, and fumes;
12. Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre- treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
13. The effect on adjacent properties created by the proposed use type, which should not be greater than that of other use types in the zoning district.

B. Standards for new and unlisted uses may be interpreted as those of a similar use.

C. Appeal of the Planning Director's decision shall be made to the Zoning Board of Adjustment following procedures of **4.2.11 Zoning Relief**.

D. The Planning Director may periodically request amendments to this Ordinance to incorporate newly listed uses.

4.4.3 PERMITTED USE CHART

A. Chart Organization

The Permitted Use Chart is grouped by use category:

1. Residential Uses
2. Public, Civic, and Institutional Uses
3. Commercial Uses,
4. Industrial Uses, and
5. Accessory Uses.

B. Residential Uses

This category includes uses that provide living accommodations for one or more persons. The residential subcategories and uses are as follows:

1. Household Living
2. Group Living

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Household Living	This subcategory is characterized by residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are considered a form of lodging and included in the Commercial Use Category.																
Dwelling, Duplex	A residential building with two (2) attached dwelling units located on one or two lots designed for occupancy by two (2) families living independently.				P	P					P	P	P	P			2 : Dwelling Unit
Dwelling, Live/Work	A structure or portion of a structure that combines a work activity with a residential living area. Live-work is distinguished from a home occupation in that the work use is not required to be incidental to the dwelling unit and customers may be served on site.						P-1	P-1			P-1	P-1	P-1	P-1	P-1		1 : Dwelling Unit; 1 : 300 sf dedicated to work use
Dwelling, Multi-Family (3 DU/Lot Or Fewer)	A residential building designed for occupancy by three (3) or fewer families living independently, with the number of families not to exceed the number of dwelling units.					P	P	P			P	P	P	P			1 : Dwelling Unit
Dwelling, Multi-Family (More Than 3 DU/Lot)	A residential building designed for occupancy by more than three (3) families living independently, with the number of families not to exceed the number of dwelling units.					P	P	P			P	P	P	P	P	P	1 : Dwelling Unit
Dwelling, Single-Family Detached	A single-family dwelling unit with no shared wall(s) or dwelling unit(s).	P	P	P	P	P					P	P	P	P			2 : Dwelling Unit

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Dwelling, Townhouse (SF Attached Or Multi-Family)	A group of three (3) or more attached single-family units that share at least one (1) common or party wall with another unit. The units may be located on one (1) lot or on individually platted lots.				P-2	P-2					P-2	P-2	P-2	P-2	P-2	P-2	2 : Dwelling Unit
Carport (Accessory)	An open-sided automobile shelter typically located beside a dwelling.	P-24	P-24	P-24	P-24	P-24					P-24			P-24			n/a
HUD-Code Manufactured Home	A HUD-Code manufactured home will display a red certification label on the exterior of each transportable section. Per the Texas Occupations Code Chapter 1201.003(20), a HUD-Code Manufactured Home means a structure: a. Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; b. Built on a permanent chassis; c. Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; d. Transportable in one or more sections; e. In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; f. Includes the plumbing, heating, air conditioning, and electrical systems of the home; and g. Does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).	P-5															1 : Dwelling Unit
Manufactured Home Park	A parcel of land under a single ownership with the purpose of leasing spaces for manufactured homes .	P-5															n/a
Manufactured Home Subdivision	A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale.	P-5															n/a

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Mobile Home	Per the Texas Occupations Code Chapter 1201.003(20), a Mobile Home means a structure: a. Constructed before June 15, 1976; b. Built on a permanent chassis; c. Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; d. Transportable in one or more sections; e. In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and f. Includes the plumbing, heating, air conditioning, and electrical systems of the home.																n/a
Patio Home	A detached, single-family unit typically situated on a reduced/zero lot line that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space.				P	P					P		P	P			2 : Dwelling Unit
Group Living	This subcategory is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living facilities have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site.																
Assisted Living Facility (≤6 Residents)	An establishment, licensed by the State of Texas that furnishes, in one or more facilities, food and shelter to four (4) or more persons but no more than six (6) who are unrelated to the proprietor of the establishment, and provides personal care services as defined by the State of Texas. These establishments may be located in single-family homes and share the house with the care giver. This category includes adult foster care homes and adult care group homes.	P	P	P	P	P	P	P			P	P	P				1 : 4 residents
Assisted Living Facility (≥7 Residents)	An establishment, licensed by the State of Texas, that furnishes, in one or more facilities, food and shelter to seven (7) or more persons who are unrelated to the proprietor of the establishment, and provides personal care services as defined by the State of Texas.	S	S	S	S	P	P	P			P	P	P				1 : 4 residents

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Community Group Home For People With Disabilities	A residence for not more than six (6) persons with disabilities and two (2) supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code. Per Section 123.002, a "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has: 1) An orthopedic, visual, speech, or hearing impairment; 2) Alzheimer's disease; 3) Pre-senile dementia; 4) Cerebral palsy; 5) Epilepsy; 6) Muscular dystrophy; 7) Multiple sclerosis; 8) Cancer; 9) Heart disease; 10) Diabetes; 11) Autism; or 12) Mental illness. Per Section 123.003, "The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential".	P-3	P-3	P-3	P-3	P-3					P-3	P-3	P-3	P-3	P-3	P-3	1 : 4 residents
Residential Care Facility	A community-based residential home or facility that provides care for children 24-hours a day as defined and regulated by Chapter 42, Human Resources Code of the Texas State Statutes, or for adults 24-hours a day as defined and regulated by Chapter 123, Human Resources Code, of the Texas state statutes.	P				P	P	P			P	P	P				1 : 4 residents
Boarding House	A temporary or permanent residence that provides housing for four (4) or more unrelated people. Such use is not licensed by the State.						P	P									1 : 4 residents
Halfway House	A residence operated as a single dwelling, licensed or operated by a governmental or non-profit agency, where drug users, moderate and high risk (level 2 and 3) and civil commitment sex offenders, the dangerously mentally ill, or convicted felons are placed immediately after their release from a primary institution such as a prison, hospital or rehabilitation facility. Authorized supervisory personnel are on the premises. A halfway house allows the persons to begin reintegration with society while still providing monitoring and support.	P-4	P-4	P-4	P-4	P-4					P-4	P-4		P-4			1 : 4 residents

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Independent Senior Living Facility	A facility containing dwelling units, accessory uses, and support services specifically designed for occupancy by persons 60 years of age or older. Such facilities may include accommodations for people who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for people who require only limited or intermittent medical or personal assistance.				P	P	P	P			P	P	P				1 : Dwelling Unit
Nursing Home	A facility providing inpatient nursing and rehabilitative services and can accommodate patients for extended care. These establishments have licensed health care staff serving patients and other support staff for continuous personal care services. Convalescent homes, convalescent hospitals, inpatient care hospices, nursing homes, and rest homes with nursing care are a few examples of services these establishments provide.					P	P	P			P	P	P				1 : 4 residents

C. Public, Civic, and Institutional Uses

This category includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public, civic, and institutional subcategories are as follows:

1. Civic and Cultural Facilities
2. Educational Service Establishments (Public And Private)
3. Health and Human Services
4. Parks and Recreation Facilities
5. Public and Other Government Functions

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Civic And Cultural Facilities	Buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public.																
Art Gallery, Museum, Or Special Purpose Recreational Institution	A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical, cultural, or scientific value or recreational activity.						P	P			P	P	P	P	P	P	1 : 200 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Civic, Social, Philanthropic, Or Fraternal Organization	Any organization operating under a nonprofit or similar charter, the activities of which are devoted exclusively to charitable, benevolent, patriotic, employment- related, recreational, or educational purposes not currently listed elsewhere in this Ordinance. Such an establishment may include the preparation and service of food and/or drink for members and their guests only.						P	P			P	P	P	P	P	P	1 : 500 sf
Religious Assembly Or Institution	A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other child care services are not accessory uses and shall require approval as separate principal uses.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Non-Fixed Seats (main assembly) 1 : 150 sf Fixed Seats (main assembly) 1 : 4 seats
Educational Service Establishments (Public And Private)	Public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.																
Child Day Care	Child day care establishments primarily care for more than six (6) infants and preschool children and often may offer pre-kindergarten education programs. Some provide care services for older children. These facilities are licensed, certified, or registered by the State to provide their respective services.					S	P	P	S		S	P	P	P	P	P	1 : 400 sf + 1 : employee
Nursery And Pre-School	These facilities are appropriately licensed, certified, or registered by the State to provide daytime care, training and education for more than six (6) children. This definition may include after-school and summer programs which coincide with the age brackets for public and private schools as provided in this Ordinance.	P	P	P	P	P	P	P			P	P	P	P	P	P	1 : 400 sf + 1 : employee
Elementary And Middle School	These are public or private educational facilities that provide the appropriate grade school education that satisfies the compulsory education laws of the State of Texas.	P	P	P	P	P	P	P			P	P	P	P	P	P	1 : classroom
Senior And High School	These are public or private educational facilities that provide the appropriate higher grade school education that satisfies the compulsory education laws of the State of Texas.	P	P	P	P	P	P	P			P	P	P	P	P	P	2.5 : classroom

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
College Or University	Public or private junior colleges, colleges, universities, and professional schools. These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels. The requirement for admission is at least a high school diploma or equivalent general academic training. This use may include a Seminary which is an institution for the training of candidates for the priesthood, ministry, or rabbinate.	P	P	P	P	P	P	P			p	p	p	P	P	P	1 : classroom + 1 : full-time employee - Dormitories 1 : 4 rooms
Technical, Trade, And Specialty School	Public or private institutions offer vocational and technical training in a variety of technical subjects and trades such as auto repair, welding, bricklaying, machinery operation, cosmetology, or other similar trades or crafts. The training often leads to job-specific certification.						P	P	P	P							1 : classroom + 1 : full-time employee
Health And Human Services	Health and Human Services are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building.																
Clinic Or Lab	An establishment primarily engaged in furnishing medical and lab services included but not limited to chiropractic, dental, medical, surgical, medical imaging, or other services to individuals on an outpatient basis. This includes the offices of chiropractors, physicians, dentists, and other health practitioners, medical and dental laboratories, blood donation centers, outpatient care, and outpatient care facilities. Patients are not kept overnight except under emergency conditions.						P	P			P	P	P	P	P	P	1 : 500 sf
Hospital	A facility or area for providing human-related health services primarily for in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, emergency rooms, training facilities, central services facilities, food service establishments, retail stores, and staff offices that are an integral part of the facilities.	P	P	P	P	P	P	P			P	P	P	P	P	P	3 : bed
Social Assistance And Welfare Services	Social assistance and welfare services provide public or community related service or charity services directly to individuals. They do not offer residential or accommodation services.						P	P			P	P	P	P	P	P	1 : 200 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Funeral Homes And Services (With Or Without Cremation Services)	This use includes establishments preparing the dead for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise). Funeral homes combined with crematories may also be included in this category.	P					P	P				P	P				Funeral Service Rooms | 1 : 50 sf
Cemetery	A facility or area used or intended to be used for the interment or burial of the dead, including graveyard, burial park, mausoleum, columbarium, or any other area containing one or more graves.	P	P				P	P	P								n/a
Plasma Center	A facility for the sale of blood plasma for use in medical or other products.							P-17									1 : 400 sf
Parks And Recreation Facilities	Parks, recreation, and open space uses or facilities focus on a range of space types including natural areas, large areas consisting mostly of vegetative landscaping, hardscaping, or outdoor recreation or a combination thereof, community gardens, public greens, public squares, sports playing fields, and public plazas.																
Community Garden	A facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one (1) person or family for personal consumption or donation.	P	P	P	P	P	P	P			P	P	P	P	P	P	n/a
Farmers' Market	A seasonal and/periodic outdoor market open to the public, operated by a governmental agency, a non-profit, or other community organization at which regular vendors sell locally grown and made produce and products for home consumption.	P					P	P				P	P	P	P	P	n/a
Park Or Playground	A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include, but is not limited to, plazas, square, greens, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, and water courses.	P	P	P	P	P	P	P			P	P	P	P	P	P	n/a
Nature Preserve Or Open Space	A Nature Preserve includes protected natural habitats including significant environmentally sensitive areas such as wetlands, woodlands, etc. Public access may be limited to protect the nature preserve and there may be research or educational activities held on the land. Open space is land set aside in its natural or improved state for passive recreation use.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	n/a

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Recreation Center	A facility or area for sports or recreation open to the general public where the activity takes place within an enclosed structure or outside courts and pools. Examples include but are not limited to, gymnasium or indoor arena; basketball, handball, and tennis courts; hockey rinks; swimming pools; and physical fitness centers. This category shall not include entertainment and amusement centers.		P-8	P-8	P-8	P	P	P			P	P	P				1 : 300 sf
Public And Other Government Functions	Local, state, or federal government services or similar functions, that are not otherwise classified. Typical uses include health departments, courthouses, soup/food kitchens, and food pantries.																
Legislative And Executive Functions	General government administration functions such as City Hall, County or School District Administration functions.						P	P			P	P	P	P	P	P	1 : 300 sf
Courts (Local, State, And Federal)	All judicial functions such as courts.						P	P			P	P	P	P	P	P	1 : 300 sf
Correctional Institutions	Public, quasi-public, or private care facilities that, because their operation, have the potential for affecting property values, compatibility, and enjoyment of surrounding land uses. Typical uses include forced detention or correctional facilities or work release facilities.						S-7	S-7	S-7								Established per SUP
Public Safety Facility	Government-owned or volunteer establishments providing fire and rescue, police, and emergency response services.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1 : 500 sf
Other Government Functions	This use includes any other government-owned and/or operated establishments not classified elsewhere in this UDC.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1 : 500 sf

D. Commercial Uses

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. Commercial subcategories and uses are as follows:

1. Agricultural Uses
2. Animal Production and Ranching
3. Animal-Related Services
4. Auto-Related Sales and Service
5. Business, Professional and Technical Services
6. Financial and Real Estate Services
7. Food And Beverage Services
8. Lodging Facilities
9. Other Commercial Uses
10. Recreation and Entertainment Uses (Indoor)
11. Recreation and Entertainment Uses (Outdoor)
12. Rental and Leasing
13. Retail Sales

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Agricultural Uses	The use of land for purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry, and the necessary accessory uses for treating or storing of farm products and parking of equipment.																
Crop Production	An area for raising or harvesting agricultural crops such as wheat, field forage, and other plant crops intended to provide food or fiber.	P															n/a
Greenhouse, Nursery, Floriculture	Establishments in this class grow nursery products, nursery stock, shrubbery, bulbs, fruit stock, sod, and so forth; or, grow short rotation woody trees with a growth and harvest cycle of 10 years or less for pulp or tree stock. These uses also include floriculture establishments which grow or produce floriculture or ornamental horticulture products (e.g., cut flowers and roses, cut cultivated greens, potted flowering and foliage plants, and flower seeds).	P					P	P	P								1 : 500 sf of retail space

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Support Functions For Agriculture	This use includes support establishments employed by the agriculture and forestry industries. They perform activities associated with production and distribution of forest and agricultural products. Many support establishments are independently run. This may include farm and farm labor management, agricultural equipment sales and service, and similar functions.	P						P	P								n/a
Animal Production And Ranching	This category is intended for facilities or areas for raising animals (including fish and birds) and the development of animal products, such as meat, fur, or eggs, on a commercial basis. Typical uses include beef, horse, or sheep ranching; other cattle for meat production; poultry; dairy; and fish farming. Establishments keep, graze, breed, or feed animals in ranches, farms, or feedlots. This use does not include raising animals to sell as pets. This category shall not include slaughter houses.																
Apiculture	Establishments raising bees. These establishments collect and sell honey; and sell queen bees, packages of bees, royal jelly, bees' wax, propolis, venom, or other bee products.	P															n/a
Ranches And Farming	Establishments in this category raise cattle for dairy farming or feed cattle for fattening purposes. This use includes establishments raising horses, mules, donkeys, and other equines. These establishments may also raise sheep, lambs, and goats, or feed lambs for fattening. Sheep or lambs may be raised for sale or wool production.	P-11															n/a
Fish Hatcheries And Aquaculture	This use comprises establishments that farm raise finfish, shellfish, or any other kind of animal aquaculture. These establishments use some form of intervention in the rearing process to enhance production, such as holding in captivity, regular stocking, feeding, or protecting from predators.	P															n/a
Animal-Related Services	The boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.																
Kennels, Commercial	A facility or area for keeping four (4) or more dogs, cats, or other household pets or where grooming, breeding, boarding, training, or selling of animals is conducted as a business. This definition does not include a veterinary clinic (as defined in this UDC), a pet store, or an animal grooming shop.	P-11						P-11	P-11								1 : 1000 sf
Pet And Animal-Related Sales And Services (Including Grooming And Care)	These establishments provide animal and pet care services (except veterinary), such as boarding, grooming, sitting, and training.	P-11					P-11	P-11			P-11	P-11	P-11	P-11	P-11	P-11	1 : 300 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Stables, Commercial	A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity. The definition includes accessory uses such as riding lessons, clinics, and similar activities.	P-11															n/a
Veterinary Clinic	A facility for the diagnosis, treatment, or hospitalization of animals. The incidental boarding or breeding of animals is included in this definition. Outdoor kennels, pens or runs must be permitted separately as an accessory use.	P-11					P-11	P-11	P-11		P-11	P-11	P-11	P-11	P-11	P-11	1 : 300 sf
Auto-Related Sales And Service	This category includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair, storage, and offices.																
Auto Repair And Service, Major	A facility or area that includes overnight, outdoor storage of customer vehicles but not the storage of salvage vehicles, for one or more of the following activities: a. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over 10,000 pounds gross vehicle weight. b. Collision services, including body, frame, or fender straightening or repair. c. Overall painting of vehicles or painting of vehicles in a paint shop or paint booth. d. Dismantling of motorized vehicles in an enclosed structure.							P	P								1 : 750 sf
Auto Repair And Service, Minor	A facility or area for the servicing and minor repair of motor vehicles within enclosed service bays or stalls. Typical services include the retail sale and dispensing of lubricating oils, tires, filters, and other limited repair and maintenance work including the replacement of new or reconditioned parts in motorized vehicles of 10,000 pounds or less gross vehicle weight. Does not include the overnight, outdoor storage of customer vehicles. This definition includes quick-lube shops and tire shops, but does not include any operation included in the definition of "Auto Repair and Service, Major."						P	P	P				P				1 : 500 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Auto-Related Parts And Accessory Sales	Primarily comprised of automotive supply stores, these establishments retail new, used, or rebuilt automotive parts and accessories. They may also include repair and installation services. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, and tires and tube shops.						P	P	P				P				1 : 500 sf
Car Wash	A facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities. A car wash may be: a. A single unit type that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or b. A tunnel type that allows washing of multiple vehicles in a tandem arrangement while moving through the structure.						P	P	P				P				Wash bays + 5 queue spaces
Large Vehicle Sales And Service	These establishments retail new or used larger vehicles (not included in car dealers' category), such as buses, recreational vehicles (RVs), motor homes, and large trucks. Often these establishments also provide repair services and sell replacement parts and accessories.							P	P								Indoor | 1 : 500 sf - Outdoor | 1 : 1000 sf
Motor Vehicle Sales, New	A motor vehicle retail establishment or "car dealer" operated by a franchised dealer. A "franchised dealer" means a person who holds a franchised motor vehicle dealer's license issued under the Texas Transportation Code, and is engaged in the business of buying, selling, or exchanging new motor vehicles at an established and permanent place of business under a franchise in effect with a manufacturer or distributor. Accessory uses may include the sale of used motor vehicles, auto service, and auto repair activities, as defined elsewhere in this UDC. Vehicles that are stored for more than twenty-four (24) hours and are not for sale or rent are considered Outdoor Storage.						P	P	P								Indoor | 1 : 500 sf - Outdoor | 1 : 1000 sf
Motor Vehicle Sales, Used	An establishment operated by a non-franchised or independent dealer, and is engaged in the business of selling used motor vehicles. A "used motor vehicle" is a vehicle that has been sold to a retail customer for purposes other than resale.							S									Indoor | 1 : 500 sf - Outdoor | 1 : 1000 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Specialty Vehicle Sales, New	This use comprises establishments retailing new specialty vehicles. Specialty vehicles include motorcycles, motor scooters, motor bikes, mopeds, off-road all-terrain vehicles, boats, jetskis, and other similar vehicles and trailers. Included in this use are repair services and sales of replacement parts and accessories. Accessory uses may include the sale of used specialty vehicles.						P	P	P								Indoor | 1 : 500 sf - Outdoor | 1 : 1000 sf
Specialty Vehicle Sales, Used	This use comprises establishments retailing used specialty vehicles. Specialty vehicles include motorcycles, motor scooters, motor bikes, mopeds, off-road all-terrain vehicles, boats, jetskis, and other similar vehicles and trailers. Included in this use are repair services and sales of replacement parts and accessories.							S									Indoor | 1 : 500 sf - Outdoor | 1 : 1000 sf
Business, Professional And Technical Services	This subcategory includes a range of office and business services and facilities that include executive, management, administrative, medical, professional and business support services not specifically listed elsewhere in this Ordinance, but not involving the sale of merchandise except as incidental to a permitted use. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.																
General Office - Includes Administrative Services, Business, Professional, And Technical Services	Typical office establishments in any business area fall in this category. Offices for corporate, professional, scientific, and technical and administrative services for others.						P	P			P	P	P	P	P	P	1 : 500 sf
Services Related To Buildings (Janitorial, Landscaping, Cleaning, Etc.)	These establishments provide services, such as pest control, janitorial activities, landscaping, carpet and upholstery cleaning, and other services for buildings and dwellings.						P	P	P		P	P	P	P	P	P	1 : 500 sf
Financial And Real Estate Services	This subcategory includes a range of uses related to retail banking and financial services to individuals and businesses.																
Alternative Finance Institution	A payday advance/loan business or a motor vehicle title loan business. An alternative financial institution does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code. If a regulated lender licensed in accordance with Chapter 342 of the Texas Finance Code also offers services as a 'credit service organization' and/or a 'credit access business' under Chapter 393 of the Texas Finance Code, that business is an alternative financial establishment.						P-10	P-10				P-10	P-10		P-10		1 : 500 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Banks, Investment, Or Financial Institution	An establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Accessory uses may include automatic teller machines, drive-thru service, offices, and parking. This excludes bail bonds, pawnshops, payday advance/loan businesses, and motor vehicle title loan businesses. Additionally, it excludes regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code that also offer services as credit access businesses under Chapter 393 of the Texas Finance Code.						P	P				P	P	P	P	P	1 : 500 sf
Bail Bond Service	An establishment that solicits, negotiates, and executes bonds or other security to guarantee the appearance in court of a person accused of a crime.						P-10	P-10					P-10	P-10	P-10		1 : 500 sf
Property Management Services	This use comprises establishments that manage real property for others. Management includes performing various services associated with overall operation of property, such as collecting rents, and overseeing services such as maintenance, security, and trash removal. Included in this category are owner-leasers and establishments renting real estate and then acting as leasers in subleasing it to others. Establishments may manage the property themselves or have another establishment manage it for them.						P	P			P	P	P	P	P	P	1 : 500 sf
Real Estate Services	Establishments that are in the business of selling or leasing real estate including residential, retail, office buildings, manufactured homes and sites, vacant lots, and acreage. It also includes real estate appraisers (which estimate the market value of real estate), and other establishments performing real estate related services while not leasing buildings.						p	p			p	p	p	p	p	p	1 : 500 sf
Food And Beverage Services	Businesses that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.																

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Alcohol Production and Tasting/Tap Room, Micro with Food Sales	A facility 15,000 sq. ft. or smaller where beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and that possess the appropriate licenses from the State of Texas. This facility also prepares and sells beverages for immediate consumption on-site.						P-12	P-12			P-12	P-12	P-12	P-12	P-12	P-12	Production Area 1 : 1000 sf - Tasting Room 1 : 250 sf
Alcohol Production and Tasting/Tap Room, Macro with Food Sales	A facility 15,000 sq. ft. or smaller where beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and that possess the appropriate licenses from the State of Texas. This facility also prepares and sells beverages for immediate consumption on-site.						P-12	P-12					P-12				Production Area 1 : 1000 sf - Tasting Room 1 : 250 sf
Bar Or Drinking Establishment	An establishment licensed by the State for the sale of alcoholic beverages, that derives more than 75 percent of the establishment's gross revenue from the on-premise sale of alcoholic beverages for on-premise consumption.						P-12	P-12			P-12	P-12	P-12	P-12	P-12	P-12	1 : 250 sf
Catering Service	A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.						P	P			P	P	P	P	P	P	1 : 500 sf
Food Truck Park	More than three (3) mobile food businesses that congregate at an established private property location to offer food or beverages for sale to the public.							P-15				P-15	P-15	P-15	P-15	P-15	2 : Food truck site
Full-Service Restaurant	Full-service restaurants provide food services to patrons who order and are served while seated (i.e., waiter/waitress service) and pay after eating. They may provide this service in combination with selling alcoholic beverages, providing takeout services, or presenting live nontheatrical entertainment. If alcoholic beverages are sold for on-premise consumption, such use is considered a Bar Or Drinking Establishment.						P	P	P		P	P	P	P	P	P	1 : 250 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Restaurant With Take-Out Or Delivery Only (Limited Service)	A food establishment that is open to the public, where food and beverages are prepared primarily for carry-out by the consumer or delivery by the establishment and not for consumption on the premises. This classification typically includes pizza delivery, specialty food and beverage shops, or baked goods shops. This classification does not include mobile food establishments.						P	P			P	P	P	P	P	P	1 : 400 sf
Lodging Facilities	This subcategory includes for-profit establishments where lodging, meals, and the like are provided to transient visitors and guests for a defined period.																
Bed And Breakfast Establishment	A bed and breakfast (B&B) establishment is defined as a private residence that offers sleeping accommodations to lodgers in five (5) or fewer rooms for rent, is the innkeeper's principal residence while renting rooms, and serves breakfast at no extra cost. A lodger is a person who rents a room in a B&B establishment for less than thirty (30) days.										S-13	P-13	P-13	P	P	P	1 : Bedroom
Full-Service Hotel	A building or group of buildings providing transient lodging accommodations to the general public for compensation, where each guest room is accessed from an interior corridor, and that includes ancillary facilities and services such as restaurants, meeting rooms, personal services, recreational facilities, daily housekeeping service, and 24-hour front desk service.						P	P				P	P	P	P	P	1 : Guest room + 1 : 8 seats for meeting room/restaurant
Limited Service Or Extended Stay Hotel/Motel	A building or group of buildings providing transient lodging accommodations to the general public for compensation, where each guest room may be accessed from an interior or exterior hallway. Accessory uses may include meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests. This definition shall not include other dwelling units as defined by this UDC.						P	P				P	P	S	S	S	1 : Guest room
Other Commercial Uses	Commercial uses not listed in other subcategories.																

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Sexually Oriented Business	Any commercial enterprise in which the primary business is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customers. This use shall include, but not be limited to, adult arcades, adult bookstores or adult video stores, adult cabarets, adult motels, adult motion picture theaters, or nude model studios.							S-19									Established per SUP
Structured Parking	As a principal use, a structure for parking that is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately owned vehicles, and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises. Such use may also include a municipal parking garage.						P	P	P			P	P	P	P	P	n/a
Surface Parking Lots	As a principal use, a surface parking area that is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately owned vehicles, and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises. Such use may also include a municipal parking lot.						P	P	P				P				n/a
Recreation And Entertainment Uses (Indoor)	Uses that provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.																
Banquet Or Meeting Facility	An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.							S						S	S	S	Non-Fixed Seats 1 : 150 sf or Fixed Seats 1 : 4 seats

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Indoor Amusement Establishment	This category shall include facilities for a wide variety of sport, entertainment, games of skill, or recreation to the general public for a fee where the activity takes place within an enclosed structure. Examples include but are not limited to bowling, billiards, darts, paintball, laser tag or similar activities; gymnasium or indoor arena; basketball, handball, soccer, and tennis courts; hockey rinks; swimming pools; physical fitness centers; and amusement devices.						P	P				P	P	P	P	P	Theater | 1 : 4 seats Bowling Alley | 1 : 3 lanes Other | 1 : 300 sf
Shooting Club (Indoor)	This category includes indoor facilities especially designed for the safe discharge and use of handguns, rifles, or other firearms for the purpose of sport-shooting or law enforcement training.						P	P					P				1:500 sf
Theater (Movie, Music, Drama, Or Dance)	A structure that is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event. Such establishments may include incidental services such as food and beverage sales and other concessions.						P	P				P	P	P	P	P	1 : 4 seats
Recreation And Entertainment Uses (Outdoor)	Uses that provide recreation or entertainment activities inside and/or outside of an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.																
Country Club Or Golf Course	A facility or area laid out for recreational, athletic, and social purposes that may have limited membership. A golf course may be included as an additional principal use, or may be a stand-alone use. Accessory uses may include retail sales, concessions, maintenance facilities, a club house, and other recreational facilities.	P	P				P	P									9 : hole + 1 : 150 sf clubhouse
Outdoor Amusement Establishment	Uses that provide a variety of outdoor activities for entertainment and recreation including amusement rides, basketball, baseball, batting cages, go-cart tracks, tennis courts, amusement and theme parks, water parks, marinas, water sports, and other activities not specifically listed under this general category. These uses may include indoor arcade facilities and food and beverage sales as well.	P					P	P	P				P				1 : 3 patrons

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Shooting Club (Outdoor)	A facility or area for the sport of shooting at targets to test accuracy in rifle, pistol, or archery practice, owned or operated by a corporation, association, or persons, and conducted outside of an enclosed structure. This category includes skeet shooting facilities, target ranges, archery, and similar activities as well as shooting ranges that include both indoor and outdoor activities.							P	P								1 : 3 patrons
Rental And Leasing	Establishments in the rental and leasing category include establishments that provide tangible goods, such as computers, video games, consumer goods, and industrial machinery and equipment, to customers in return for a periodic rental or lease payment. This category does not include car and truck rental which are included in the Auto-related sales and service subcategory.																
Car Rental	A facility for the rental of cars and passenger truck vehicles. Vehicles kept on the lot for rental purposes are not considered to be outside storage.						P	P	P				P				1 : 500 sf office space
Commercial And Industrial Machinery Leasing And Rental	These establishments rent or lease: a) office machinery and equipment, such as computers, office furniture, duplicating machines (i.e., copiers), or facsimile machines; b) heavy equipment without operators used for construction, mining, or forestry, such as bulldozers, earthmoving equipment, well-drilling machinery and equipment, or cranes; c) other non-consumer machinery and equipment, such as manufacturing equipment; metalworking, telecommunications, motion picture, or theatrical equipment; institutional (i.e., public building) furniture; or agricultural equipment without operators.						P	P	P	P							Office | 1 : 500 - Showroom/equipment storage 1 : 1000

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Recreational And Consumer Goods Rental	These establishments rent recreational goods, such as skis, canoes, bicycles, sailboats, etc. This category also includes establishments that rent personal and household type goods. Establishments generally provide short-term rental although in some instances, the goods may be leased for longer periods of time. These establishments often operate from a retail-like or store-front facility. Rental items include: home health equipment; consumer electronics equipment, such as televisions, stereos, and refrigerators; clothing, such as formal wear, costumes, (except laundered uniforms and work apparel); furniture; and party supplies.						P	P					P	P	P	P	1 : 500 sf
RV, Trailers, And Truck Rental	Establishments in this classification rent or lease trucks, truck tractors or buses, semi-trailers, utility trailers, RVs (recreational vehicles), or off-highway transportation equipment.							P	P								1 : 1000 sf
Retail Sales	Retail sales establishments sell merchandise directly to the general public from a fixed point-of-sale location. Retail establishments are designed to attract a high volume of walk-in customers and they often have displays of merchandise and sell to the general public for personal or household consumption Accessory uses may include offices, parking, primarily indoor storage of goods, and assembly, repackaging, or repair of goods for on-site sale.																
Alcoholic Beverage Sales (package store)	A retail establishment that sells packaged alcoholic beverages, such as ale, beer, liquor, and wine for off-premise consumption only.						P-9	P-9				P-9	P-9	P-9	P-9	P-9	1 : 300 sf
Building Materials, Home And Garden Centers	These establishments include the retail sale of home building and repair, lawn, and garden supplies, and construction materials such as brick, lumber, and other similar materials. They may also sell other products, such as plumbing goods, electrical goods, tools, housewares, hardware, and home appliances.						P	P	P				P				1 : 500 sf
Bulk Apparel Sales (Used)	The business of receiving and selling clothing and apparel in larger quantities than they are sold to final consumers but in smaller quantities than they are purchased from manufacturers.						P-14	P-14					P-14				1 : 300 sf
Convenience Store	A retail establishment that sells convenience goods and other consumable and non-consumable products for off-premise use or consumption that is 6,000 sq. ft. or less.						P	P	P		P	P	P	P	P	P	1 : 300 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Department Store, Superstore, Or Warehouse Club	These establishments are unique in that they have the equipment and staff capable of retailing a large variety of consumer goods from a single, and relatively large location (generally over 80,000 sq.ft.). They retail a wide range of products with no one merchandise line predominating. Products may include: apparel, furniture, appliances and home furnishings, paint, hardware, toiletries, cosmetics, photographic equipment, jewelry, toys, and sporting goods. Merchandise lines may be arranged in separate departments. Use this classification for establishments known as warehouse clubs, superstores or supercenters retailing a general line of groceries in combination with general merchandise.						P	P						P	P	P	1 :300 sf 1 : 500 if larger than 50,000 sf
Durable Consumer Goods Sales (Computers, Clothing, Art Supplies, Florist, Shoes, Jewelry, Etc.)	Establishments in this retail sales category offer a wide range of product lines that often include: clothing, florists, sporting goods, art supplies, shoes, jewelry, toiletries, cosmetics, photographic equipment, toys, books and magazines, furniture, furnishings, appliances, electronics, automotive parts, and dry goods. Examples of such establishments are: department stores, warehouse clubs, superstores or super centers (with the exception of grocery stores).						P	P			P	P	P	P	P	P	1 : 300 sf
Fuel Pumps (Accessory)	Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles. Such use is permitted only in conjunction with a permitted primary use.						P-26	P-26	P-26		P-26	P-26	P-26	P-26	P-26		n/a

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Furniture And Home Furnishings	These establishments sell products, such as household furniture (e.g., baby furniture box springs and mattresses) and outdoor furniture, office furniture (except those sold in combination with office supplies and equipment), floor coverings (rugs, carpets, vinyl floor coverings, and floor tile not only ceramic or wood), and window treatments (curtains, drapes, blinds, and shades). Some of these items may be sold in combination with major appliances or home electronics, or in combination with installation and repair services.						P	P	P			P	P	P	P	P	1 : 500 sf
Grocery Store or Supermarket	Supermarkets and other grocery stores retail a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Included in this class are meat and seafood markets, delicatessen-type establishments, and establishments retailing baked goods (usually made off-premises). These establishments may include pharmacies, banks, or cafes.						P	P	P		P	P	P	P	P	P	1 : 300 sf
Pawn Shop	A building or premise (other than a bank, savings and loan, or mortgage banking company) used for the business of lending money on the security of pledged goods, or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, and for the retail sale of pawned or repurchased items.							P-16									1 : 300 sf
Personal Services	An establishment, whether for compensation or not, that provides care, advice, aid, maintenance, repair, treatment, or assistance. Typical examples include barber/beauty shop, spa/salon, shoe repair, tailor, laundry or dry cleaning services, handcrafted or instructional arts studio, photography studio, safe deposit boxes, travel bureau, house cleaning services, weight reduction centers, florist (excluding greenhouses), or pet grooming shop. Boarding is not an incidental use to pet shops or pet grooming shops.						P	P			P	P	P	P	P	P	1 : 200 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Used Goods Sales	Establishment for the sale of any goods, materials, or other articles of merchandise that are not new. This definition includes items that have been used or worn previously by another, consignment stores, antique malls, and "cash for gold" businesses. Such use does not include bulk sales.						P	P			P	P	P	P	P	P	1 : 300 sf

E. Industrial Uses

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. Industrial subcategories and uses are as follows:

1. Construction-Related Businesses
2. Manufacturing
3. Transportation-Related Businesses
4. Utilities and Utility Services
5. Warehouse and Storage
6. Wholesale Trade (Not Resale)

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Construction-Related Businesses	These establishments either build buildings or structures, or perform additions, alterations, reconstruction, installation, and repairs. They may also provide building demolition or wrecking services. Establishments engaged in blasting, test drilling, landfill, leveling, earthmoving, excavating, land drainage, and other land preparation are included as well. This category reflects the unique processes and site needs such as equipment and material storage, etc. of these establishments.																
Machinery Related Contractors' Yards And Storage	A facility or area for the outdoor storage of building materials, tools, heavy machinery, dump trucks, or commercial and heavy equipment used in relation to construction uses and related businesses.								P	P							1 : 1000 sf
Specialty Trade Contractor	Establishments that specialize in construction activities, such as plumbing, painting, and electrical work. Special trade contractors usually work at the job site, although they may have shops for storage, prefabrication and other work. Specialty trade contractors include carpentry, floor, tile, roof, concrete, electrical, glass, glazing, masonry, drywall, painting, plumbing, HVAC, and similar activities.						P-20	P	P	P			P-20				1 : 1000 sf
Asphalt Or Concrete Batch Plant	A facility or area, which is not temporary in nature, for mixing concrete or asphalt.									P							5 spaces
Excavation Related Services	These establishments provide a range of excavation related services needed for development and building construction. Activities performed include shaft drilling, foundation digging, foundation drilling, and grading.									P							n/a

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Wrecking And Demolition Establishment (Including Junk Yards)	These establishments provide wrecking and demolition of buildings and structures; this includes underground tank removal and the dismantling of non-hazardous steel oil tanks. This category also includes establishments that provide wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn out, wrecked, or abandoned automobiles, trucks, tractors, stoves, refrigerators, or machinery of any kind or of any of the parts thereof, or for the maintenance or operation of such place for the accumulation of rubbish of any description such as old iron, glass, paper or other waste that may be used again in some form. Some of these establishments may sell materials derived from demolishing operations.									P							1 : 1000 sf
Manufacturing	This subcategory includes establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Manufacturing establishments are located in plants, factories, or mills and employ power-driven machines and materials-handling equipment. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included, such as establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site.																
Food And Beverage Processing	A facility or area in which food for human consumption in its final form, such as candy, baked goods, tortillas, soda, beer, and ice cream is produced, and the food is distributed to retailers or wholesalers for resale on or off the premises. Food or beverage processing using mechanized assembly line production of canned or bottled goods is excluded from this definition.									P							1 : 1000 sf
Alcohol Production, Macro	A facility over 15,000 sq. ft. where beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and that possess the appropriate licenses from the State of Texas. No alcoholic beverages are consumed on-site.							P	P	P							1 : 1000 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Paper And Printing Services	These uses primarily manufacture paper and offer printing-related products. Excluded are photosensitive papers, which are classified in chemical and plastics. Printing establishments print products (e.g. newspapers, books, periodicals, and greeting cards) and perform support activities, such as bookbinding, plate making services, and data imaging. Clothing printers are included if their primary activity is printing, not clothing manufacturing (e.g., T-shirt printing is included, but fabric printing is not).									P							1 : 1000 sf
Furniture And Related Product Manufacturing	These establishments manufacture furniture and related articles, such as mattresses, window blinds, cabinets, fixtures, furniture parts, and frames. Processes include the cutting, bending, molding, laminating, and assembling of materials, such as wood, metal, glass, plastics, and rattan. Aesthetic and functional design also plays an important part in the production of furniture. Design services may be performed by the furniture establishment's work force or may be purchased from industrial designers.									P							1 : 1000 sf
Machinery, Appliance, Electrical Equipment, Electronics, And Components	These uses include a range of manufacturing activities. It includes establishments that make machinery for particular applications, such as agriculture, construction, mining, ventilation, industrial/commercial heating and cooling, and metalworking. It also includes establishments manufacturing electrical products, including motors and generators and manufacturers of household appliances, including heaters, refrigerators, and air conditioners.								P	P							1 : 1000 sf
Transportation Equipment And Automobiles	These establishments produce equipment for transporting people and goods. Although transportation equipment is a type of machinery, assembly tends to be distinct from the production processes common in the machinery manufacturing.									P							1 : 1000 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Miscellaneous Manufacturing (Jewelry, Toys, Games, Office Supplies, Custom Crafts, Etc.)	All other manufacturing establishments not classified elsewhere. Some of these include jewelry, silverware, dolls, toys, games, musical instruments, office supplies, inks, and signs.								P	P							1 : 1000 sf
Chemicals, And Metals, Machinery, And Heavy Manufacturing	These industries transform or refine chemicals or metals, and manufacture products from chemicals or metals. Establishments in this category include petroleum or coal products; chemical, plastics, or rubber products; or primary metal manufacturing.									P							1 : 1000 sf
Transportation-Related Businesses	Physical facilities involved in the movement of people or goods, which may include highways, flight-related facilities, rail transit lines, and other similar facilities.																
Impound Yard For Towed Vehicles (Not Inoperable Vehicles)	A parking lot that serves as a holding place for cars that have been impounded until they are placed back in the control of the owner.								P-29	P-29							1 : 1000 sf
Air Transportation Related Uses	A facility or area for the landing and taking off of fixed or rotary wing aircraft. This uses shall include any airport terminal, air traffic control towers, aircraft hangars, and other related facilities. It shall also include heliports for the landing and takeoff of helicopters								P	P							1 : 1000 sf
Rail Transportation Related Uses	A facility or area for the maintenance, repair, or storage of bus, rail (including freight), or other transit vehicles.								P	P							1 : 1000 sf
Other Local, Regional, Intercity Transportation Uses (Public And Commercial)	All other transportation related activities and storage, including but not limited to: school bus transportation, rural and special needs transit operations, local transit, inter-city bus, charter bus, and similar establishments.							P	P	P							1 : 1000 sf
Taxi, Bus, And Limousine Service	These establishments provide passenger transportation by automobile or van, not over regular routes or regular schedules. Taxicab owner/operators, taxicab fleet operators, and taxicab organizations are included. Also included are limousine and luxury sedan establishments, which may provide an array of specialty and luxury passenger transportation services including dispatch centers and support services.							P	P	P				P	P	P	1 : 1000 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Courier, Messenger, And Postal Service Centers	These establishments include courier and messenger services that provide air, surface, or combined courier delivery services of parcels and messages within or between metropolitan areas or urban centers. These establishments may form a network including local, and point-to point pick-up and delivery. This category also includes USPS establishments that perform one or more postal services, such as sorting, routing, and delivery on a contract basis. This category shall not include customer service and retail operations of such courier, messenger, or postal service. These shall be considered under the Business, Professional, and Technical Services category or Public or Governmental Functions (USPS).							P	P	P							1 : 1000 sf
Truck And Freight Transportation Services	Truck and freight transportation uses provide over the-road transportation of cargo using motor vehicles, such as trucks and tractor trailers. This category includes general freight trucking and specialized freight trucking. General freight transportation establishments handle a wide variety of commodities, generally palletized, and transported in a container or van trailer. Specialized freight transportation requires specialized equipment due to the size, weight, shape, or other inherent characteristics of the cargo. These establishments may be located in conjunction with Warehouse and Storage establishments.								P	P							1 : 1000 sf
Utilities And Utility Services	The use of land for lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity.																
Utility Lines, Towers Or Metering/Pumping Station	Local utilities such as electrical power, telephone, gas, water, and sewer drainage lines; air pollution monitoring stations; in-line facilities such as gas regulating stations and water wells or pumping stations; sewage pumping stations; telephone exchange, switching and transmitting equipment; and electrical transmission lines operated by a municipality or a franchised utility company.								P	P							n/a

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Sewer, Solid Waste, Recycling, And Related Services	These facilities collect, treat, and recycle or dispose of waste materials. Establishments locally haul waste materials; operate materials recovery facilities (i.e., sort recyclable materials from trash); provide remediation services (i.e., the cleanup of contaminated sites); operate sewer systems or sewage treatment facilities; or provide septic pumping or other miscellaneous waste management services.									P							1 : employee on largest shift
Natural Gas, Petroleum, Fuel Related Services	This use encompasses: 1) establishments operating fuel (gas or petroleum) distribution systems (e.g., mains, meters); 2) fuel marketers that buy fuel from the well and sell it to a distribution system; 3) fuel brokers or agents that arrange the sale of fuel over fuel distribution systems operated by others; and 4) establishments that transmit and distribute fuel to final consumers.									P							1 : 1000 sf
Electric Utility Services (Includes Generating Plants And Sub-Stations)	A facility or area that generates electricity from mechanical power produced by solar, gas, coal, wind, hydraulic power sources, or nuclear fission franchised by the State. This category also includes electric transmission lines, substation facilities for transforming electricity for distribution to individual customers.									P							n/a
Telecommunications Equipment And Facilities (Building Mounted)	Any telecommunications equipment and facilities attached to an existing building or tower not built for the exclusive purpose of hosting such facilities or equipment.						P	P	P	P		P	P				n/a

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Telecommunications Tower	Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae that transmit information (audio, video, data) in the form of electromagnetic signals to one or more receivers without the use of a physical connection between the transmitting and receiving source. The term includes but is not limited to lattice towers, guyed towers, and monopole towers. The term does not include a clock tower, bell tower, steeple, light pole, power pole, water tower, or similar structure that incidentally supports antennae. Towers may be freestanding or building-mounted, and may be concealed or unconcealed. An auxiliary structure housing electronic communications equipment is permitted as part of this use.	S-21						S-21	S-21	S-21							n/a
All Other Utility Related Uses (Other Than Listed)	A facility or area for a utility installation not specifically listed in this UDC.								P	P							n/a
Warehouse And Storage	These service establishments operate warehouse and storage facilities for wholesale trade, general merchandise, refrigerated goods, and other warehouse products. They provide the facilities to store goods but do not sell the goods they handle. They may also provide a range of services related to the distribution of goods, such as labeling, breaking bulk, inventory control and management, light assembly, order entry and fulfillment, packaging, pick and pack, price marking and ticketing, and transportation arrangement. This category also includes commercial mini-storage or self-storage facilities. There is little on-site sales activity with the customer present.																
Distribution Center Or Warehouse	Buildings or areas for distribution of manufactured products, supplies, and equipment. This definition excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.								P	P							1 : 1000 sf
Self-Storage Or Mini Storage	A facility or area where enclosed storage space, divided into separate smaller compartments, is provided for use by individuals to store personal items or by businesses to store materials for operation of a business establishment at another location. Related activities, such as retail sale of packing and moving materials and the rental of moving equipment, including vans and trucks, are allowed as incidental uses						P-19	P	P	P			P-19				1 : 1000 sf
Any Outdoor Storage Related To An Industrial Use	Any use in the Industrial use category that provides outside (with or without roof) storage of equipment, inventory and materials, or finished products.								P-29	P							1 : 1000 sf

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Wholesale Trade (Not Resale)	Wholesaling is an intermediate step in the distribution of merchandise. Wholesalers either sell or arrange the purchase of goods to other businesses and normally operate from a warehouse or office. They may be located in an office building or a warehouse. Unlike retailers, their warehouses and offices have little or no display of merchandise. Whether the establishment is in a warehouse or an office building depends on a combination of activity and structure-type dimensions.																
Wholesale of Durable and Nondurable Goods	Establishments in the durable goods subcategory sell or arrange the purchase or sale of durable and nondurable goods to other businesses.								P	P							1 : 1000 sf

F. Accessory Uses

1. Accessory Uses Allowed

a. Accessory uses are permitted only in relation to lawfully established principle uses.

b. Accessory uses are limited to those stated in this chapter, as well as those which are determined by the Planning Director to satisfy all of the following criteria:

(i) They are customarily found in conjunction with the subject principle use;

(ii) They are subordinate and clearly incidental to the principle use of the property; and

(iii) They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principle use.

2. Time of Construction and Establishment

a. Accessory uses may be established only after the principle use of the property is in place.

b. Accessory structures may be established in conjunction with or after the principle building or use. They may not be established before the principle building or use is in place.

3. Location

Accessory uses must be located on the same lot as the principle use to which they are accessory.

4. Compliance with Zoning District Requirements

Unless otherwise expressly stated, accessory uses are subject to the same zoning district requirements that apply to principle uses.

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Animal Related Service With Outdoor Pens Or Runs	These establishments shall include any animal-related use that has fenced outdoor areas for animals associated with the primary use.	P-11															Established per principle use
Child Care Home (< 6 Children)	Regular care occurring in the caretaker's own residence for not more than six (6) children, including children who are related to the caretaker. See Chapter 42 of the Texas Human Resources Code, Regulation of Certain Facilities, Homes, and Agencies that Provide Child Care Services.	P-6	P-6	P-6	P-6	P-6	P-6	P-6			P-6			P-6			Per dwelling unit
Child Care Home (7-12 Children)	Regular care occurring in the caretaker's own residence for not more than twelve (12) children, including children who are related to the caretaker. See Chapter 42 of the Texas Human Resources Code, Regulation of Certain Facilities, Homes, and Agencies that Provide Child Care Services.	S-6	S-6	S-6	S-6	P-6	P-6	P-6			P-6			P-6			Per dwelling unit or as established per SUP
Drive Thru (Accessory)	An accessory use typically associated with restaurants, banks, pharmacies, and other uses to accommodate drive-up traffic. Such use is permitted only in conjunction with a permitted primary use.						P-23	P-23	P-23		P-23	P-23	P-23	S-23	S-23	S-23	n/a

Use	Definition	AG	RE	R-1	R-2	R-3	CC	RC	LI	HI	TN	TN-MU	TN-C	DE	DG	DC	Parking Ratios
Dwelling, Accessory	A dwelling unit that is attached or detached from the primary on-site structure, is used as a residence, is incidental to the main structure.	P-24	P-24	P-24	P-24	P-24					P-24	P-24	P-24	P-24	P-24	P-24	1 : Dwelling unit
Food Truck (Accessory)	A large wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared.						P-25	P-25	P-25	P-25	P-25	P-25	P-25	P-25	P-25	P-25	n/a
Fuel Pumps	Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles. Such use is permitted only in conjunction with a permitted primary use.						P-26	P-26	P-26		P-26	P-26	P-26	P-26	P-26		n/a
Funeral Home Crematory	A place for the preparation and cremation of human or animal bodies. Only permitted as an accessory to a Funeral Home. Only permitted as an accessory to a Funeral Home.	S					S	S				S	S				Established per SUP
Home Occupation	Any occupation that is performed at home that is not apparent from outside the home. This term does not include beauty schools, doctor's office, or treatment of patients.	P-27	P-27	P-27	P-27	P-27	P-27	P-27			P-27	P-27	P-27	P-27	P-27	P-27	Established per principle use
Outdoor Display	The display of finished products and services outside of a building or structure, including burial monuments, landscape materials, pottery and yard décor, equipment not elsewhere classified, and similar materials or items. Such use is accessory to a related primary use.						P-28	P-28	P-28		P-28	P-28	P-28	P-28	P-28	P-28	Established per principle use
Outdoor Storage	The continuous keeping or storage of any unfinished goods, materials, or equipment that is related to the principal use's business operation located outside of a building for more than twenty-four (24) hours. Vehicles that are stored for more than twenty-four (24) hours and are not for sale or rent are considered Outside Storage.						P-29	P-29	P-29			P-29	P-29	P-29			Established per principle use

4.4.4 ADDITIONAL USE STANDARDS

A. Applicability – Permitted Uses

The following additional use standards shall apply, as indicated in the Permitted Use Chart:

Residential Uses

1. Dwelling, Live/Work

A live/work dwelling includes both live and work uses within a single dwelling unit.

a. The 'live' component:

(i) Shall be occupied by the business operator; and

(ii) May be located on the street level behind the 'work' component or any other level of the building.

b. The 'work' component:

(i) Is limited to the uses of professional offices, artists' workshops, studios, or other similar uses and is located on the street level; and

(ii) May be constructed either as separate units or as a single unit.

c. Live/work is distinguished from a home occupation otherwise defined herein in that the work use is not required to be incidental to the dwelling unit and customers may be served on site.

d. Each portion of a live/work dwelling shall comply individually with applicable building codes.

2. Dwelling, Townhouse (Single-family attached or multi-family)

a. Townhouse dwellings shall be constructed on individual lots that are platted in accordance with **Article 3 Subdivision Regulations**.

3. Community Group Home for People with Disabilities

a. Applications for a Community Home for Persons with Disabilities shall include, but not limited to, the following information:

(i) Current State license information, and

(ii) On-site responsible party and contact information.

b. In accordance with Section 123.008 of the Human Resources Code, no Community Home for Persons with Disabilities shall locate within one-half mile of another Community Home for Persons with Disabilities.

c. The amount of on-site parking shall not exceed the required number of parking spaces by more than three (3) spaces.

d. All Community Homes shall require an interior and exterior inspection of the property prior to the issuance of a Certificate of Occupancy and annually thereafter by the Building Official, Building Inspector, and Code Enforcement Officials.

4. Halfway House

a. A halfway house must be at least 2,000 feet from other halfway house or inpatient substance abuse treatment facility, measured property line to property line.

b. A halfway house must be at least 750 feet from any community home or group home, notwithstanding any additional distance restrictions of Federal, State or local law for moderate

and high risk (level 2 and 3) and civil commitment sex offenders, measured property line to property line.

c. The appearance and residential character of the structure cannot be altered, either through use of colors, materials, construction (excepting provisions for the physically handicapped) and Lighting; the emission of sound, noise, vibration and electromagnetic interference; or outdoor storage of any kind.

d. Signs identifying the property as a halfway house are prohibited in residential zoning districts.

e. Vehicles used primarily for the halfway house (for instance, vans displaying an institution name) must be stored where they cannot be seen from the public right-of-way or adjacent properties when located in a residential zoning district.

f. Any single-family dwelling unit to be utilized for a halfway house shall provide as a minimum, the following square footage in each bedroom:

(i) To house one person per bedroom, the dwelling unit must provide one hundred (100) square feet of space per bedroom utilized for this purpose.

(ii) To house two or more persons per bedroom, the dwelling unit must provide at least eighty (80) square feet of space per person housed in the bedroom utilized for this purpose. For example, two persons would require a one hundred sixty (160) square foot room.

5. Manufactured Homes and Manufactured Home Park/Subdivision

a. A **Manufactured Home Lot**, **Manufactured Home Park**, or **Manufactured Home Subdivision** shall comply with the development standards in **4.6.10 Manufactured Home Development.**

b. The minimum lot area for a **Manufactured Home Park** or **Manufactured Home Subdivision** shall be a minimum of two (2) acres as required in **4.6.10C.1.a Minimum Lot Area**.

c. Both manufactured home parks and subdivisions shall comply with the **Minimum Requirements for all Manufactured Home Development** in **4.6.10C.1**, however additional development standards apply to both manufactured parks and subdivisions.

(i) Refer to **4.6.10C.2** for **Additional Requirements for Manufactured Home** .

(ii) Refer to **4.6.10C.3** for **Additional Requirements for Manufactured Home Subdivisions**.

Public, Civic and Institutional Uses

6. Child Care Home

a. Child care homes must be an accessory use to an allowed household living use and be licensed by the State of Texas.

b. Applicants for family child care homes must obtain a zoning clearance permit and a certificate of occupancy before commencing operation.

c. Child care homes may provide supervision for no more than 6 children.

d. No person may be employed other than a member of the household residing on the premises or a non-resident, substitute caregiver, as may be required for family child care homes by the State of Texas.

e. Signs advertising a family child care home are prohibited.

f. No exterior building alterations or site modifications may be made that would change the residential character of the premises.

g. A family child care home may not be established on any lot located within 300 feet of another lot occupied by a family child care home if any boundary of the subject lot abuts the same street.

7. Correctional Institution

a. To avoid over-concentration, all detention and correctional facilities must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses.

b. The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.

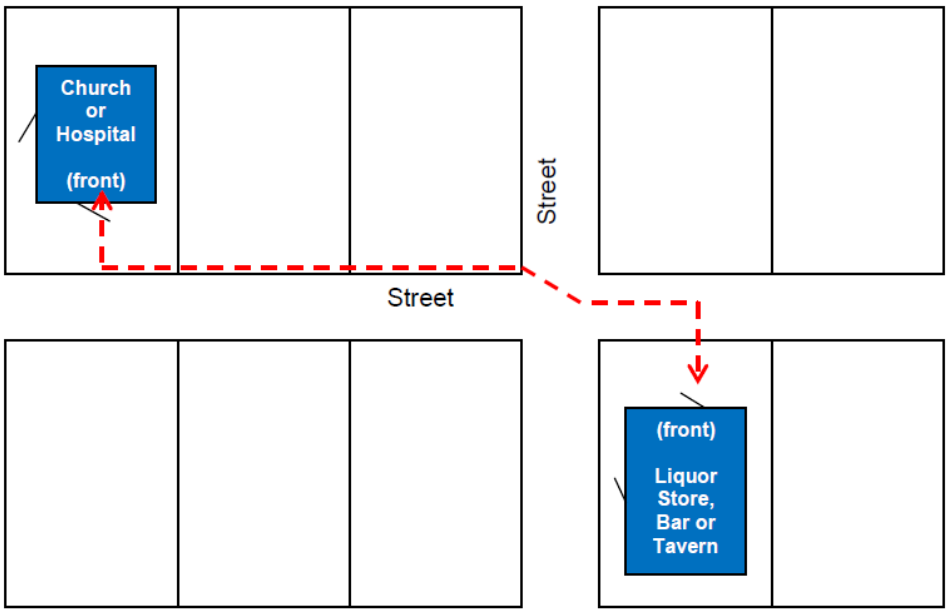
8. Recreation Center

a. Recreation Centers located in the RE, R-1, and R-2 zoning districts shall be set back from residential dwellings at least fifty (50) feet.

Commercial Uses

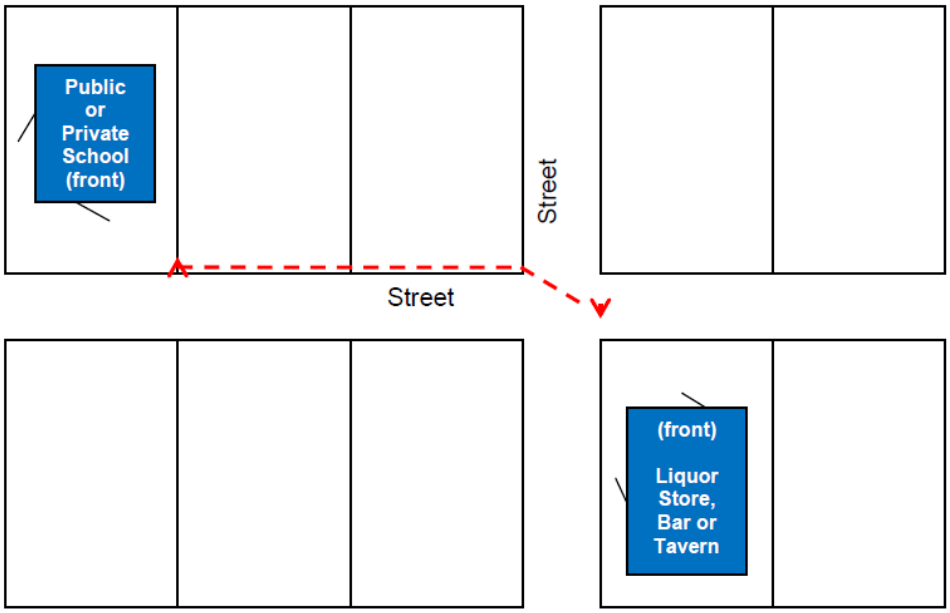
9. Alcoholic Beverage Sales
   a. The premises shall nowhere be within a radius of 200 feet from public school property.
10. Alternative Financial Institution and Bail Bond Service
   a. These uses shall not be located within one-half (1/2) mile of another existing Alternative Financial Institution or Bail Bond Service measured from property line to property line.
   b. Any Alternative Financial Institution shall be considered a principal use and may not be considered as an accessory use.
11. Animal Production and Ranching, and Animal Related Service Uses
   a. Animal Production and Ranching, and Animal Related Service Uses shall comply with **Chapter 10 - Animal Regulation and Care** of the Brownsville Code of Ordinances.
   b. Whenever an Animal Production and Ranching or Animal Related Service Use is located on a lot abutting an R or AG zoned lot, a screening fence or wall must be provided along the common property line.
12. Bar or Drinking Establishment or On-Premise Consumption of Alcohol or Alcoholic Beverage Sales
   a. Alcoholic beverage sales, bars, and on-premise consumption of alcohol shall be prohibited within 300 feet of a religious assembly and institution use, an educational service establishment, or a hospital. Alcoholic beverage sales are also prohibited within 1,000 feet of a private school if the City Commission approves by resolution a request for the 1,000 foot separation from the governing body of a private school.
   b. Method of Measurement
      (i) Religious Assembly and Institution Use or Hospital

      The measurement of this distance shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.



(ii) Educational Service Establishment

The measurement of the distance between the premises and an educational service establishment shall be from the property line of the educational service establishment to the property line of the place of business, and in a direct line across intersections.



c. This section does not apply to any establishment that is licensed for the sale or consumption of alcoholic beverages at the time a church, public school or hospital begins construction or occupancy of a building within 300 feet of the licensed establishment. Nor shall it apply to churches, public schools or hospitals that are themselves licensed for the sale or consumption of alcoholic beverages.

d. This section does not apply to on-premises consumption if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages; off-premise consumption if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or a wholesaler, distributor, brewer, distiller, rectifier, winery, wine bottler or manufacturer as those words are ordinarily used and understood in Chapter 102 of the Texas Alcoholic Beverage Code.

e. A Bar or Drinking Establishment that shares a common property line with property in the AG, RE, R-1, R-2 or R-3 zoning districts or that contains a single family residence shall also comply with the following:

(i) Outdoor amplification of sound is prohibited unless a Specific Use Permit is granted by the City Commission.

(ii) Interior finish-out materials such as acoustic tiles or other approved sound-dampening materials shall be installed to maintain a noise level no greater than sixty (60) decibels when measured at the common property line shared by the Bar or Drinking Establishment and an adjacent single family residence or residential zoning district.

13. Bed and Breakfast Establishment
    a. Number of guest rooms is limited to five (5).
    b. Parking shall meet standards in **4.6.2 Parking**.
    c. Cooking facilities in guest rooms are not allowed.
    d. Individual guest occupancy is limited to no more than fourteen (14) consecutive days within any thirty (30) day period.
    e. Signs shall comply with **5.3 Signs**.
    f. Health and Safety Considerations: Shall meet all adopted City, county, and state regulations regarding applicable fire code, health safety including food handling permit requirements.
14. Bulk Apparel Sales
    a. Bulk Apparel Sales uses must ensure adequate, enclosed, dumpsters are available on site to accommodate disposal of discarded items.
    b. Trash pick up service must be conducted regularly and frequently enough to ensure dumpsters do not overflow and that dumpster lids are closed at all times they are not being loaded or emptied.
15. Food Truck Park
    a. All mobile vendors must have valid required health inspection permits from the City.
    b. Applications for a Food Truck Park shall include the following:
        (i) A detailed site plan showing the location and dimensions of the park area, locations of all proposed mobile vendors, landscaping, building setbacks, vehicle parking, areas for sitting and/or dining, barriers, utility connection locations, and restroom locations;
        (ii) Written permission from the land owner to use the site (unless the applicant is the land owner);
        (iii) A copy of all required health inspection permits;
        (iv) Proposed hours of operation;
        (v) Shared use agreement for restroom facilities (if applicable), as noted by **d.** below.
    c. Food Truck Park sites are considered a parking lot; therefore, all surfaces must be paved and include the required landscaping outlined in **Section 4.6.3 Landscaping.**
    d. Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public.
    e. Electrical, water, and wastewater connections shall be provided.
    f. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking lots.
    g. Food Truck Park sites shall be defined by curbs (i.e., continuous curb cuts are prohibited) to confine ingress and egress to defined access points to ensure the safety of pedestrians within the park.
    h. A barrier shall be located between any vehicular areas and the customer service areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material or color; or similar treatments.

i. Drive-thrus are not permitted in conjunction with a Food Truck Park.

j. Signage is allowed on the mobile vendor vehicle itself but no detached signage is allowed.

k. A waste receptacle is required for every mobile vendor and waste shall be removed daily.

16. Pawn Shops

Pawn shops shall not be located within one-half (1/2) mile of another existing pawn shop.

17. Plasma Center

Plasma centers shall not be located within one (1) mile of an existing plasma center.

18. Sexually Oriented Business

All Sexually Oriented Businesses shall comply with **Chapter 22, Article XII. Sexually-Oriented Businesses** of the Brownsville Code of Ordinances.

Industrial Uses

19. Self-storage or Mini-storage

Self-storage or mini-storage facilities shall be limited to indoor storage only in the CC, Corridor Commercial and TN-C, Traditional Neighborhood Commercial zoning districts.

20. Specialty Trade Contractors

Specialty Trade Contractor uses in the CC, Corridor Commercial and TN-C, Traditional Neighborhood Corridor zoning districts are limited to office uses unless a Specific Use Permit is approved.

21. Telecommunications Equipment and Facilities and Towers

All Telecommunications Equipment and Facilities and Towers shall comply with **4.6.9 Wireless Transmission**.

Accessory Uses

22. Carports

Any carport that occupies all or a portion of the street setback or street yard area must be approved in accordance with the special exception procedures of **4.2.11 Zoning Relief**.

23. Drive Thru

Any use with drive-thru facilities (e.g. retail sales, pharmacy, banks, and restaurants):

a. A Drive-Thru window is only allowed as an accessory to a permitted principal use.

b. A Drive-Thru window is not automatically included with any use. A Drive-Thru must be allowed as an accessory use to utilize a Drive-Thru window.

c. See Section for applicable stacking and queuing requirements.

24. Dwelling, Accessory

a. No more than one (1) Accessory Dwelling Unit for the purpose of a living quarters shall be permitted on a lot.

b. No more than one (1) household family unit shall occupy an Accessory Dwelling Unit at a time.

c. Accessory Dwelling Units may be rented or occupied by a guest.

d. Accessory Dwelling Units must meet the setbacks established for the principal dwelling.

e. An Accessory Dwelling Unit shall be limited in size to not more than 50% of the total floor area of the principal dwelling's living space.

f. Accessory Dwelling Units may have a separate utility meter from the principal dwelling.

25. Food Truck

a. One (1) Food Truck may be established as an accessory use on private property where Full-Service Restaurants are permitted by right.

b. Parking and other site development requirements shall be met for the Food Truck in addition to the principal use on the lot.

c. Food Trucks may operate on public property (including within the right-of-way of City streets) only in compliance with **Chapter 22. Businesses; Article VII. Itinerant Merchants and Transient Dealers**.

26. Fuel Pumps

a. Fuel Pumps are allowed only as an accessory to a permitted Retail or Grocery principal use.

b. See **4.6.2 Parking** for applicable stacking and queuing requirements.

27. Home Occupation

a. Home occupations must be accessory and subordinate to the principal residential use of the property.

b. Home occupations that change the character of the residential building they occupy or that adversely affect the character of the surrounding neighborhood are prohibited. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood. Home occupations must be operated so as not to create or cause a Nuisance.

c. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.

d. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior Lighting, the addition of a separate building entrance that is visible from abutting streets or the display of an internally illuminated sign.

e. No display of any material or merchandise is allowed.

f. No vehicle required to be registered as a "commercial truck" may be parked or stored on a lot within a residential zoning district. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods.

g. Prohibited Uses

The following uses are expressly prohibited as home occupations:

(i) Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);

(ii) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;

(iii) Equipment or supply rental businesses;

(iv) Taxi, limo, van or bus services;

(v) Tow truck services;

(vi) Taxidermists;

(vii) Restaurants;

(viii) Funeral or interment services;

(ix) Animal care, grooming or boarding businesses; and

(x) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and

(xi) Any use that does not comply with regulations of this section.

28. Outdoor Display

a. Outdoor Display areas shall not be placed or located more than thirty (30) feet from the main building and shall not exceed fifty (50) percent of the linear frontage of the building.

b. Outdoor Display areas shall be permitted year round.

c. Outdoor Display areas shall be additionally restricted in regard to occupying required parking spaces.

d. Outdoor Display areas shall not occupy any of the parking spaces that are required by this UDC for the primary use(s) of the property.

e. Outdoor Display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way. At least sixty (60) inches of pedestrian clear zone shall be provided to allow for circulation.

f. Outdoor Display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

g. Outdoor Display is permitted only as an accessory use.

29. Outdoor Storage

a. Outdoor Storage is limited to a maximum of ten (10) percent of the total lot area.

b. Outdoor Storage shall not be located in front of or on top of the building.

c. See **4.6.4 Fencing and Screening** for screening requirements.

4.4.5 TEMPORARY USES

1. Festivals, Civic Events, Circus, Carnival, and Amusement Rides
    a. Civic events and special events may be conducted within an existing use and ancillary to that use provided it meets the following criteria.
        (i) The event is carried on for a period of time not exceeding seven (7) consecutive days. Applications for alternative zoning districts or extended periods of time are subject to Planning Director approval.
        (ii) Retail sales may be conducted with the primary activity including arts, crafts, food, and other items.
        (iii) Charitable and Nonprofit Organizations may conduct retail sales for fund-raising purposes in any zoning district.
        (iv) Assemblies are carried on out-of-doors, in temporary shelters, or tents.
        (v) A permit is obtained in accordance with the provisions provide herein.
2. Garage Sale
    a. Private citizens may conduct garage sales on their own property, provided that no more than one garage sale is held during a three-month period and that the garage sale does not exceed five consecutive days.
3. Temporary Storage Containers
    a. Temporary storage containers may be allowed for residential and commercial moving or remodeling.
    b. Temporary storage containers shall be placed on the driveway or parking lot at the furthest point from the street.
    c. Temporary storage containers cannot be placed on any public right-of-way or in grassy areas in the front yard.
    d. Each residential lot shall be limited to two (2) temporary storage containers at a time; no more than twice per calendar year to be placed no longer than ten (10) consecutive days each time unless otherwise approved by the Administrator.
    e. Each nonresidential lot shall be limited to two (2) temporary storage containers at a time; no more than twice per calendar year to be placed no longer than twenty (20) consecutive days each time unless otherwise approved by the Administrator.
    f. If used during remodeling, then the temporary storage container shall be removed within 10 days of final inspection or Certificate of Occupancy issuance.
4. Seasonal Sales
    a. Outdoor seasonal sales are temporary uses which include but are not limited to snow cones, Christmas tree sales, pumpkin sales, plant sales, fresh produce sales and similar uses. Outdoor seasonal sales are not intended to include the sale of manufactured items such as furniture, bedding, automobile parts or household goods. It shall also not include fireworks. The following standards shall apply:

b. The maximum duration of a single seasonal sales permit is fifteen (15) days. Only one sale is permitted per season on any single lot. Such a limitation shall not apply to farmers' markets and similar uses.

c. On a developed lot, the maximum area for seasonal sales shall be no greater than 30 percent of any surface parking area. Such a limitation shall not apply to farmers' markets and similar uses.

d. Outside display shall not block any sight triangles or fire lanes.

e. On undeveloped lots, pre-existing access and parking may be gravel so long as it is maintained in good condition. New access or parking must be located on approved surfaces.

4.5 BUILDING TYPES

4.5.1 PURPOSE

This Section sets forth the standards applicable to the development of each building type. These standards supplement the standards for each zone that the building types are allowed within. These standards are intended to ensure development that reinforces the highly-valued existing character and scale of Brownsville's historic neighborhoods and downtown.

4.5.2 APPLICABILITY

A. The requirements of this Section shall apply to all proposed development with Traditional and Form-based Zoning Districts in Section 4.3.3, and shall be considered in combination with the standards for the applicable zones.

B. Civic Buildings shall meet the standards in Section 4.3.3 for setbacks, height, façade buildout, and parking location.

4.5.3 BUILDING TYPES OVERVIEW

A. This Subsection provides an overview of the allowed building types. The names of the building types are not intended to limit uses within a building type. For example, a detached house may have nonresidential uses within it, such as a restaurant or office.

B. The lot size standards for each building type is set in the Zoning District Standards in Section 4.3.3. The lot size established in Section 4.3.3 by Zoning District allows a range of lot sizes that the given building type. If the lot is smaller than the allowed lot size, a different building type shall be selected.

C. Each lot shall only have one building type, except as follows:

1. Where allowed by the zoning district standards, one Accessory Building is also allowed; and/or
2. More than one building type is allowed on a lot if the submitted building permit application includes a plan to subdivide the parcel meeting all the requirements of this Ordinance.

D. Secondary wings and accessory structures shall have a smaller footprint, a narrower width, and a depth not greater than the main building.

E. **Table 4.5-1. Building Types (General)** provides an overview of building types.

F. **Table 4.5-2. Building Features** provides for circumstances in which certain features may partially encroach within the designated front and side yard setbacks.

G. Sections beginning with **4.5.4 Building Types Established** provides detailed design criteria for each Building Type.

4.5.4 BUILDING TYPES ESTABLISHED

A. The following building types are hereby established in **Table 4.5-1. Building Types (General)**, further described in the subsections below:

Table 4.5-1. Building Types (General)

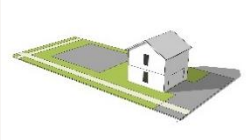
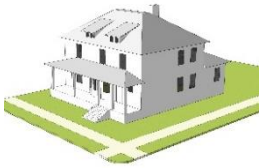
ILLUSTRATION	BUILDING TYPE DESCRIPTION
	Accessory Building A small self-contained structure located on the same lot as a detached house but physically separated. It may be used as a complete, independent living facility, with provisions for cooking, sanitation and sleeping or for a residential garage or for both.
	House A medium to large detached single-family structure typically located within a primarily single-family residential neighborhood. If located within a walkable neighborhood, this building type may vary in size within the neighborhood. Larger houses may be located on proportionally larger lots.
	Cottage Row A series (at least 3 and no more than 6) small, detached structures located on one lot or divided into individual lots, arranged in a row on blocks adjacent to the Downtown Edge, Traditional Neighborhood Mixed Use or Traditional Neighborhood Corridor zones. This type is appropriately scaled to fit within primarily single-family neighborhoods and is important for providing affordability and a broad choice of housing types that promote walkability
	Cottage Court A series of small, detached structures located on one lot or divided into individual lots, arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private open space and becomes an important community-enhancing element. This type is appropriately scaled to fit within primarily single-family neighborhoods and is important for providing affordability and a broad choice of housing types that promote walkability
	Townhouse A collection of narrow to medium sized attached buildings that consists of side-by-side units on individual lots with individual entries facing the street. This type is typically located within medium density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types that promote walkability. Also called a rowhouse or brownstone.

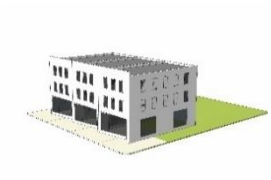
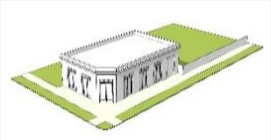
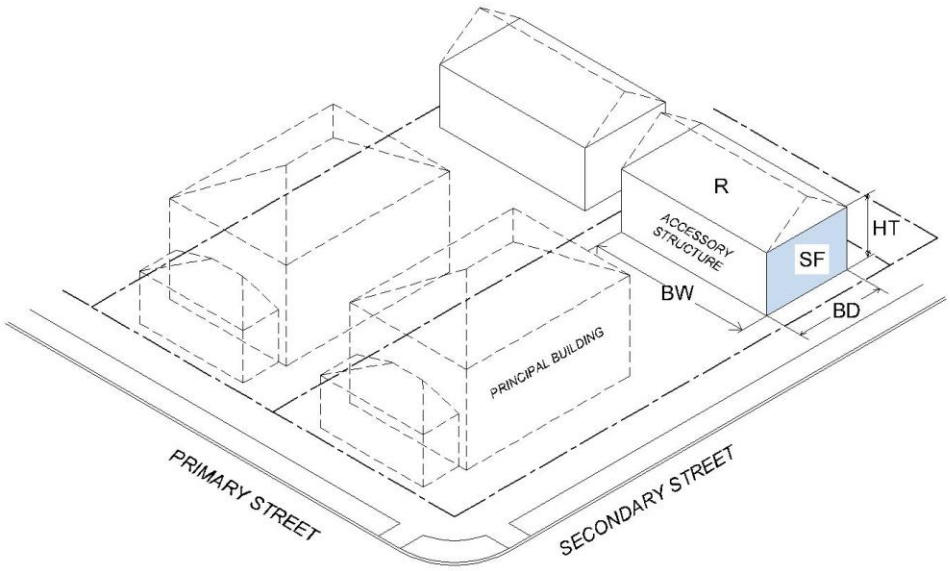
ILLUSTRATION	BUILDING TYPE DESCRIPTION
	Live/Work A small to medium-sized attached or detached structure that consists of a flexible space used for artisan, studio, service, or retail uses, and a residential unit above and/or behind (similar to a Townhouse). This type is appropriate for providing affordable and flexible mixed-use space for incubating neighborhood-serving retail and service uses, artists and other craftspeople. It is especially appropriate for incubating neighborhood serving commercial uses and allowing neighborhood main streets to expand as the market demands.
	Courtyard Building Multi-family residential units or commercial uses or a combination of uses arranged around a central courtyard open to the facing street. Commercial and residential units may be in stacked units, townhouses, or both. This type enables appropriately-scaled, well-designed higher densities and is important for providing affordability and a broad choice of housing and development types that promote walkability.
	Apartment A multi-family residential only structure consisting of a number of dwelling units arranged side by side and stacked on multiple floors. Unit types may be either single level (flats) or multi-floor (townhouse).
	Flex-Use Building A building type that typically may accommodate any use on any floor including retail, office or commercial, or residential uses at a scale that complements the existing residential character of the area.
	Mixed-Use Building A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses. Also called general mixed-use, attached storefronts and perimeter shopfronts.
	Corner Commercial Building A building type that is typically a neighborhood commercial building located at street intersections and accommodating a range of neighborhood serving retail, restaurant, office, or service uses. Also known as a corner bakery or bodega building.
	General Commercial Building A larger commercial building type that typically accommodates retail, restaurant, office or other commercial uses serving the surrounding community or region.

ILLUSTRATION	BUILDING TYPE DESCRIPTION
	Civic A medium to large sized attached or detached building designed to stand apart from its surroundings due to the specialized nature of its public or quasi-public function for public assembly and activity. Examples include libraries, churches, courthouses, schools, centers of government, performing arts, and museums which are often the most prominently sited and architecturally significant structures in a community.

B. Accessory Structure



BUILDING MASS		
BW	Max. Building Width	Same as principle building'
BD	Max. Building Depth	28'
HT	Max. Building Height	2 Stories / 30'

ENCROACHMENTS

Side yard encroachments per Building Features

DWELLING UNITS

Total number of dwelling units per lot determined by allowable density per zone. See **4.3 Zoning Districts**

FAÇADE ELEMENTS

SF	Secondary Street Façade – one window or door having min. area facing street	**15 SF**

BUILDING FEATURES:

Façade facing street may have any building features permitted for the principal building.

ROOF TYPES

Hip, gable, reverse gable, parapet (Mission Style only)

FENCE

Not Applicable

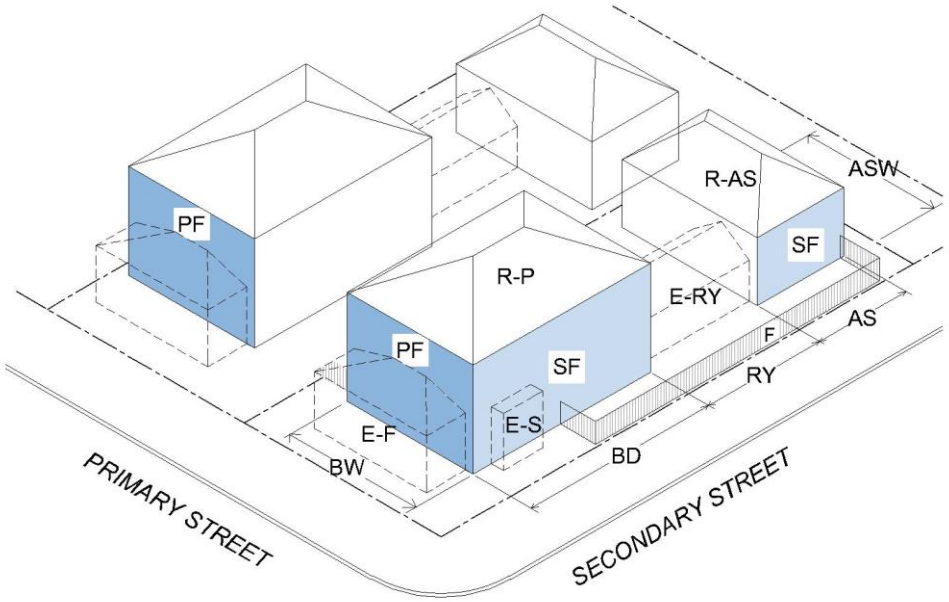
BUILDING MATERIALS

BUILDING COMPONENT	PERMITTED MATERIALS
EXTERIOR WALLS	Lap wood siding, brick, stucco, cementitious fiber board
ROOF *Not applicable to roofs behind parapets*	Standing seam metal, Asphalt Shingle (medium to light gray color), clay barrel tile,
WINDOWS *Applicable to all primary and secondary facades (PF and SF)*	Wood, aluminum clad, vinyl clad,

SPECIAL REQUIREMENTS

Not Applicable

C. Detached Residential Building (House)



BUILDING MASS		
BW	Max. Building Width	**40'**
BD	Max. Building Depth	**50'**
HT	Max. Building Height	**2 Stories / 30'**
RY	Min. Rear Yard	**15'**
ASD	Accessory Structure Depth	**28'**
ASW	Accessory Structure Width	**Same as BW**

ENCROACHMENTS		
E-RY	Rear Yard Encroachment – as a percentage of required Rear Yard area (RY x Lot Width)	**Max. 30%** **1-Story / 15'**

Front and side yard encroachments per Building Features

DWELLING UNITS

Total number of dwelling units per lot determined by allowable density per zone. See **4.3 Zoning Districts**

FAÇADE ELEMENTS		
PF	Primary Street Façade -Min-Max. % Fenestration	**20% (min)**
SF	Secondary Street Façade - Min-Max. % Fenestration	**10% (min.)**

BUILDING FEATURES:

Front Porch, Gallery, Stoop

ROOF TYPES

Hip, gable, reverse gable, parapet (Mission Style only)

FENCE

Privacy fence allowed along the side and rear property lines, but not in the front yard	5-6' high min.

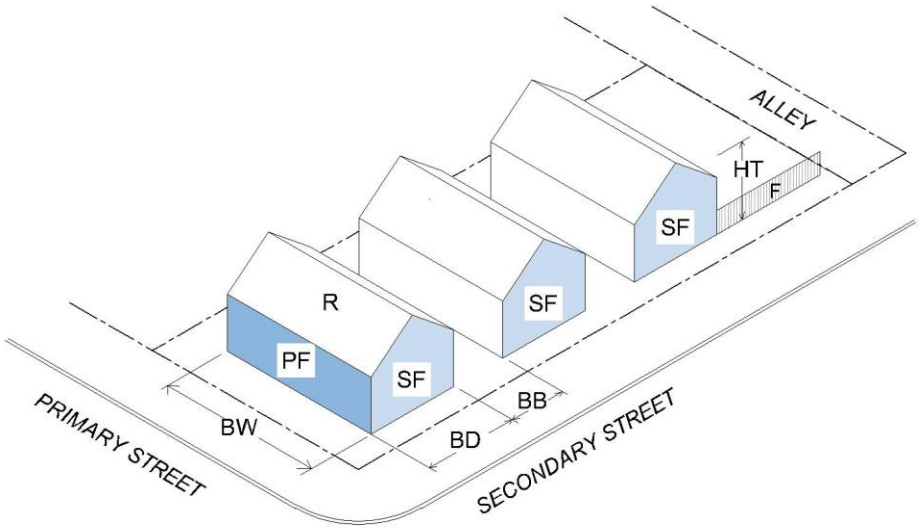
BUILDING MATERIALS

BUILDING COMPONENT	PERMITTED MATERIALS
EXTERIOR WALLS **ROOF** *Not applicable to roofs behind parapets* **WINDOWS** *Applicable to all Primary and Secondary Facades (PF and SF)*	Lap wood siding, brick, stucco, cementitious fiber board Standing seam metal, Asphalt Shingle (medium to light gray color), clay barrel tile, Wood, aluminum clad, vinyl clad,

SPECIAL REQUIREMENTS

Not Applicable

D. Cottage Row



BUILDING MASS		
BW	Max. Building Width	**35'**
BD	Max. Building Depth	**25'**
HT	Max. Building Height	**2 Stories / 30'**
BB	Min. Building to Building	**5'**

DWELLING UNITS

Total number of dwelling units per lot determined by allowable density per zone. See **4.3 Zoning Districts**

FAÇADE ELEMENTS		
PF	Primary Street Façade -Min-Max. % Fenestration	**20% (min)**
SF	Secondary Street Façade - Min-Max. % Fenestration	**10% (min.)**

BUILDING FEATURES:

Front Porch, Gallery, Stoop

ENCROACHMENTS

Front and side yard encroachments per Building Features

ROOF TYPES

Hip, gable, reverse gable, parapet (Mission Style only)

FENCE

	Privacy fence required to screen alley loaded parking	**5'-6'**

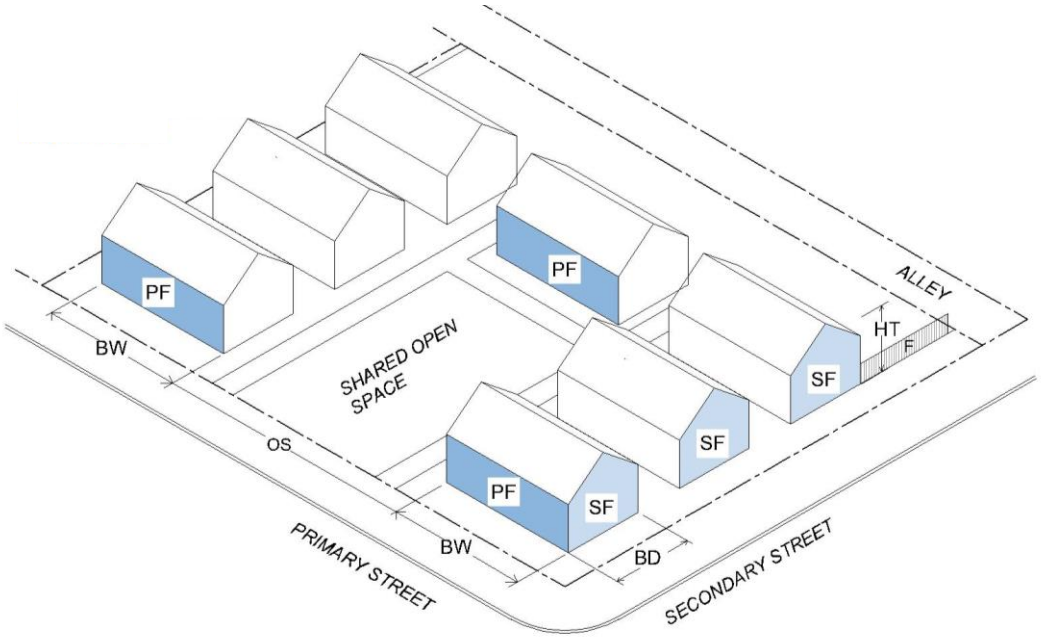
BUILDING MATERIALS

Building materials shall be as permitted for the Detached Residential Building Type

SPECIAL REQUIREMENTS

Each unit entrance shall have a paved path connected to the public sidewalk

E. Cottage Court



BUILDING MASS		
BW	Max. Building Width	**35'**
BD	Max. Building Depth	**25'**
HT	Max. Building Height	**2 Stories / 30'**

DWELLING UNITS

Total number of dwelling units per lot determined by allowable density per zone. See **4.3 Zoning Districts**

FAÇADE ELEMENTS		
PF	Primary Street Façade -Min-Max. % Fenestration	**20% (min)**
SF	Secondary Street Façade - Min-Max. % Fenestration	**10% (min.)**

BUILDING FEATURES:

Front Porch, Gallery, Stoop

ENCROACHMENTS

Front and side yard encroachments per Building Features

ROOF TYPES

Hip, gable, reverse gable, parapet (Mission Style only)

FENCE

Privacy fence required to screen alley loaded parking **5'-6'**

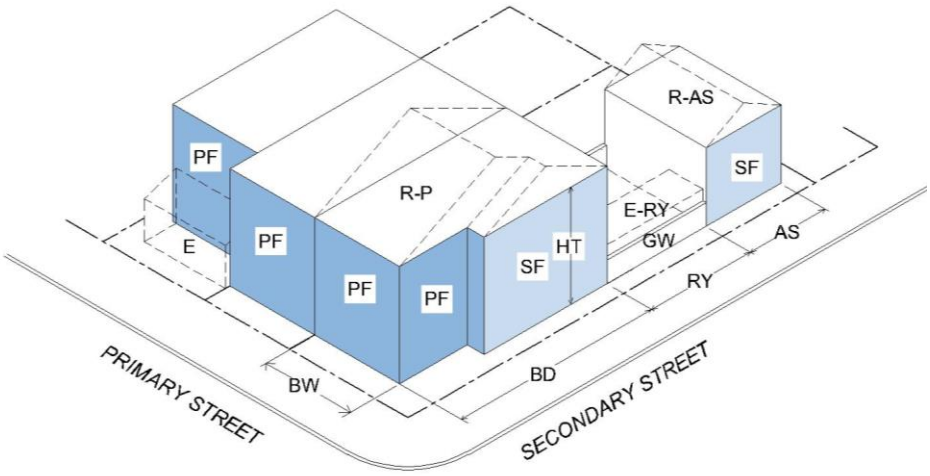
BUILDING MATERIALS

Building materials shall be as permitted for the Detached Residential Building Type

SPECIAL REQUIREMENTS

Not Applicable

F. Townhouse



BUILDING MASS		
BW	Max. Building Width	**30'**
BD	Max. Building Depth	**50'**
HT	Max. Building Height	**2 Stories / 30'**
RY	Min. Rear Yard	**15'**
ASD	Accessory Structure Depth	**28'**
ASW	Accessory Structure Width	**Same as BW**

ENCROACHMENTS

Front and side yard encroachments per Building Features

DWELLING UNITS

Total number of dwelling units per lot determined by allowable density per zone. See **4.3 Zoning Districts**

FAÇADE ELEMENTS		
PF	Primary Street Façade -Min-Max. % Fenestration	**20% (min)**
SF	Secondary Street Façade - Min-Max. % Fenestration	**10% (min.)**

BUILDING FEATURES:

Front Porch, Gallery, Stoop

ROOF TYPES

Hip (at end units only), gable, reverse gable, parapet (Mission Style only)

GARDEN WALL (GW)

Garden wall required along the secondary street behind the principal structure. Garden wall to be constructed of same materials as exterior walls.	5'-6' high

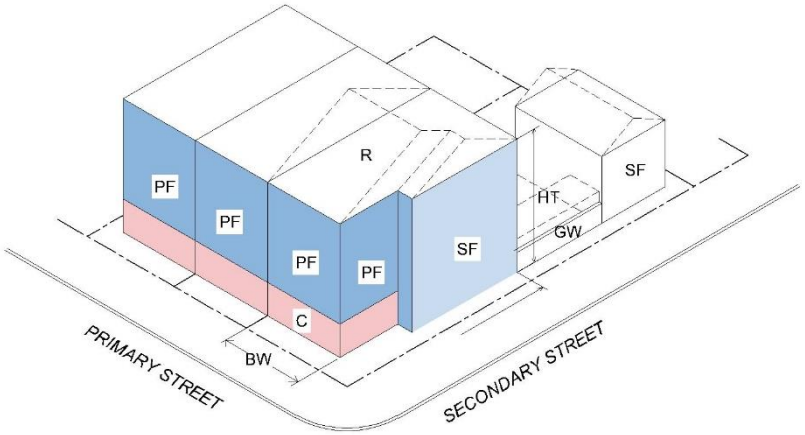
BUILDING MATERIALS

BUILDING COMPONENT	PERMITTED MATERIALS
EXTERIOR WALLS	Brick, stucco, smooth stone
ROOF *Not applicable to roofs behind parapets*	Standing seam metal, Asphalt Shingle (medium to light gray color), clay barrel tile
WINDOWS *Applicable to all primary and secondary facades (PF and SF)*	Wood, aluminum clad, vinyl clad,

SPECIAL REQUIREMENTS

End units shall meet the side yard setbacks established by zone.
The minimum number of joined townhouses is two (equivalent to side by side duplex), the maximum is six.
Roof top decks with associated stair/elevated access structures are permitted above the two story limit.

G. Live-Work Townhouse



BUILDING MASS		
BW	Max. Building Width	**30'**
BD	Max. Building Depth	**50'**
HT	Max. Building Height	**2 Stories / 30'**
RY	Min. Rear Yard	**15'**
ASD	Accessory Structure Depth	**28'**
ASW	Accessory Structure Width	**Same as BW**

ENCROACHMENTS		
E-RY	Rear Yard Encroachment – as a percentage of required Rear Yard area (RY x Lot Width)	**Max. 30%** **1-Story**

Front and side yard encroachments per Building Features

DWELLING UNITS

Total number of dwelling units per lot determined by allowable density per zone. See **4.3 Zoning Districts**

FAÇADE ELEMENTS		
C	Commercial Storefront	**30% (min)**
PF	Primary Street Façade -Min-Max. % Fenestration	**20% (min)**
SF	Secondary Street Façade - Min-Max. % Fenestration	**10% (min.)**

BUILDING FEATURES:

Front Porch, Gallery, Stoop

ROOF TYPES

Hip (at end units only), gable, reverse gable, parapet (Mission Style only)

GARDEN WALL (GW)

Garden wall required along the secondary street behind the principal structure. Garden wall to be constructed of same materials as exterior walls. **5'-6'**

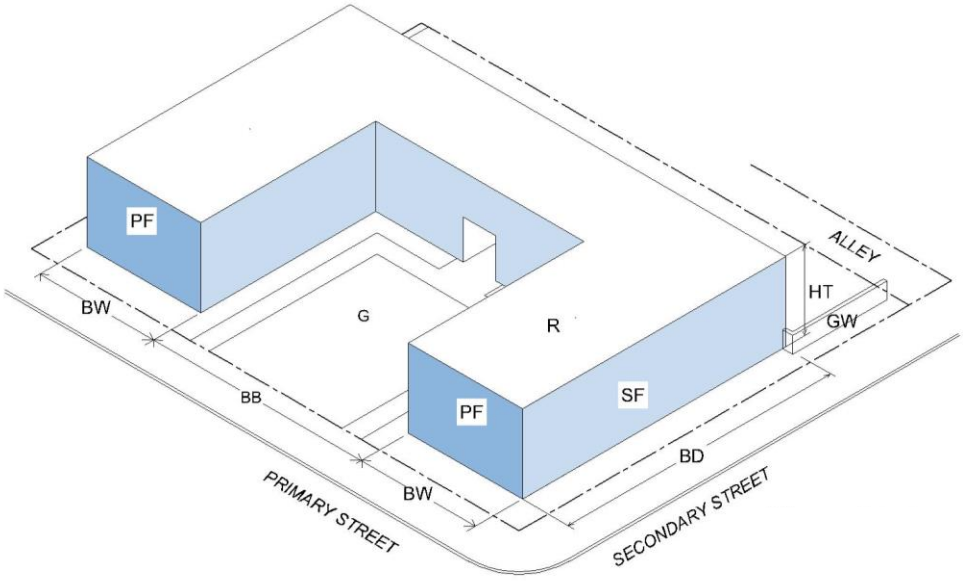
BUILDING MATERIALS

BUILDING COMPONENT	PERMITTED MATERIALS
EXTERIOR WALLS	Brick, stucco, smooth stone
ROOF *Not applicable to roofs behind parapets*	Standing seam metal, Asphalt Shingle (medium to light gray color), clay barrel tile
WINDOWS *Applicable to all primary and secondary facades (PF and SF)*	Wood, aluminum clad, vinyl clad,

SPECIAL REQUIREMENTS

End units shall meet the side yard setbacks established by zone.
The minimum number of joined townhouses is two (equivalent to side by side duplex), the maximum is six.
Roof top decks with associated stair/elevated access structures are permitted above the two story limit.
Live-work Townhouses may be joined with residential Townhouses.

H. Courtyard Building



BUILDING MASS

BW	Max. Building Width	**40'**
BD	Max. Building Depth	**To rear alley setback**
HT	DG Downtown General – Max.	**3 Stories / 40'**
HT	All other zones	**2 Stories / 30'**

ENCROACHMENTS

Front and side yard encroachments per Building Features

DWELLING UNITS

Total number of dwelling units per lot determined by allowable density per zone. See **4.3 Zoning Districts**

FAÇADE ELEMENTS

PF	Primary Street Façade -Min-Max. % Fenestration	**20% (min)**
SF	Secondary Street Façade - Min-Max. % Fenestration	**10% (min.)**

BUILDING FEATURES:

Front Porch, Gallery, Stoop, Storefront

ROOF TYPES

Hip, Parapet

GARDEN WALL (GW)

Garden wall required along the secondary street behind the principal structure. Garden wall to be constructed of same materials as exterior walls.	5'-6' high

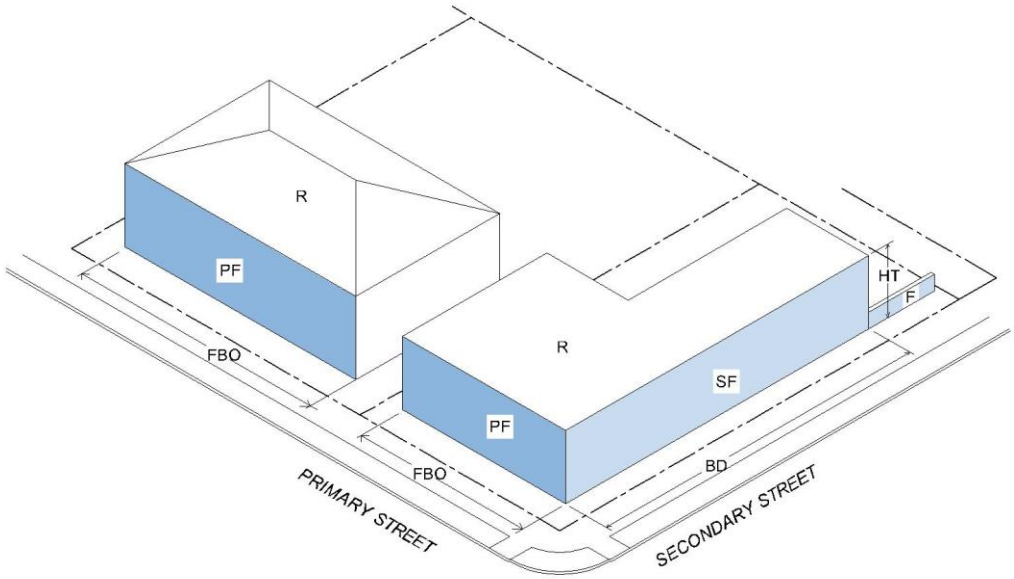
BUILDING MATERIALS

BUILDING COMPONENT	PERMITTED MATERIALS
EXTERIOR WALLS	Brick, stucco, smooth stone
ROOF *Intended to be hidden behind parapet*	Standing seam metal, Asphalt Shingle (medium to light gray color), clay barrel tile
WINDOWS *Applicable to all primary and secondary facades (PF and SF)*	Wood, aluminum clad, vinyl clad,

SPECIAL REQUIREMENTS

Not Applicable

I. Small Apartment Building



BUILDING MASS		
BW	Max. Building Width	**90'**
BD	Max. Building Depth	**To rear alley setback**
HT	DG Downtown General – Max.	**3 Stories / 40'**
HT	All other zones – Max.	**2 Stories / 30'**

DWELLING UNITS

Total number of dwelling units per lot determined by allowable density per zone. See **4.3 Zoning Districts**

FAÇADE ELEMENTS		
PF	Primary Street Façade -Min-Max. % Fenestration	**25% (min)**
SF	Secondary Street Façade - Min-Max. % Fenestration	**15% (min.)**

BUILDING FEATURES:

Front Porch, Gallery, Stoop. Forecourt

ENCROACHMENTS

Front and side yard encroachments per Building Features

ROOF TYPES

Hip, Parapet

GARDEN WALL (GW)

Garden wall required along the secondary street to screen rear parking	**5'-6'**

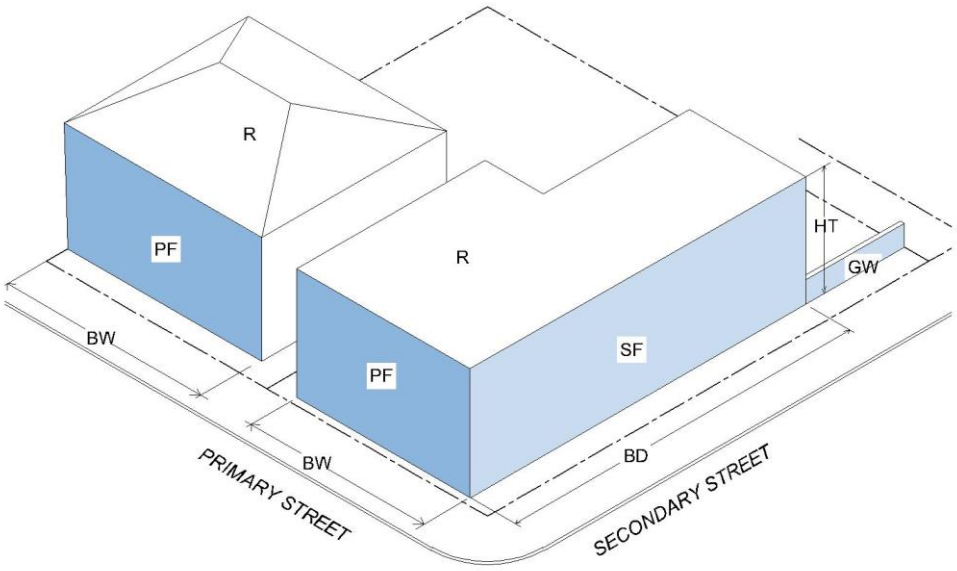
BUILDING MATERIALS

BUILDING COMPONENT	PERMITTED MATERIALS
EXTERIOR WALLS	Brick, stucco, smooth stone
ROOF *Intended to be hidden behind parapet*	Standing seam metal, Asphalt Shingle (medium to light gray color), clay barrel tile
WINDOWS *Applicable to all primary and secondary facades (PF and SF)*	Wood, aluminum clad

SPECIAL REQUIREMENTS

Not Applicable

J. Flex-Use Building



BUILDING MASS		
BW	Max. Building Width	**140'**
BD	Max. Building Depth	**To rear alley setback**
HT	Max. Height	**3 Stories / 40'**

DWELLING UNITS

Total number of dwelling units per lot determined by allowable density per zone. See **4.3 Zoning Districts**

FAÇADE ELEMENTS		
PF	Primary Street Façade -Min-Max. % Fenestration	**25% (min)**
SF	Secondary Street Façade - Min-Max. % Fenestration	**15% (min.)**

BUILDING FEATURES:

Front Porch, Gallery, Stoop, Storefront. Forecourt

ENCROACHMENTS

Front and side yard encroachments per Building Features

ROOF TYPES

Hip, Parapet

GARDEN WALL (GW)	
Garden wall required along the secondary street to screen rear parking	5'-6' high

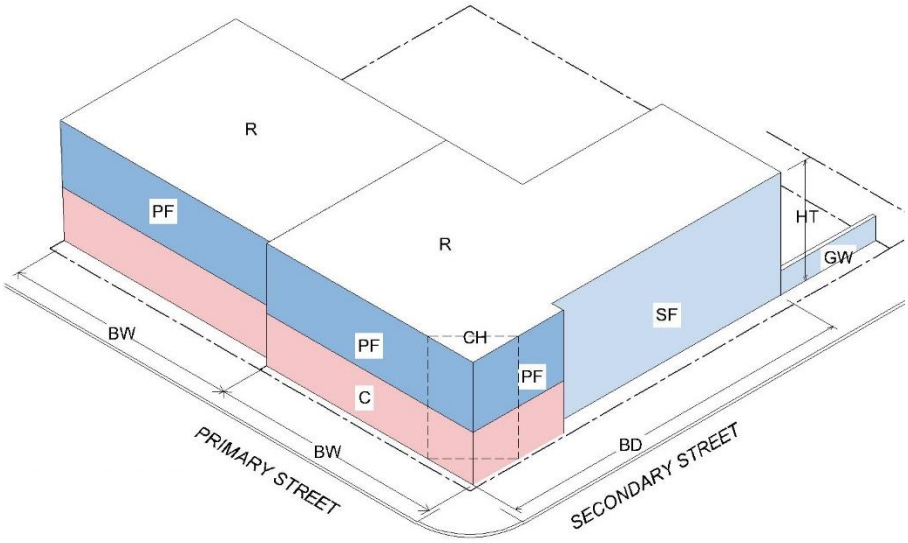
BUILDING MATERIALS

BUILDING COMPONENT	PERMITTED MATERIALS
EXTERIOR WALLS	Brick, stucco, smooth stone
ROOF *Intended to be hidden behind parapet*	Standing seam metal, Dimensional asphalt shingle (medium to light gray color), clay barrel tile
WINDOWS *Applicable to all primary and secondary facades (PF and SF)*	Wood, aluminum clad, aluminum storefront

SPECIAL REQUIREMENTS

Not Applicable

K. Mixed-Use Building



BUILDING MASS		
BW	Max. Building Width	**150'**
BD	Max. Building Depth	**To rear alley setback**
HT	DC – Downtown Core	**5 Stories / 60'**
HT	DG – Downtown General	**3 Stories / 40'**

DWELLING UNITS

Total number of dwelling units per lot determined by allowable density per zone. See **4.3 Zoning Districts**

FAÇADE ELEMENTS		
C	Commercial Storefront	**50% (min)**
PF	Primary Street Façade (above storefront) -Min-Max. % Fenestration	**25% (min)**
SF	Secondary Street Façade - Min-Max. % Fenestration	**15% (min.)**

BUILDING FEATURES:

Storefront (required for commercial use), Stoop (for ground floor residential use where permitted on secondary street)

ENCROACHMENTS

Front and side yard encroachments per Building Features

ROOF TYPES

Parapet

GARDEN WALL (GW)

Garden wall required along the secondary street to screen rear parking	5'-6' high

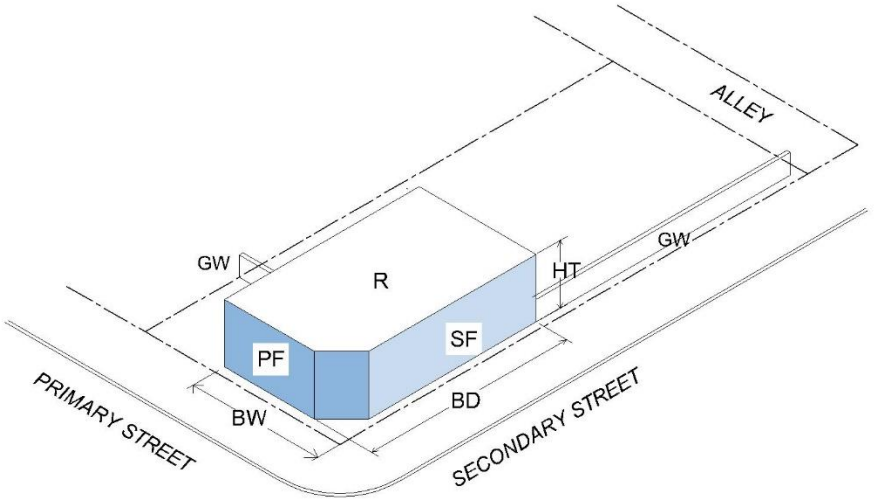
BUILDING MATERIALS

BUILDING COMPONENT	PERMITTED MATERIALS
EXTERIOR WALLS	Brick, stucco, smooth stone
ROOF *Intended to be hidden behind parapet*	Any material permitted by applicable codes
WINDOWS *Applicable to all primary and secondary facades (PF and SF)*	Wood, aluminum clad, aluminum storefront

SPECIAL REQUIREMENTS

CH- Building on corner lot may have 45 degree chamfered corner not to exceed 12' diagonal measurement

L. Corner Commercial Building



BUILDING MASS

BW	Max. Building Width	**40'**
BD	Max. Building Depth	**To rear alley setback**
HT	Max. Building Height	**2 Stories / 30'**

DWELLING UNITS

Total number of dwelling units per lot determined by allowable density per zone. See **4.3 Zoning Districts**

FAÇADE ELEMENTS

PF	Primary Street Façade	**25% (min)**
SF	Secondary Street Façade	**15% (min.)**

BUILDING FEATURES:

Bakery storefront (required), gallery (optional)

ENCROACHMENTS

Front and side yard encroachments per Building Features

ROOF TYPES

Parapet

GARDEN WALL (GW)

Garden wall required along the secondary street to screen rear parking	**5'-6'**

BUILDING MATERIALS

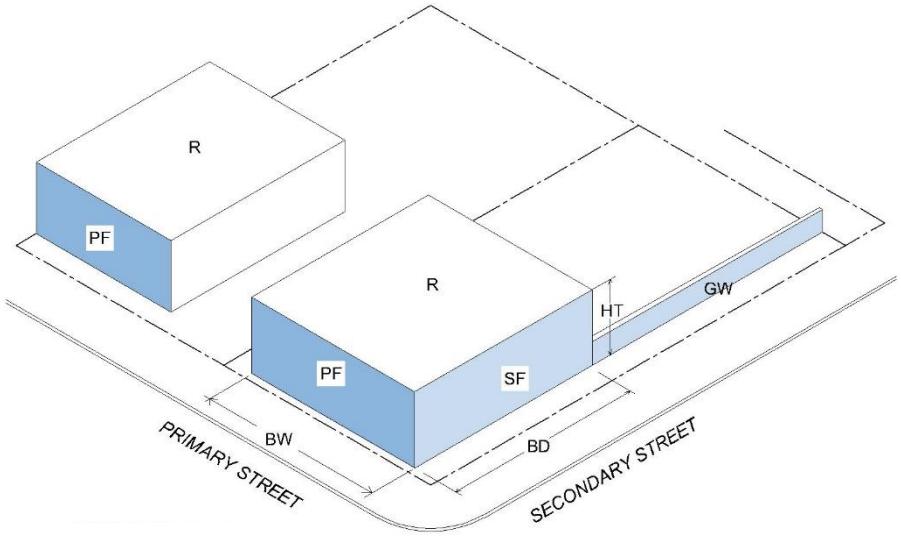
BUILDING COMPONENT	PERMITTED MATERIALS
EXTERIOR WALLS	Brick, stucco, smooth stone
ROOF *Intended to be hidden behind parapet*	Any material permitted by applicable codes
WINDOWS *Applicable to all Primary and Secondary Facades (PF and SF)*	Wood, aluminum clad, aluminum storefront

SPECIAL REQUIREMENTS

Building entry: The primary building entry shall be located on the corner of the Primary and Secondary Streets. The corner shall be chamfered with a diagonal measurement between 7-12 ft.t

Bakery Storefront: Window and door openings on primary and secondary facades are intended to mimic the traditional Brownsville bakery building type, with vertically proportioned openings extended to the ground floor elevation.

M. General Commercial Building



BUILDING MASS		
BW	Max. Building Width	**140'**
BD	Max. Building Depth	**To rear alley setback**
HT	Max. Building Height	**1 Stories / 15'**

ENCROACHMENTS

Front and side yard encroachments per Building Features

DWELLING UNITS

Not applicable for this building type.

FAÇADE ELEMENTS		
PF	Primary Street Façade	**50% (min)**
SF	Secondary Street Façade	**15% (min.)**

BUILDING FEATURES:

Storefront

ROOF TYPES

Parapet

GARDEN WALL (GW)

Garden wall required along the secondary street to screen rear parking	**5'-6'**

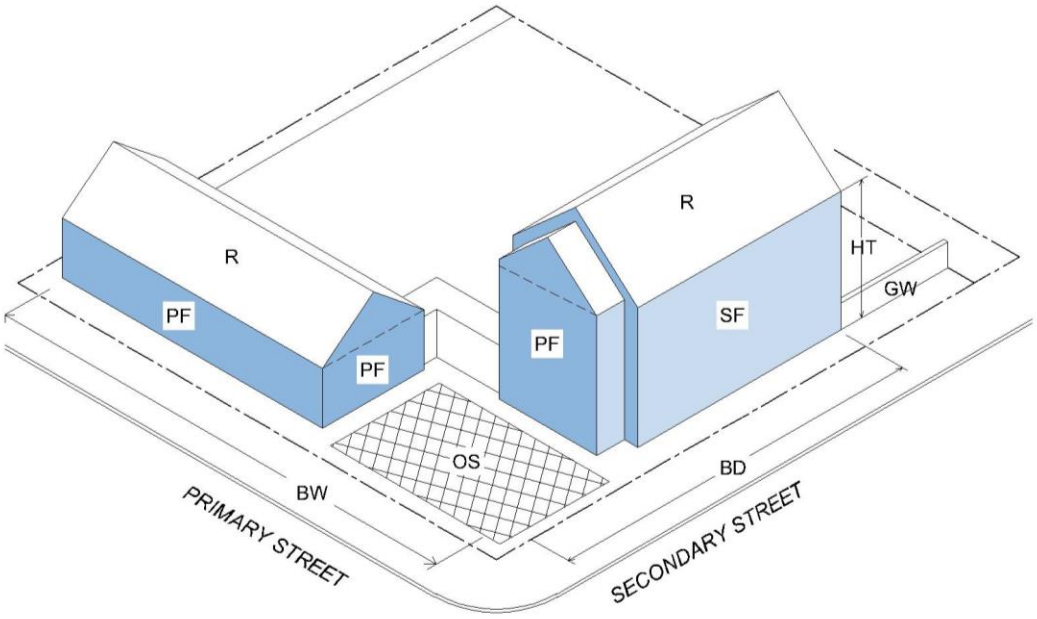
BUILDING MATERIALS

BUILDING COMPONENT	PERMITTED MATERIALS
EXTERIOR WALLS	Brick, stucco, smooth stone
ROOF *Intended to be hidden behind parapet*	Any material permitted by applicable codes
WINDOWS *Applicable to all primary and secondary facades (PF and SF)*	Wood, aluminum clad, aluminum storefront

SPECIAL REQUIREMENTS

Building entry: The primary building entry may be located on the corner of the Primary and Secondary Streets. The corner may be chamfered with a diagonal measurement between 7-12 ft.t

N. Civic Building



BUILDING MASS		
BW	Max. Building Width	**140'**
BD	Max. Building Depth	**100'**
HT	DG -Downtown General	**6 stories / 75'**
HT	All other zones	**3 stories / 40'**

DWELLING UNITS

1 dwelling unit permitted in association with civic use

FAÇADE ELEMENTS		
PF	Primary Street Façade	**20% (min)**
SF	Secondary Street Façade	**10% (min.)**

BUILDING FEATURES:

Not regulated

ENCROACHMENTS

Front and side yard encroachments per Building Features

ROOF TYPES

Any roof type

OPEN SPACE

OS For civic buildings that have Assembly uses as defined by the building code, provide a paved open space(plaza) facing the Primary Street and Primary Entry. Size to accommodate half of the assembly space occupant load at 5 sf per person.

Assembly Occupant Load/2 x 5 SF

GARDEN WALL (GW)

Garden wall required along the secondary street to screen rear parking **5'-6'**

BUILDING MATERIALS

BUILDING COMPONENT	PERMITTED MATERIALS
EXTERIOR WALLS	Brick, stucco, smooth stone
ROOF	Standing seam metal (natural metal finish), clay barrel tile, dimensional asphalt shingle (Neighborhood zones only)
WINDOWS	Wood, aluminum clad, aluminum storefront

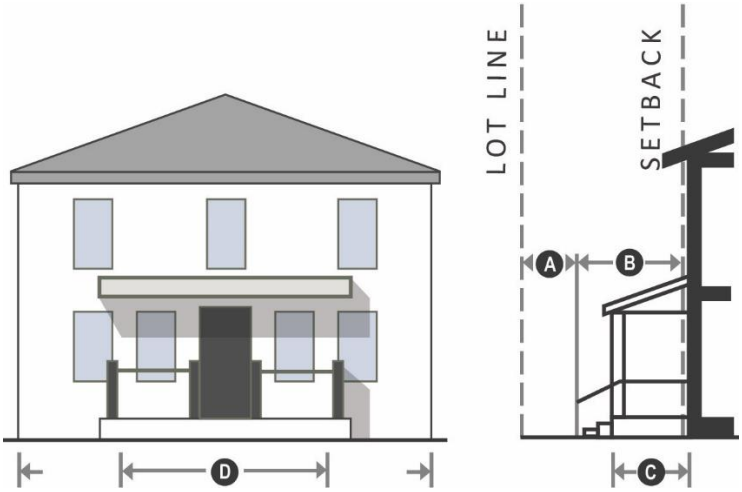
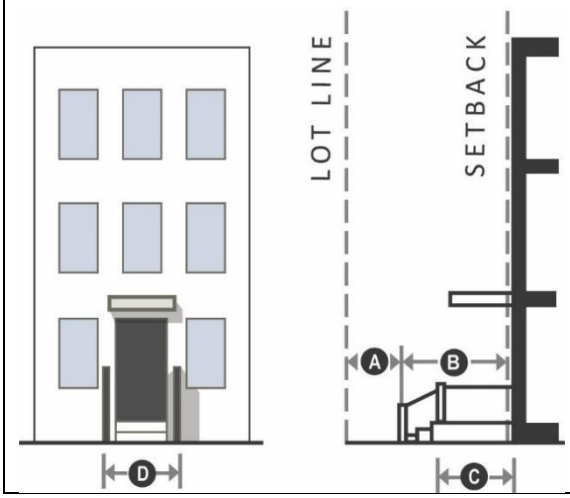
SPECIAL REQUIREMENTS

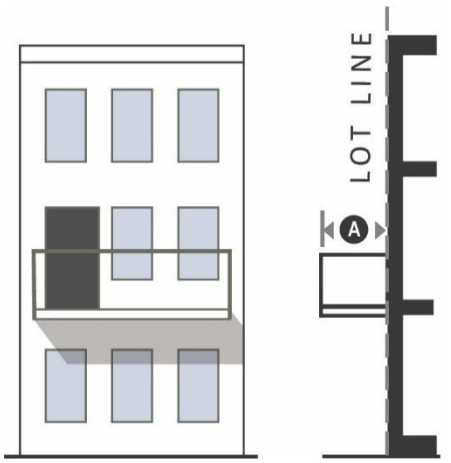
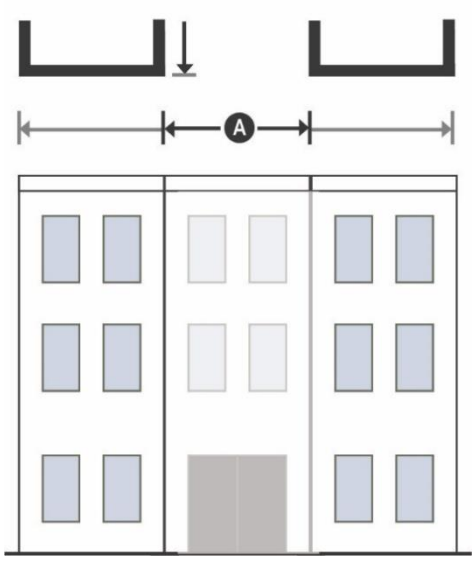
Building entry: At least one primary entry facing the Primary Street.
Use associated auxiliary spaces (classrooms, provide necessary façade build-out along the Primary and Secondary Streets.

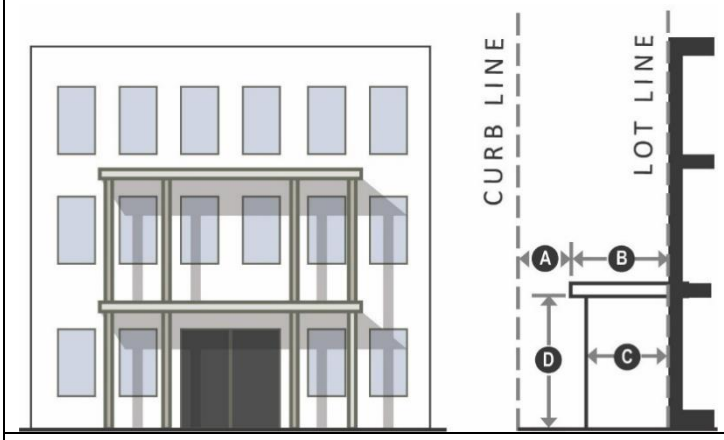
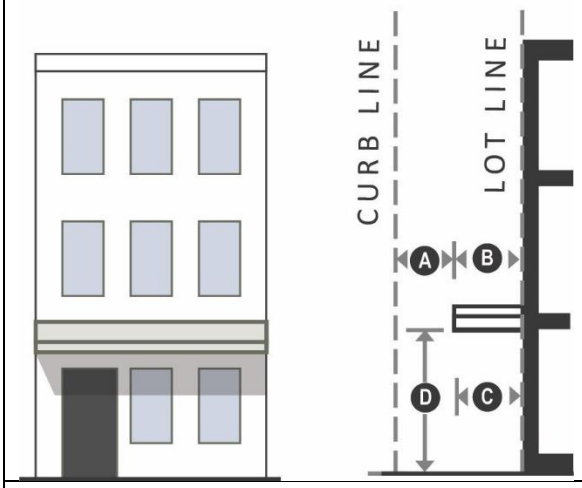
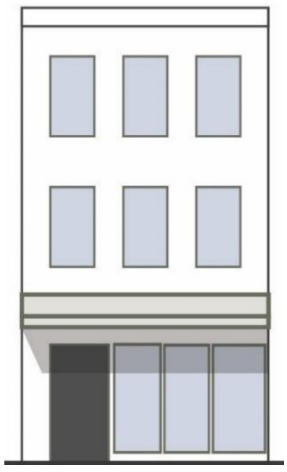
4.5.5 BUILDING FEATURES

Refer to **Table 4.5-2. Building Features** for permitted Building Features for each Building Type.

Table 4.5-2. Building Features

BUILDING FEATURE	METRICS	
FRONT PORCH 	**A**	2’ min.
	B	9’ max.
	C	6’ min.
	D	50% of façade width (min.)
	Additional Requirements	
	1. A front porch must be roofed and may be screened but cannot be fully enclosed	
STOOP 	**A**	2’ min.
	B	8’ max.
	C	4’ min.; 6’ max.
	D	6’ max.
	Additional Requirements	
	1. Steps going up to the stoop may be located on either side of the stoop.	

BUILDING FEATURE	METRICS	
BALCONY 	**A**	2’ max.
	Additional Requirements	
	1. Balconies cannot encroach over any travel lane or on-street parking lane. 2. Additional encroachment agreements may be required for encroachment over public ROWs.	
FORECOURT 	**A**	1/3rd of the width of the building up to a max. of 30’
	Additional Requirements	
	1. The depth of the forecourt may not be more than its width 2. A forecourt meeting these standards shall be counted towards the requirement for Façade Buildout along primary streets	

BUILDING FEATURE	METRICS	
GALLERY 	**A**	2’ min.
	B	9’ max.
	C	6’ min.; 8’ max.
	D	9’ min.
	Additional Requirements	
	1. Galleries cannot encroach over any travel lane or on-street parking lane. 2. Additional encroachment agreements may be required for encroachment over public ROWs.	
AWNING/CANOPY 	**A**	2’ min.
	B	6’ max.
	C	4’ min.; 6’ max.
	D	9’ min.
	Additional Requirements	
	1. Awnings/Canopies cannot encroach over any travel lane or on-street parking lane. 2. Additional encroachment agreements may be required for encroachment over public ROWs.	
STOREFRONT 	Additional Requirements	
	1. Ground floor transparency shall be a minimum of 50% (doors and windows) 2. Entrances to the storefronts may be setback into the front building façade 3. Storefront windows shall maintain a minimum 60% visible light transmittance	

4.6 ZONING DEVELOPMENT STANDARDS

4.6.1 BUILDING DESIGN

A. Purpose and Applicability

1. Purpose

The purpose of this Section is to encourage high quality design supportive of the Comprehensive Plan vision, goals, objectives and recommendations by establishing a system by which an Applicant can achieve greater regulatory flexibility for development through provision of certain desirable design and performance characteristics.

2. Voluntary Nature and Agreement

It is hereby established that an Applicant utilizing the provisions of this Section for regulatory flexibility does so voluntarily and in a binding manner. The City may require execution of agreements to document use of these provisions and recording in the public records of the County.

3. Applicability

This Section applies to new construction in AG, RE, R-1, R-2, R-3, CC, RC, LI, HI.

B. Single-Family and Duplex Design

1. Applicability

This subsection B applies only to single-family and duplex dwellings in the AG, RE, R-1, R-2, R-3, TN, TN-MU, TN-C, DE and DG districts.

2. Establishment of Scoring System and Associated Regulatory Incentives

a. Level 1 High-Quality Design

A cumulative score of sixty (60) points, as described below, shall result in the following changes to development regulations applicable to the subject property:

(i) The granting of an additional ten (10) feet of maximum height

(ii) The granting of an additional ten (10) percent of building coverage

(iii) The granting of an additional ten (10) percent of impervious cover

(iv) The granting of a ten (10) percent reduction in minimum lot size and a ten (10) percent increase in maximum dwelling units per acre.

b. Level 2 High-Quality Design

A cumulative score of eighty (80) points, as described below, shall result in the following bonuses applicable to the subject property:

(i) The granting of an additional twenty (20) feet of maximum height

(ii) The granting of an additional twenty (20) percent of building coverage

(iii) The granting of an additional twenty (20) percent of impervious cover

(iv) The granting of a twenty-five (25) percent reduction in minimum lot size and a twenty-five (25) percent increase in maximum dwelling units per acre.

3. High-Quality Design Actions and Associated Scoring Values

The following characteristics are determined to constitute evidence of high-quality design. The presence of each characteristic shall have an associated scoring value for the purposes of establishing whether a project achieves Level 1 or Level 2 High-Quality Design.

a. Use of Building Materials Reflective of the City's Geographic Context

A project may receive a maximum of 20 points for the use of building materials reflective of the City's geographic context, as follows:

(i) Use of Class 1 Building Materials and Class 2 Building Materialson one hundred percent (100%) of the exterior façade: 15 points

(ii) Use of Class 1 Building Materials on one hundred percent (100%) of the exterior façade: 20 points

b. Maintaining and Enhancing the Natural Environment

A project may receive a maximum of 30 points for maintaining and enhancing the natural environment, as follows:

(i) Altering the topography and elevation by no more than four (4) feet for at least eighty (80) percent of the subject property: 10 points

(ii) Preserving at least thirty-five (35) percent of the subject property unaltered in its natural state: 10 points

(iii) Certification of at least fifty (50) percent of the subject property as a certified Texas Wildscape, Monarch Waystation or similar third-party designation approved by the Planning Director as indicating consistency with City goals to encourage native and adaptive plants, discourage invasive and disease-prone plants, and support wildlife habitat: 10 points

c. Promotion of Conservation and Low-Impact Development Best Practices

A project may receive a maximum of 30 points for development characteristics promoting conservation and low-impact development best practices, as follows:

(i) Incorporation of a rainwater harvesting system capable of capturing a one (1) inch rainfall event for twenty-five (25) percent of the roof area, with a minimum of one-thousand (1,000) gallons: 15 points

(ii) Incorporation of Low Impact Development (LID) stormwater management practices consistent with Section **5.6.5**, subject to the approval of the Planning Director and City Engineer: 15 points

(iii) Use of improved permeable surface for at least fifty (50) percent of paved areas of driveways, parking and sidewalks (excluding the building footprint) with performance characteristics indicating at least fifty (50) percent of water infiltrates through the surface and requiring minimal maintenance intervention, subject to Planning Director and City Engineer approval: 15 points

d. Enhanced Building and Site Design Characteristics.

A project may receive a maximum of 30 points for certain building design characteristics, as follows:

(i) Use of clay tile, slate or metal roof materials for the entire roof surface: 10 points

(ii) Use of a vegetative "green" roof for at least fifty (50) percent of the entire roof surface (this may also count toward credit for the roof materials listed in i, above, if project is seeking points for both): 20 points

(iii) Use of enhanced paving for all driveways, sidewalks and other paved surfaces, including but not limited to earth-tone colored concrete (stain integral; not applied afterward), stamped or patterned concrete, brick or paver units, exposed aggregate or improved permeable surface (excluding dirt, grass or gravel): 10 points

(iv) Use of at least two (2) of the following element options: 10 points

(1) Front wall articulation to offset the floorplate every fifteen (15) feet along any front façade of the dwelling unit

(2) The garage be placed behind the rear building face

(3) A covered front porch or portico along at least fifty (50) percent of the front façade, with a minimum depth of eight (8) feet

(4) The use of window and door enhancements on all façades visible from the street, including but not limited to transoms, bay windows, raised muntins on windows, shutters, or other similar enhancements.

C. Multi-Family, Mixed-Use, and Nonresidential Design

1. Applicability

This subsection C applies to multi-family residential, mixed-use, and nonresidential buildings in the R-3, CC, RC, LI, and HI districts.

2. Purpose

This section is intended to ensure that all buildings are be compatible with the architectural character and design as described within the Comprehensive Plan in terms of style, mass, material, height, roof design, and other exterior elements.

3. Building Design and Orientation

a. All buildings shall be finished on all four sides with the same materials, detailing, and features and with a higher level of finish on the front façades (as set forth in the requirements below). The intent is not to limit materials but rather to ensure consistency in their use.

b. Any building visible from a public Right-of-Way shall either face such Right-of-Way or shall have a façade facing such Right-of-Way consistent with the character of the front façade.

4. Required Design Element Options

   The following is a list of design elements that, based upon the size of a building (see 5 below), must be incorporated into a building's design:

   a. Canopies, awnings or porticos;

   b. Overhangs;

   c. Recesses or projections;

   d. Arcades;

   e. Peaked roof forms;

   f. Arches;

   g. Outdoor patios;

   h. Display windows;

   i. Architectural details (e.g. tile work or moldings integrated into the building façade);

   j. Integrated planters or wing walls that incorporate landscape and sitting areas;

   k. Offsets, reveals, or projecting ribs used to express architectural or structural bays

5. Minimum Use of Design Elements

   A building's floor area shall determine the minimum number of required design elements implemented in its construction as set forth below:

   a. A building square footage between 0 and 20,000 square feet shall have at least three (3) design elements listed in 4 above.

   b. A building square footage between 20,001 and 50,000 square feet shall have at least five (5) design elements listed in 4 above, and shall be designed to appear as separate but attached buildings through the use of building material changes, wall plane/horizontal articulation, and roofline/vertical articulation.

   c. A building square footage exceeding 50,000 square feet shall have at least seven (7) design elements listed in 1 above, and shall be designed to appear as separate but attached buildings through the use of building material changes, wall plane/horizontal articulation, and roofline/vertical articulation.

6. Front Façade Entry Requirements

   a. A front façade shall be articulated and designed to present a distinctive entry presence, emphasizing the building's entry point along the façade.

   b. Entry design shall consist of at least three of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street and parking:

      (i) Architectural details such as arches, friezes, tile work, murals or moldings.

      (ii) Integral planters or wing walls that incorporate landscape or seating.

      (iii) Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.

(iv) Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers or turrets.

(v) A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

7. Pedestrian Shelter

Façades shall provide shelter integrated into building form alongside at least twenty-five (25) percent of all building frontages adjacent to or facing the principal street or adjacent parking with a maximum shelter height of 15 feet.

8. Building Articulation

Façade depth and height articulation shall be required on the front façade of a building, per the following:

a. Depth articulation of at least three (3) feet shall be required for every thirty (30) feet of building façade length. Depth articulation applies only below the roofline.

b. Height articulation for flat roofs of at least five (5) feet shall be required for every fifty (50) feet of building façade length. Pitched roofs do not require height articulation.

9. Roof Design Standards

All structures shall be constructed with a pitched roof, flat roof (pitch less than or equal to 2:12) with a parapet, true mansard roof, or any combination thereof.

a. All flat roof surfaces shall be screened from ground level views so that such roof surfaces are not visible.

b. Roofs of stairwells and elevator machine rooms and other similar spaces shall be exempt from roofing design standards so long as they are not visible from ground level. For the purpose of this paragraph, visible shall be defined as capable of being seen at a height of six (6) feet while standing at the highest grade on the property line.

10. Windows

a. Reflective glass shall not be permitted; glass shall not have solar reflectance that exceeds twenty (20) percent.

b. Glass shall have a character of transparency. Tinted glass may be used, however, the tinting shall not reduce the light transmission to less than thirty-five (35) percent.

c. Buildings shall provide glazing on a minimum of 35 percent of the ground floor front façade.

d. Side elevations shall contain a minimum of 10 percent glazing of the ground floor side façade.

e. Windows shall be individually defined with detail elements such as frames, sills and lintels, and be placed to visually define the building stories.

11. High-Quality Design Incentive

a. Purpose

The purpose of this Section is to encourage high quality design supportive of the Comprehensive Plan vision, goals, objectives and recommendations by establishing a system by which an Applicant can achieve greater regulatory flexibility for development through provision of certain desirable design and performance characteristics.

b. Voluntary Nature and Agreement

It is hereby established that an Applicant utilizing the provisions of this Section for regulatory flexibility does so voluntarily and in a binding manner. The City may require execution of agreements to document use of these provisions and recording in the public records of the County.

c. Establishment of Scoring System and Associated Regulatory Incentives

(i) Level 1 High-Quality Design

A cumulative score of sixty (60) points, as described below, shall result in the following changes to development regulations in **4.3** applicable to the subject property:

(1) The granting of an additional ten (10) feet of maximum height

(2) The granting of an additional ten (10) percent of impervious cover

(3) The granting of an additional ten (10) percent of dwelling units per acre

(ii) Level 2 High-Quality Design

A cumulative score of eighty (80) points, as described below, shall result in the following changes to development regulations in Section 2.05.07. applicable to the subject property:

(1) The granting of an additional twenty (20) feet of maximum height

(2) The granting of an additional twenty (20) percent of impervious cover

(3) The granting of an additional twenty (20) percent of dwelling units per acre

d. High-Quality Design Actions and Associated Scoring Values

The following characteristics are determined to constitute evidence of high-quality design. The presence of each characteristic shall have an associated scoring value for the purposes of establishing whether a project achieves Level 1 or Level 2 High-Quality Design.

(i) Use of Building Materials Reflective of the City's Geographic Context

A project may receive a maximum of 20 points for the use of building materials reflective of the City's geographic context, as follows:

(1) Use of context materials on eight-five percent (85%) percent of the exterior façade: 15 points

(2) Use of context materials on one hundred percent (100%) of the exterior façade: 20 points

(ii) Maintaining and Enhancing the Natural Environment

A project may receive a maximum of 30 points for maintaining and enhancing the natural environment, as follows:

(1) Altering the topography and elevation by no more than four (4) feet for at least eighty (80) percent of the subject property: 10 points

(2) Preserving at least thirty-five percent (35%) of the subject property unaltered in its natural state: 10 points

(3) Certification of at least fifty percent (50%) of the subject property as a certified Texas Wildscape, Monarch Waystation or similar third-party designation approved by the Director of Planning as indicating consistency with City goals to encourage native and adaptive plants, discourage invasive and disease-prone plants, and support wildlife habitat: 10 points

e. Promotion of Conservation and Low-Impact Development Best Practices.

A project may receive a maximum of 30 points for development characteristics promoting conservation and low-impact development best practices, as follows:

(i) Incorporation of a rainwater harvesting system capable of capturing a one (1) inch rainfall event for twenty-five percent (25%) of the roof area: 15 points

(ii) Incorporation of Low Impact Development (LID) stormwater management practices consistent with Section **5.6.5**, subject to the approval of the Planning Director and City Engineer: 15 points

(iii) Use of improved permeable surface for at least fifty (50) percent of paved areas of driveways, parking and sidewalks (excluding the building footprint) with performance characteristics indicating at least fifty percent (50%) of water infiltrates through the surface and requiring minimal maintenance intervention, subject to Planning Director and City Engineer approval: 15 points

f. Enhanced Building and Site Design Characteristics.

A project may receive a maximum of 30 points for certain building design characteristics, as follows:

(i) Use of high-albedo roof materials to reduce heat island effects, defined as use of roof products for at least seventy-five percent (75%) of the entire roof surface that reflect at least seventy-eight percent (78%) of sunlight (solar reflectivity index of 78) for roofs with a pitch less than or equal to 2:12 or twenty-nine (29) percent of sunlight (solar reflectivity index of 29) for roofs with a pitch greater than 2:12: 10 points

(ii) Use of a vegetative "green" roof to reduce heat island effects for at least fifty percent (50%) of the entire roof surface (this may also count toward credit for high-albedo roof materials if project is seeking points for both): 20 points

(iii) Placement of at least fifty percent (50%) of the parking to the side or rear of the main building: 10 points

(iv) Increasing the glazing requirement for each façade by an additional twenty (20) percent: 10 points

(v) Use of at least five (5) of the following element options on the front and side façade: 15 points for forty percent (40%) of the front and side façade, or 20 points for sixty percent (60%) of the front and side façade

(1) Canopies, awnings or porticos

(2) Overhangs

(3) Recesses or projections

(4) Arcades

(5) Peaked roof forms

(6) Arches

(7) Outdoor patios

(8) Display windows

(9) Architectural details (e.g., tile work or moldings integrated into the façade)

(10) Integrated planters or wing walls that incorporate landscape and sitting areas

(11) Offsets, reveals or projecting ribs used to express architectural or structural bays

(12) Use of classic tripartite building design (e.g., a building design with a distinct base, middle and top, similar to historic buildings found in small downtowns throughout Texas)

12. Alternative Compliance Option

The Planning Director may approve elements not listed in this Section if they provide an equal or greater level of design and quality.

a. Design Element Options

(i) Alternatives to the design elements listed in 4.6.1C.4 above.

(ii) Alternatives shall produce a similar or greater level of architectural design than the elements listed in 4.6.1C.4 above.

b. Building Articulation

Alternative articulation standards which differ from the requirement found in 4.6.1C.8 above may be approved.

c. Glazing Alternatives

Walls that must be blank for security or other requirements shall be enhanced by the use of plant materials, artwork, canopies, special Lighting, or a combination of façade articulation and material changes.

4.6.2 PARKING

A. Applicability

1. Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any permitted use unless vehicle parking is provided according to the following standards.

2. Vehicle parking shall be provided on the lot or tract, on an immediately contiguous lot or tract, or as part of a shared parking agreement.

B. General Requirements

1. Number of Spaces

a. The rate at which a minimum number of spaces shall be provided for each use is indicated in Section **4.4.3**.

b. The total parking requirement shall be the sum of the specific parking space requirements for each use classification included in the building or development.

c. Floor Area of parking garages shall be excluded in computing the parking requirements of any use.

d. Properties located in the "DT" zoning districts are not subject to minimum parking rate requirements described in Section **4.4.3**. Parking that is voluntarily provided above fifty percent (50%) is subject to all other requirements and specifications for parking, except where specified in this section or in the UDC.

e. Properties located in the "TN" zoning districts are subject to fifty percent (50%) of the minimum parking rate requirements described in Section **4.4.3**. Parking that is voluntarily provided above fifty percent (50%) is subject to all other requirements and specifications for parking, except where specified in this section or in the UDC.

2. Parking Areas and Driveways

a. Maintenance

All parking areas and driveways shall be maintained to the City's specifications.

b. Nonresidential Parking Areas and Driveways

Unless otherwise provided in this **Article 4**, all parking areas and driveways for nonresidential uses shall be paved with asphalt or concrete (see **5.6.5**. for allowances related to porous and permeable parking surface materials).

c. Residential Parking Areas and Driveways

Unless otherwise provided in this **Article 4**, parking areas and driveways for residential uses shall be concrete, and be maintained free of grass, weeds, and other vegetation (see **4.2.5** for driveways in the HP Overlay).

3. Parking Space Dimensions

All parking spaces must be at least nine (9) feet wide by eighteen (18) feet deep measured from the wheel stop.

C. Shared Parking Calculations

1. The intent of this provision is to maintain the number of spaces needed to support use while considering that many uses have differing parking peak times. Shared parking allows uses with varying peak times to share parking spaces, thereby encouraging more compact development and reducing stormwater runoff and the urban heat island effect.

2. The Director of Planning, may approve a request for shared parking facilities if the following findings are made:

a. The shared spaces to be provided will be available as long as the uses requiring the spaces are in operation;

b. The peak hours of parking demand from all uses do not coincide so that peak demand is greater than the parking provided, as determined by the City's shared parking calculator formulas;

c. A written agreement between the property owner(s) and the City, in a form satisfactory to the City Attorney that includes:

(i) A guarantee among the property owner(s) for access to and use of the shared parking facilities;

(ii) A provision that the City may require parking facilities in addition to those originally approved upon finding by the Planning Director that adequate parking has not been provided; and

(iii) A provision stating that the Planning Director, may, for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the shared parking agreement at any time.

3. Applicants for shared parking must submit a description of the uses, hours of operation, parking requirements, allocation of parking spaces, hours of peak parking demand, and an explanation to show that required parking will be available during the hours of operation shown for each use.

4. Applicants may be required to submit survey data substantiating a request for reduced parking requirements.

5. Shared Parking Modifications

a. If the development is located entirely on a single lot, the development is eligible for a reduction up to twenty percent (20%) in the required parking.

b. If the development is located across more than one (1) lot but is a cohesive development (e.g., a shopping center), the development is eligible for a reduction of up to twenty percent (20%) in the required parking.

6. Any future changes to the uses must be reviewed to assess the parking supply. If the new use would require less parking, then no technical review is necessary. If the new use would require more parking, a parking study shall be required. If the parking study determines that the current amount of parking is insufficient, the proposed use must provide the additional parking.

D. Parking Requirements for New or Unlisted Use

Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be determined by the Planning Director as those of a similar use.

E. Circulation and Parking Requirements

1. Applicability

The regulations provided in this section shall apply to all nonresidential, multi-family, and mixed use development as well as any development with communal parking.

2. Wheel Stops or Bollards

One or more of the following must be installed between each parking space and a building, sidewalk, or landscaped area:

a. A monolithic concrete curb at least three (3) inches in height; or

b. Wheel stops or bollards that are anchored firmly in concrete at a distance of no more than twelve (12) inches between the nearest edge of the wheel stop or bollard and the deepest edge of the space, If the parking space abuts a curb less than three (3) inches in height, a roll-back curb, or a flush or curbless transition.

3. Area Layout

a. Parking lots shall be laid out to continue the street and block pattern of the area so that the area of the lot can redevelop with buildings that are consistent with the pattern of the surrounding development and with minimal reconfiguration of access drives, utilities, and stormwater management facilities.

b. No more than fifty percent (50%) of parking may be located between the front façade and a public street unless one (1) or more outlots are present between the parking lot and the street.

4. Parking Sub-Lots

a. Large surface parking lots shall be visually and functionally segmented into several smaller sub-lots by landscaped areas. Each sub-lot shall contain a maximum of fifty (50) parking spaces.

b. For every parking area, a landscaped median/divider at least fifteen (15) feet wide shall be installed to help break up sub-lots of large parking fields. These medians shall contain pedestrian walkways to offer safe, marked routes between parking spaces and building entries.

5. Pedestrian Circulation

a. Circulation patterns must be as simple as possible.

b. All likely pedestrian routes must be considered in the design phase of a development to prevent shortcuts through parking and landscape areas.

c. An internal pedestrian walkway, ADA accessible, at least six (6) feet wide must be provided from the perimeter public sidewalk to the primary public entrance.

d. Internal pedestrian walkways must be distinguished from driving surfaces by textured pavement or painted pavement and Lighting.

e. Should “demand path” wear patterns emerge, the City may require the property owner to improve the pedestrian path.

6. Fire Lanes and Emergency Response

a. In addition to meeting the specifications of subsection **I** below, drive aisles must meet fire lane requirements where applicable.

b. Where a conflict exists between the requirements of this Section 4.6.2 and an equivalent requirement imposed by the Fire Code, the Planning Director shall determine the applicable requirement with due consideration given to life safety and emergency response concerns.

F. Stacking/Queuing Requirements

1. Purpose

Stacking spaces provide the ability for vehicles to queue on-site prior to receiving a service.

2. Stacking Space Size and Location

All stacking spaces shall be a minimum of ten (10) feet in width and twenty (20) feet in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.

3. Number of Required Queuing Spaces

In all Districts, at the time any building or structure is erected or altered, queuing spaces shall be provided in the number and manner set forth in the following list of property uses:

Table 4.6-1. Required Stacking Spaces by Use

Use	Queuing Spaces
Financial and Real Estate Services (with a Drive-Thru)	Four (4) stacking spaces per window or service lane
Auto-Related Sales and Service (except car wash)	Three (3) stacking spaces per bay
Car Wash, Full Service	Five (5) stacking spaces per bay
Car Wash, Self Service	Two (2) stacking spaces per bay
Car Wash Self Service (Drying Areas and Vacuum Islands)	Two (2) stacking spaces per drying area or vacuum island
Child Daycare	One (1) stacking space per twenty (20) students provided on a through "circular" drive
Food And Beverage Services, with Curb or Drive-Thru Service	Five (5) stacking spaces for first window, order board, or other stopping point. One (1) additional stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle
Any Other Retail or Service Use with a Drive-Thru Window	Three (3) stacking spaces for first service window. One (1) additional stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle
Educational Service Establishments (Public And Private)	The number of stacking spaces shall be determined during Site Plan review

G. Bicycle Parking

1. The purpose of this section is to provide sufficient safe and convenient bicycle parking, encourage bicycling as a form of transportation, reducing traffic congestion, air pollution, wear and tear on roads, and use of fossil fuels, while fostering healthy physical activity.

2. With the exception of the area bounded by and on both sides of Fronton Street, Jackson Street, International Boulevard and Palm Boulevard, off-street parking and facilities for bicycles shall be provided for each land use as follows:

Table 4.6-2. Required Number of Bicycle Spaces by Use

Use	Minimum Number of Bicycle Parking Spaces
Retail Sales	1 per 10 vehicular spaces
Food And Beverage Services	1 per 20 vehicular spaces
Civic and Cultural Facilities	1 per 10 vehicular spaces
Business, Professional and Technical Services and Financial and Real Estate Services	1 per 15 vehicular spaces
Lodging Facilities	1 per 15 guest rooms
Other Commercial Uses not listed above	1 per 20 vehicular spaces (0 for Agricultural Uses and Animal Production and Ranching if fewer than 20 spaces)
Park	5, plus 5 per acre of land
Educational Service Establishments (Public And Private)	(k-12): 1 per 50 employees and 1 per 25 students (grades 6-12) (Colleges and Universities): 1 per 40 employees and 1 per 15 students at planned capacity
Industrial Uses	1 per 20 vehicular spaces
Residential Uses with four (4) or more units	1 per 10 vehicular spaces (without garage or equivalent) None (with garage or equivalent)
Residential Uses with three (3) or fewer units	None

3. Major Renovation of Existing Developments

   a. Any physical improvement of an existing building or structure, excluding Residential Uses with fewer than four (4) units, that requires a building permit and has an estimated construction cost equal to or exceeding $75,000.00 must provide bicycle facilities that meet the requirements of this section.

   b. For the purpose of calculating construction costs under a above, the following may be excluded:

      (i) Compliance with accessibility requirements for individuals with disabilities under governing federal, state, or local law, and

      (ii) Seismic or other structural safety retrofit.

4. Bicycle Facilities – Minimum Requirements

   a. Bicycle parking facilities shall consist of racks or lockers anchored in concrete or anchored to a building or structure to prevent movement or theft and withstand the effects of severe weather and exposure.

   b. Each space designated for bicycle parking shall be designed to accommodate at least the minimum number of bicycles identified by **Table 4.6-2. Required Number of Bicycle Spaces by Use**.

   c. Each bicycle parking facility shall, at minimum, consist of a bike rack with a height of thirty-six (36) inches and provide a user the ability to lock one wheel and the frame to the rack, with the user providing the lock and chain, and be of a character and color that complements the aesthetics of its environment.

5. Location Requirements

   a. All required bicycle parking spaces and facilities shall be placed according to the following criteria:

      (i) On the ground floor of the building or facility associated with the use, unless site factors, access, or licensing restrictions prohibit locating bicycle parking on the ground floor;

      (ii) In a location that is conveniently and safely accessed by bicycle and by foot and in a way that minimizes conflicts with motor vehicles and pedestrians;

      (iii) Is well-lit, maximizes visibility to users and the public, and is not isolated or remote from building entrances, sidewalks, and vehicular parking facilities.

   b. If a parking facility has multiple entrances, the required bicycle parking spaces may be spread out among the multiple entrances.

   c. Bicycle parking spaces shall be accessible without climbing more than one step or going up or down a slope in excess of twelve percent (12%).

6. Required Markings and Visibility

   a. The following requirements apply to all bicycle parking that is constructed in a right-of-way or sidewalk, and to bicycle parking spaces located in a vehicular parking lot:

      (i) All spaces shall be clearly marked; and

      (ii) Separated from motor vehicles by some form of physical barrier (such as bollards, concrete or rubber curing or pads, reflective wants, a wall or a combination thereof) designed to adequately protect the safety of bicyclists and bicycles.

b. All bike racks shall be located at least forty-eight (48) inches in all directions from any obstruction including but not limited to other bike racks, walls, doors, posts, columns, or exterior or interior landscaping

c. If bicycle parking spaces are not clearly visible at the building or facility entrance, a sign no smaller than 12 x 18 inches and utilizing a type size of at least two (2) inches indicating their location shall be prominently displayed outside the main entrance to the building or facility. Additional signs must be provided as needed to ensure ease of locating the bicycle parking.

7. Removal of Abandoned Bicycles

At least once every three (3) months, each owner of property (or a designee) subject to this Subsection **G Bicycle Parking** must remove all abandoned bicycles.

a. The requirement for removal includes all bicycle parking spaces located on private property or the public right-of-way adjacent to a private property.

b. A bicycle is considered abandoned if it has not been removed after having been tagged with a notice of removal for two (2) weeks.

c. A bicycle is not abandoned if the bicycle owner and the property owner (or designees) enter into a written agreement regarding provision of long term storage covering the time period in question.

(i) The City reserves the right to remove a bicycle from the right-of-way even if an agreement exists under this subsection.

8. Contractual Limits on Liability

This Subsection **G Bicycle Parking** shall not interfere with the rights of a parking facility owner (or designee) to enter into agreements with facility users or take other lawful measures to limit the parking facility's liability to users, including bicycle users, with respect to parking in the parking facility, provided that such agreements or measures are otherwise in accordance with the requirements of this article and the law.

H. Alternative Compliance Option

A request for the following Alternative Compliance options may be submitted and acted upon in accordance with **4.2.11C**:

1. Reduction in the number of required parking spaces by up to thirty percent (30%) if the use is served by public parking or sufficient transit or bicycle/pedestrian access.

2. Reduction in the number of required parking spaces according to a Best Practices Parking Ratio.

a. The Applicant is responsible for proposing an alternate parking ratio and shall cite the sources used, such as the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).

b. The Planning Director shall review the proposed alternate parking ratio and approve, deny, or modify the proposed alternative to conform to a ratio published by another authoritative professional source or a ratio currently in use by at least three (3) other cities within the Brownsville-Harlingen (Cameron County) or McAllen-Edinburgh-Mission (Hidalgo County) Metropolitan Statistical Areas.

I. Parking Space Design Details

1. Each standard off-street surface parking space size shall be in accordance with the design standards as shown in **Figure 4.6-1. Parking Lot Configuration** and **Table 4.6-3.**

2. Drive aisles functioning as fire lanes may require greater widths and radii than those shown below (see 4.6.2E.6.b above).

Figure 4.6-1. Parking Lot Configuration

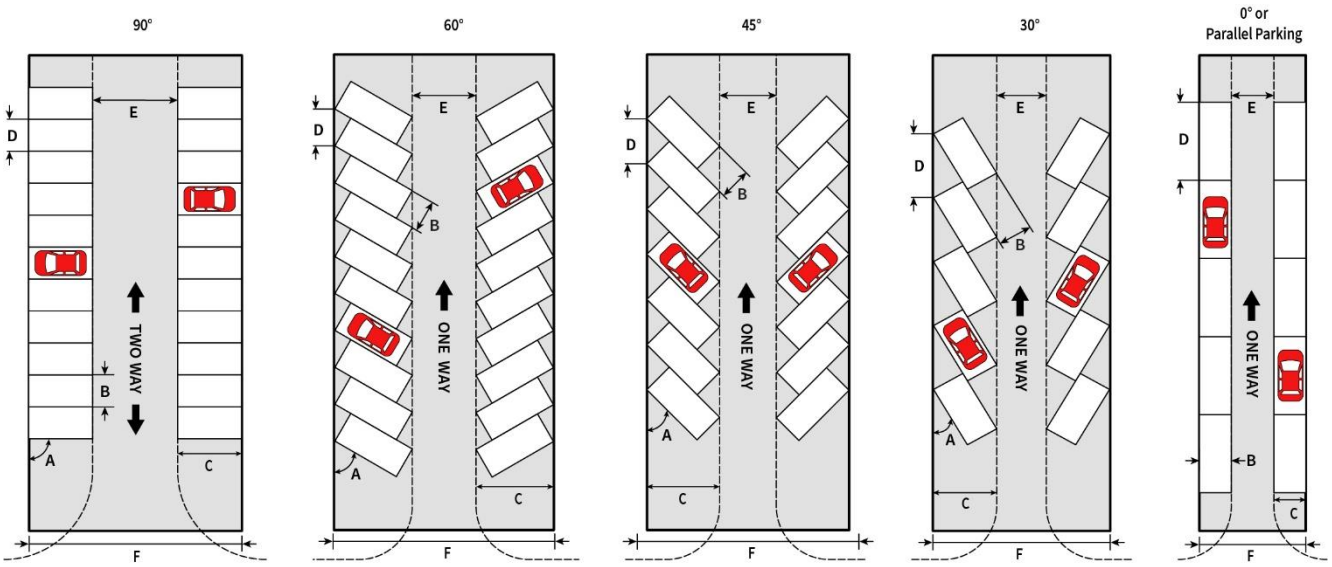


Table 4.6-3. Parking Configuration Specifications

A	B	C	D	E		F		
Angle	Stall Width	Stall Projection	Width Projection	Aisle Width		Total Width		
				1-Way	2-Way	1-Way	2-Way	
0°	9 ft.	9 ft.	25 ft.	15 ft.	20 ft.	33 ft.	38 ft.	
30°	9 ft.	17.5 ft.	18 ft.	12 ft.	20 ft.	47 ft.	55 ft.	
45°	9 ft.	19.5 ft.	12.75 ft.	14 ft.	20 ft.	53 ft.	59 ft.	
60°	9 ft.	20.5 ft.	10.5 ft.	16 ft.	20 ft.	57 ft.	63 ft.	
90°	9 ft.	18 ft.	9 ft.	22 ft.	22 ft.	58 ft.	58 ft.	

4.6.3 LANDSCAPING

A. Purpose

The purpose of the City's landscaping standards is to:

1. Promote attractive development and preserve or enhance the appearance and character of the surrounding area using landscaping and land use transitional provisions.
2. Promote native and adaptable, drought-tolerant species to conserve water and promote local biodiversity.
3. Prescribe standards for the installation and maintenance of plantings, fences, and walls that are aligned with best industry practices.
4. Encourage the preservation and replacement of existing trees and landscaping;
5. Increase pedestrian and cyclist comfort through the incorporation of street streets and shading in public spaces.
6. Eliminate or minimize conflicts between higher intensity uses abutting lower intensity uses using screening, setbacks and landscape buffers.

B. Applicability

1. The minimum landscaping standards will vary by land use, as listed below.

LAND USE	MINIMUM LANDSCAPING REQUIREMENTS
Single Family and Duplex	4.6.3E.1
Single Family Subdivisions	4.6.3E.2
Multi-Family, Mixed-Use, and Nonresidential Development	4.6.3E.3

2. Special or form based code district may deviate from typical landscaping requirements and can be found in the following sections of the UDC.

SPECIAL DISTRICTS	MINIMUM LANDSCAPING REQUIREMENTS
HP Overlay	4.2.5
Airport Overlay	4.6.12

3. An existing site must comply with the minimum landscaping requirements of the UDC in the following circumstances:
   a. Construction of any principal building or parking lot with more than ten (10) spaces;
   b. An addition to an existing parking lot if the addition will increase total parking to more than ten (10) space;
   c. An addition to or enlargement of an existing principal building if the addition or enlargement will increase the total building footprint by more than twenty percent (20%); and

d. Any increase in impervious coverage on a lot if the addition will increase total impervious coverage by more that exceeds twenty percent (20%).

e. If the same building or site is expanded under **3.c.** or **3.d.** more than once within a seven (7) year period, the site must be brought into compliance with this section if the total of all expansions exceeds twenty percent (20%) of the pre-existing footprint or impervious area.

4. This Section does not apply to building or accessory parking construction in areas zoned DC. Primary use parking areas must comply with this Section.

C. Administrative Review of a Landscape Plan

1. A landscape plan is required for all applicable development as described in **4.6.3B Applicability**.

2. A landscape plan will be prepared by a licensed landscape architect registered to practice in the state of Texas and will be accompanied with an irrigation plan designed by a licensed irrigator.

3. If a protected tree (see **5.1**) exist on-site or the applicant intends to preserve existing trees, a tree preservation plan must also be submitted at the time a landscape plan is submitted for formal review to the City.

4. A landscape and irrigation plan shall be submitted by the applicant with the submittal of a building permit, which is submitted to the building division of the planning and redevelopment department.

5. The minimum landscaping requirements shall be fulfilled utilizing the approved plant materials listed in **4.6.3D Approved Plant Materials**.

6. A landscape plan shall identify the location of existing and proposed:

   a. Trees;

   b. Ground cover;

   c. Underground utility lines and utility poles;

   d. Roadways;

   e. Sidewalks;

   f. Streetlights;

   g. Natural site features, such as creeks and rivers; and

   h. Any information deemed necessary by the City forester to verify compliance with the UDC.

7. No Building Permit shall be issued unless the applicant has received approval of landscape plan.

8. A Certificate of Occupancy will not be issued until the applicant has complied with landscape improvements approved in a landscape, irrigation, or tree preservations plan, as applicable.

9. The City Forester shall inspect the site prior to the issuance of a certificate of occupancy to ensure compliance with the landscape requirements of the UDC.

D. Approved Plant Materials

1. Minimum Sizes for Trees

   All trees required or provided under this Section shall, at time of planting, be a minimum caliper size of three (3) inches as measured at a distance of six (6) feet above ground.

2. Minimum Sizes for Shrubs

   All shrubs required or provided under this Section shall, at time of planting, be a minimum size of one (1) gallon.

3. Required Variety

   If more than five (5) trees are required, at least two (2) different species shall be planted.

4. Alternatives to Approved Plant List

   a. A registered Landscape Architect may submit a list of alternative plants, along with their water demand performance measures and detailed descriptions, to the City Forester for consideration on a case-by-case basis.

   b. Existing developments may restore or replace existing turf grass. Turf damage or replacement exceeding fifty percent (50%) of the lawn area shall be replaced with a species and variety shown on the Approved Plant List below.

Table 4.6-4. Approved Parking Lot Trees

BOTANICAL NAME	COMMON NAME	COMMENTS
Arecastrum romanzoffianum**[1]**	Queen palm*	Freeze damage
Diospyros texana	Persimmon	Good near power lines, slow growth
Ficus retusa "nitida"	Ficus	Freeze damage, aggressive roots
Fraxinus berlandieriana	Rio Grande ash	Weak branches, pest problems
Koelreuteria paniculata	Goldenrain tree	Freeze damage
Livistona chinensis**[1]**	Chinese fan palm*	Good near power lines
Parkinsonia aculeata	Retama	Good near power lines, light shade
Populus deltoides	Cottonwood	Leaf/twig drop, weak branches
Pistacia chinensis	Chinese pistache	
Prosopis glandulosa	Honey mesquite	Light shade, thorns, dripping sap
Quercus virginiana	Live oak	
Sabal texana	Sabal palm	
Ulmus crassifolia	Cedar elm	
Ulmus parvifolia	Drake elm	
Washingtonia filifera**[1]**	California fan palm*	Freeze damage
Washingtonia robusta**[1]**	Mexican fan palm*	Freeze damage

Notes:

1. This tree species is only permissible if planted in a cluster of at least three (3) trees, where each tree in the cluster is within three (3) feet of at least two (2) other trees in the same cluster.

Table 4.6-5. Approved Trees for Screening and Buffering

BOTANICAL NAME	COMMON NAME	MISCELLANEOUS COMMENTS
Acacia berlandieri	Guajillo	Good near power lines
Acacia smallii	Huisache	Good near power lines
Acacia wrightii	Catclaw	Good near power lines
Arecastrum romanzoffianum**[1]**	Queen palm*	Freeze damage
Butia capitata	Pindo palm	Also known as Cocos australis
Carya illinoinensis	Pecan, nogal morado	
Cercidium texanum	Paloverde	Good near power lines
Chilopsis linearsis	Desert willow	
Condalia hookeri	Brasil, bluewood	
Cordia boissied	Wild olive, anacahuita	Good near power lines
Delonix regia	Royal poinciana	Freeze damage
Diospyros texana	Persimmon, chapote	Good near power lines
Ehretia anacua	Anacua	Fruit drop, litter
Fraxinus berlandieriana	Rio Grande ash	Weak branches, pest problems
Koelreuteria paniculata	Goldenrain tree	
Lagerstoemia indica	Crape myrtle	Many varieties available
Livistona chinensis**[1]**	Chinese fan palm*	
Parkinsonia aculeata	Retama	Freeze damage
Pistacia chinensis	Chinese pistache	Freeze damage
Pithecellobium ebano	Ebony, ebano	
Platanus occindentalis	Sycamore	Leaf drop
Populus deltoides	Cottonwood	Leaf/twig drop, weak branches
Prosopis glandulosa	Honey mesquite	Light shade, thorns, dripping sap
Prunus mexicana	Mexican plum	
Quercus virginiana	Live oak	
Sabal texana	Sabal palm	
Salix nigra	Black willow	
Sapindus drummondii	Soapberry	
Sophora secundiflora	Texas mountain laurel	
Taxodium mucronatum	Bald cypress	Water requirements
Ulmus crassifolia	Cedar elm	

BOTANICAL NAME	COMMON NAME	MISCELLANEOUS COMMENTS
Ulmus parvifolia	Drake elm	
Washingtonia filifera**[1]**	California fan palm*	Freeze damage
Washingtonia robusta**[1]**	Mexican fan palm*	Freeze damage

Notes:

1. This tree species is only permissible if planted in a cluster of at least three (3) trees, where each tree in the cluster is within three (3) feet of at least two (2) other trees in the same cluster.

Table 4.6-6. Approved Shrubs

BOTANICAL NAME	COMMON NAME	MISCELLANEOUS COMMENTS
Bougainvillea spp.	Bougainvillea	Many varieties available
Buxus spp.	Boxwood	Needs pruning
Capsicum annum	Bird pepper	Bird pepper
Carissa grandiflora	Natal-plum	Many varieties available
Chamaerops humilis	Mediterranean fan palm	
Croton spp.	Croton	Freeze damage
Cuphea hyssopifolia	Mexican heather	
Cycas revoluta	Sago palm	
Dietes moreae	African iris	(Also butterfly iris)
Hibiscus rosa-sinensis	Hibiscus	Many varieties available
Ilex vomitoria "nana"	Dwarf yaupon	
Ixora chinensis	Ixora	Many varieties available
Juniperus spp.	Juniper	Many varieties available
Lantana horrida	Texas lantana	
Lantana camara spp.	Lantana	Many varieties available
Leucophyllum frutescens	Purple sage, cenizo	Purple sage, cenizo (use variety "green cloud")
Liriope muscari	Liriope	Many varieties available
Malpighia glabra	Barbados cherry	
Malvaviscus drummondii	Turk's cap	
Phoenix roebelenii	Pygmy date palm	
Nerium oleander	Oleander	
Pittosporum tobira	Pittosporum	
Plumbago auriculata	Plumbago	

BOTANICAL NAME	COMMON NAME	MISCELLANEOUS COMMENTS
Raphiolepsis indica	Indian hawthorn	Needs soil amendments
Ruella spp.	Mexican petunia	Pink, blue varieties
Russelia equisetiformis	Fire cracker bush	
Schaefferia cuneifolia	Desert yaupon	
Spathiphyllum "zanadu"	Zanadu	Prefers shade
Tulbaghia violacea	Society garlic	Tender
Viguiera stenoloba	Skeletonbush	

Table 4.6-7. Approved Ground Covers

BOTANICAL NAME	COMMON NAME	MISCELLANEOUS COMMENTS
Asparagus sprengerii	Asparagus fern	
Carissa grandiflora "dwarf"	Dwarf natal-plum	Thorns
Evolvolus spp.	Blue daze	
Hemerocallis fulva	Daylily	
Lantana montevidensis	Trailing lantana	
Liriope muscari	Liriope	
Ophiopogon japonicus	Mondo grass	Prefers shade
Ruella spp.	Katy petunia	Pink, blue varieties
Trachelospermum asiaticum	Asian jasmine	
Trachelospermum jasminoides	Confederate jasmine	Climbing
Verbena spp.	Verbena	Tender
Wedelia trilobata	Wedelia	Severe pruning required
Various spp.		Any well-maintained annual/seasonal plants
Various spp.		Any well-maintained wildflowers
Mulch		At least two inches deep

5. Installation and Maintenance

   a. The Applicant must plant all required landscaping as a condition of receiving a Certificate of Occupancy (see **4.2.9**.)

   b. After installation, landscaping must be maintained in a healthy condition and non-hazardous condition through use of an automatic irrigation system, or by hand-watering if the area of required landscaping is less than two-thousand (2,000) square feet and all plants are within one hundred (100) feet of a hose bib, and by regular trimming and pruning and replanting according to best practices maintained by the City Forester or equivalent authoritative guide.

   c. The property owner shall maintain an area of mulch extending at least three (3) feet from the base of each tree until the tree is established.

   d. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or invasive plants that are not a part of the landscaping.

6. Enforcement

   a. The City Forester, Building Official, or Ordinance Enforcement Officer is authorized to issue citations for noncompliance with this Section in accordance with **1.9. Violations and Enforcement**.

   b. Dead or diseased plants shall be promptly removed and replaced by the property owner within six (6) months of receipt of notice from the City Forester.

   c. The City has the right to remove any dead or damaged trees, roots, or other landscaping that constitute an immediate danger to life or property, and to recoup the expenses from the property owner through notice or lien.

E. Minimum Landscaping Standards

1. Single Family, Duplex, and Townhome Construction

   a. The Applicant or builder shall sod all areas on a lot that are not covered by a building, structure, driveway, or sidewalk.

   b. In addition to sod, the Applicant or builder shall provide trees and shrubs within a landscape area equivalent to ten percent (10%) or more of the lot exclusive of right of way, easements, ponds, creeks, and nonintermittent Resaca.

   c. The Applicant or builder shall provide landscaping consistent with the planting schedule in subsection **D above** within the required area at the following rate:

      (i) One (1) tree per 250 square feet of required landscape area

      (ii) One (1) shrub or flowering plant per 50 square feet of required landscape area

   d. The landscaped area does not have to be contiguous or limited to a certain area. At a minimum, however, at least one (1) tree and at least one hundred (100) square feet of shrubs and flowering plants must be provided within the front yard of each unit.

   e. For duplex construction, the landscaping shall be equally distributed between each unit even if the units are not individually platted.

2. Single Family Subdivisions

   a. The Subdivider shall sod all common areas within a Subdivision, other than areas preserved in a natural state or left undisturbed during construction.

   b. In addition to sod, the Subdivider shall provide trees and shrubs within a landscaped area equivalent to ten percent (10%) or more of the combined area of all common areas within the Subdivision exclusive of right of way, easements, ponds, creeks, and nonintermittent Resaca.

   c. The Subdivider shall provide landscaping consistent with the planting schedule in subsection **D above** within the required area at the following rate:

      (i) One (1) tree per 500 square feet of required landscape area

      (ii) One (1) shrub or flowering plant per 100 square feet of required landscape area

   d. Landscaping required under **b.** above may be planted in any publicly-accessible area within the Subdivision provided that at least ten percent (10%) of required trees and shrubs or flower plants are planted within each of the following areas:

      (i) Within fifty (50) feet of entrances to the Subdivision; and

      (ii) Within any contiguous common area of one half (1/2) acre or larger.

   e. For multi-phase developments, up to fifty percent (50%) of required landscaping may be deferred until a future phase if the Subdivider provides Fiscal Security in a form and amount acceptable to the City Forester that allows the City or the homeowners association to plant the deferred plantings if future phases are not constructed within two (2) years.

3. Multi-Family, Mixed-Use, and Nonresidential Development

   a. Landscaping Requirements

      (i) Landscaping Along Perimeter

      All nonresidential uses shall comply with the following streetscape requirements:

   b. Perimeter Landscaping

   Perimeter Landscaping shall be provided adjacent to all streets

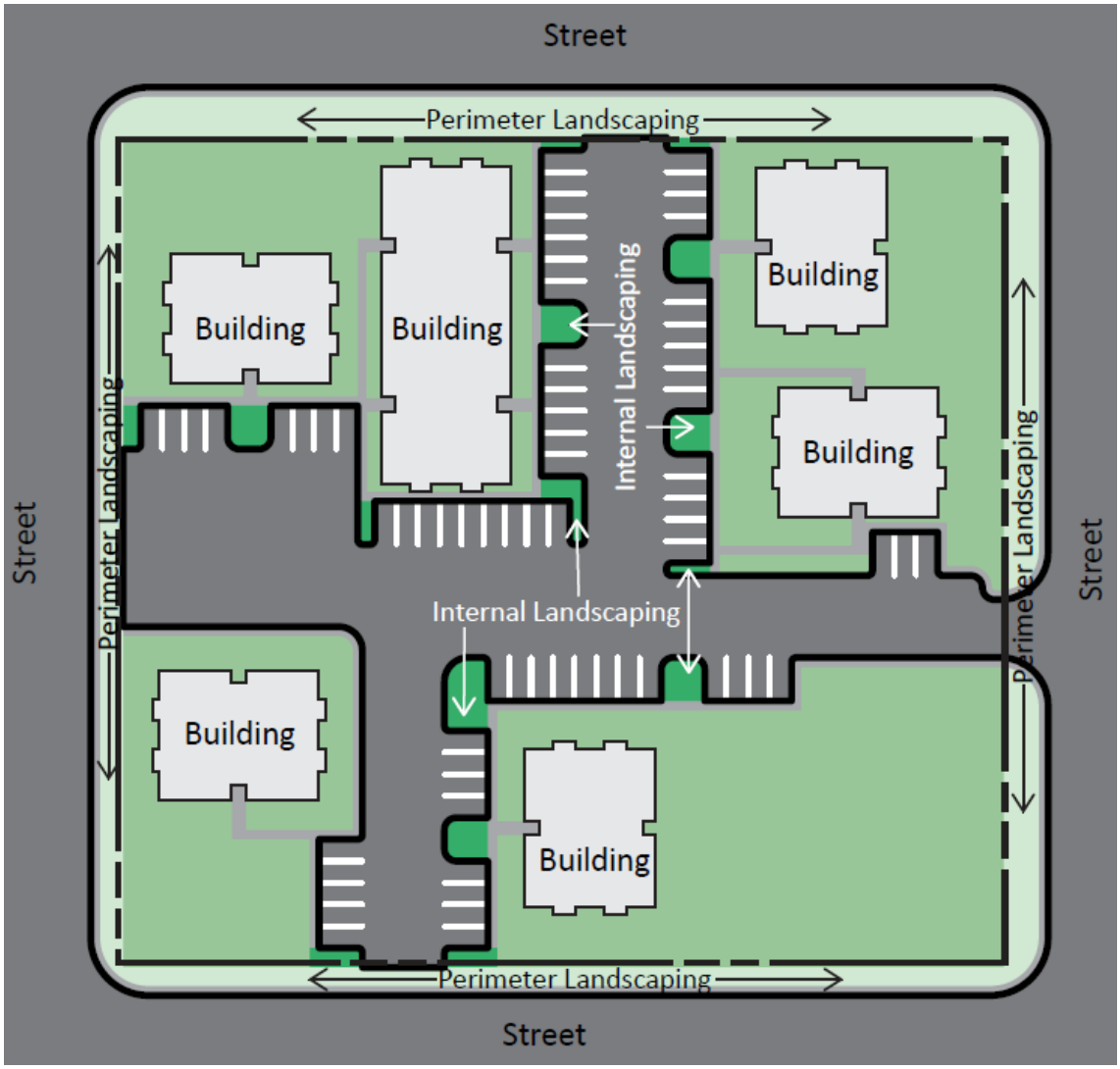
      (i) The Perimeter Landscaping shall be the following minimum widths, exclusive of street Right-of-Way.

         (1) Adjacent to Interstate 69-E or 169, US 281/Military Rd, State Highway 550 or 48, FM 511, FM 802, FM 1847: Fifteen (15) feet

         (2) Adjacent to Conventional streetscape not listed in (1) above: Five (5) feet

         (3) Adjacent to Multi-Way, Mixed-Use and Residential streetscape: none required

Figure 4.6-2. Internal and Perimeter Landscaping



(ii) Plantings within the Perimeter Landscaping shall be determined by the following:

(1) Along all streets other than Residential, at least (1) Shade Tree for every forty (40) feet of frontage shall be installed. One existing tree may be substituted for each new tree provided the existing tree is in good health and form. New trees must be planted within five (5) feet of the front lot line along the street and in line with other trees but not in conflict with utilities. The Planning Director may permit additional minor setbacks or other adjustments to the planting strip to accommodate future right-of-way expansions, sidewalks, and utility lines

(2) Complete coverage of natural landscape materials shall be provided with Shrubs, Groundcover, Ornamental Grasses with a Rock/Crushed Rock Landscape Base, or Ornamental Grasses with a Mulch Base. The use of Turf Grass as a landscape material is prohibited in fulfilling the requirements for groundcover unless incorporated into a berm.

(iii) See 4.6.5 for required landscape buffering adjacent to residential districts.

c. Shrub Buffer

Where parking lots, drives, and access easements abut the Perimeter Landscaping, Shrubs (5 gallon minimum) shall be planted to form a contiguous buffer along the common boundary line. The species selected shall be evergreen, and shall achieve a mature height of 42 inches within one (1) year of planting in order to provide sufficient headlight screen.

(i) Shrubs shall be planted in planting beds with a Rock/Crushed Rock Landscape Base or Mulch Base.

(ii) A berm may be placed within the Perimeter Landscaping in lieu of the required Shrubs unless needed for a headlight screen.

(1) The berm must be 18 to 42 inches above the average grade of the street and parking lot curbs.

(2) The slope of the berm shall not exceed a thirty-three percent (33%) grade.

(3) If the parking lot is located fifty (50) feet or more from the street Right-of-Way line, no Shrubs or berms will be required unless needed for a headlight screen.

d. The Planning Director may reduce the width (but not contents) of the required Perimeter Landscaping during Site Plan review when the reduction is required for a Public Improvement Right-of-Way acquisition.

4. Internal Landscaping

a. Internal Landscaping refers to all areas within the paved boundaries of the parking lot.

b. Any multifamily parking area that contains more than ten (10) parking spaces shall provide Internal Landscaping in addition to the required Perimeter Landscaping.

c. Plantings within the Internal Landscaping area shall be determined by the following:

(i) Twenty (20) square feet of Internal Landscaping for each parking space or fraction thereof.

(ii) One tree for every ten (10) parking spaces or fraction thereof.

(iii) All parking spaces must be within eighty (80) feet of a tree with a canopy measuring at least six (6) feet in height above the ground.

(iv) Complete coverage of natural landscape materials, such as groundcover, or ornamental grasses with a rock or crushed rock landscape base or mulch base. The use of turf grass as a landscape material is prohibited in fulfilling the requirements for groundcover unless incorporated into a berm.

d. Multiple Building Landscaping Requirements

If more than one Dwelling, Multi-Family (Apartment) building is placed upon a single lot, the following areas shall be landscaped:

(i) A twenty (20) foot strip along the front or rear of the buildings as measured from the foundation.

(ii) A ten (10) foot strip along all other sides of the buildings as measured from the foundation.

(iii) Landscaping strip may consist of shrubs, groundcover, ornamental grasses with a rock or crushed rock landscape base or mulch base, or turf grass.

(iv) Areas used for driveways shall be exempt from this requirement.

5. Stormwater Drainage

All landscaped areas shall be protected by a raised six (6) inch concrete curb with openings to allow for the drainage of stormwater into the landscaped areas.

6. Redevelopment Sites

For existing sites undergoing redevelopment, see **4.1.3F.4**.

7. Grouping of All Required Landscaping within One or Two Areas

a. In order to provide flexibility in site design, an Applicant may request Alternative Compliance to group all required landscaping (e.g., the landscape buffer and parking lot landscaping) into fewer areas in greater concentration.

b. In order to offset the movement of landscaping from its original required location, an additional twenty-five percent (25%) of the total landscaped area will be required. For example, if 1,000 square feet of total landscaping was required, then 1,250 square feet would be required to meet the grouping option.

c. In addition to the twenty-five percent (25%) increase in total landscape area, the grouped landscaping shall be located either in the front yard or area visible from the street.

4.6.4 FENCING AND SCREENING

A. General

1. Purpose

The purpose of this section is to provide standards for screening in order to mitigate the effects of potential Nuisances such as dirt, litter, noise, heat, and Glare of lights, and to protect public and private investment. It is also the intent of this section to provide for the safe construction and maintenance of walls and fences constructed in the City.

2. Applicability

a. These regulations shall be applicable to all new construction, where fifty (50) percent or more of an existing screening, fence, or wall requires replacement, or any time that a higher intensity use is required to screen adjacent to a lower intensity use.

b. The Planning Director may waive any or all requirements under this Section for area adjacent to resacas.

3. Enforcement

The Planning Director shall administer and enforce the provisions of this article relating to screening and fencing.

B. Screening and Fencing of Nonresidential, Mixed Use, Multi-Family, and Manufactured Home Developments

1. Placement of Fences

Opaque fences shall be prohibited between the front building face and the Right-of-Way.

2. Screening of Neighboring Development with a Masonry Screening Wall

a. In the event that any non-single family use sides or backs to an RE, R-1, or R-2 district, a solid masonry screening wall between six (6) and eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.

(i) The owner of the property with the higher-intensity use is responsible for constructing and maintaining the required wall on the property line dividing the property from the lower intensity district.

(ii) For the purposes of determining maintenance responsibilities, uses shall range in intensity as listed in **Table 4.6-8** below:

Table 4.6-8. Screening Intensity Scale

Least Intense						**Most Intense**
Single-Family Residential and Duplex	**Townhome**	**Other Residential**	**Mixed Use**	**Commercial**	**Outside Storage**	**Industrial**

(iii) **Table 4.6-9** below summarizes the screening wall requirements of this Subsection.

Table 4.6-9. Screening Wall Requirements by Use

		ABUTTING DISTRICT				
		AG, RE, R-1, R-2	R-3, TN, D	CC, RC	LI, HI	
INITIATED USE	**Residential Subdivision** (R-1, R-2)	See **4.6.4F**				
	Multi-Family Mixed-Use (R-3, TN, D)	Required, except in or adjacent to D	Not Required	Not Required	Not Required	
	Commercial (CC, RC)	Required	Required	Not Required	Not Required	
	Industrial (LI, HI)	Required	Required	Required	Required for open storage adjacent to street	

b. Materials

(i) Any screening wall required under the provisions of this section, under a Specific Use Permit, Planned Development (PD) District, or other requirement shall be constructed of one hundred percent (100%) opaque masonry or precast concrete designed to resemble wood, stucco, stone, or brick fencing (excluding CMU).

(ii) Up to thirty percent (30%) of a required screening wall may utilize cementitious fiber panel or plank.

(iii) Nonresidential fences or walls that are not required by ordinance but that are visible from public Right-of-Way shall be constructed of masonry, reinforced concrete, wrought iron or tubular steel, or cementitious fiber panel or plank or vinyl material that simulates wood or masonry.

(iv) All required screening walls shall be equally finished on both sides of the wall.

(v) Where such openings are necessary, all wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

(vi) The use of wood is expressly prohibited as a form of non-single family residential fencing or screening.

3. Alternative Compliance, Waivers, and Special Exceptions

a. Alternative Compliance

The Planning Director may approve an alternative screening method or materials if it is found to provide the same or a higher level of visual and auditory screening as required under Subsection B.

b. Waiver

The Planning Director may approve a waiver of requirements under Subsection B when at least two (2) of the following conditions are present:

(i) More than fifty percent (50%) of the uses on the same block are unscreened and are of the same or higher intensity;

(ii) The property required to erect screening is less than one (1) acre in size;

(iii) At least twenty-five (25) feet of buffer exists or will be provided between the use and the property line abutting the use of lesser intensity, combined with existing vegetation of sufficient density to create an opaque screen to a height of at least six (6) feet; or

(iv) The length of wall required under Subsection B is less than fifty (50) feet.

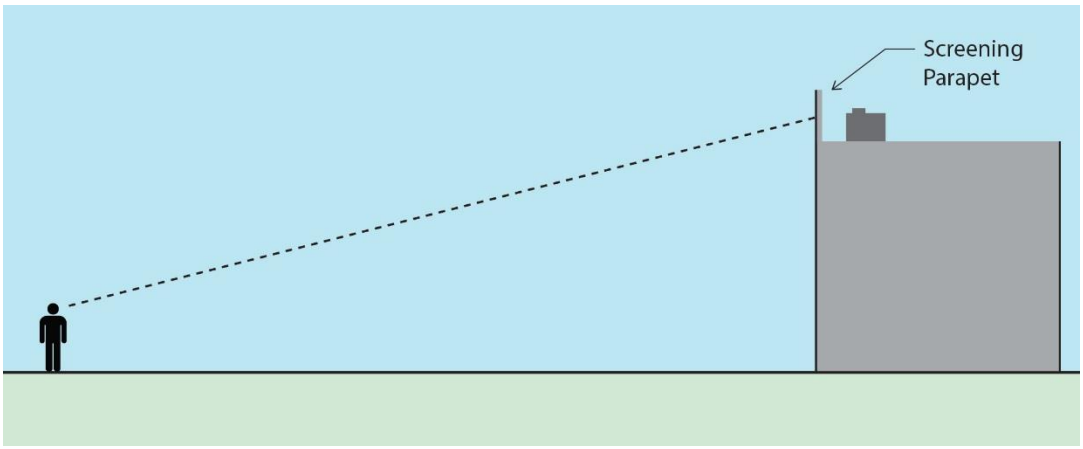
c. Variance

If a property does not qualify for a waiver under a above, the applicant may request that the Board of Adjustment grant a variance from the requirements of Subsection B based on a hardship specific to the property as defined in Section 4.2.11D.

4. Screening of Mechanical Equipment

All non-single family uses in any zoning district shall screen all mechanical, heating and air conditioning equipment from public view or adjacent residential property. Public view is any area that can be seen from a public street or adjacent residential properties at six (6) feet above grade at the property line (see **Figure 4.6-3. Example of Mechanical Equipment Screening**.)

Figure 4.6-3. Example of Mechanical Equipment Screening



5. Nonagricultural Barbed Wire Fences Prohibited

Barbed wire, razor wire, and concertina wire fences are prohibited in the City for nonagricultural purposes with the exception of public utilities facilities (such as substations and transformer stations) or as part of security devices used to restrain persons being detained by the City or other governmental law enforcement agency for criminal violations.

C. Screening of Outdoor Waste Storage for All Nonresidential, Mixed Use, Multi-Family, and Manufactured Home Developments

1. Incidental Use Requirement and Location Standards

Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers which are used for waste disposal purposes shall:

a. Only be allowed as an accessory use and shall not be the primary use on a site, and

b. Shall be located behind the building line established by the structure and not within any side or rear yard setback or any required landscaped area.

c. May be integrated into the rear of a building if the entire device used for screening and enclosure is located behind the building.

d. The location of refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers and proposed enclosures, screening, and access drives shall be shown on a required Site Plan (see **4.2.4**).

2. Setbacks

a. Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be constructed a minimum of ten (10) feet from all residential uses, including a Mixed Use building if residential units face the abutting property line separating the

mixed use from the property utilizing the refuse container, trash dumpster/container, trash compactor, box compactor, and other similar container.

b. A refuse container, trash dumpster/container, trash compactor, box compactor, and other similar container shall be set back a minimum of twenty-five (25) feet from the nearest face of any residential unit on the same property.

3. Screening Required

a. Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be enclosed on all four sides with a three-sided masonry screening wall and a metal gate on the fourth side.

b. The minimum height of the wall and gate is one (1) foot above the container height, not to exceed eight (8) feet in height.

c. The container shall be screened by the masonry wall and a metal gate capable of screening the fourth side. The gate shall remain closed at all times except when filling or emptying the container.

d. The screening wall shall be similar or complementary to the primary building on the same lot, or an extension of the building's architectural design if the enclosure is integrated into the rear of a building.

e. Up to thirty percent (30%) of the enclosure may utilize cementitious fiber panel or plank if the enclosure is integrated into the rear of a building.

f. The sides of a building may substitute for a required enclosure under this subsection **3** if the dumpster is set back at least twenty-five (25) feet from the nearest street or driveway.

g. A lean-to style roof may be utilized to cover enclosures integrated into the rear of a building, provided that the roof does not exceed the height of the nearest building face, is supported by painted, rustproofed, or enclosed metal trusses and columns, and that the entire exterior surface of the roof utilizes weatherproof metal or composite material.

D. Electric Fences

1. An electric fence is allowed in the AG zoning district, with proof submitted to the electrical inspector that the fence is designed to retain animals, will be inaccessible to the general public, and will not pose a life safety hazard.

2. An electric fence is allowed in association with a permitted nonresidential outdoor equipment or storage area in the LI and HI districts subject to the following standards:

a. Unless otherwise specified in this Section, electric fences must be installed in conformance with the specifications set forth in the City's electrical code and the International Electroctechnical Commission Standard No. 60335-2-76. In addition, the electric fence controller must meet the requirements of Underwriters Laboratories Standard UL69, Electric-Fence Controller, and labeled as such.

b. The electric fence controller and emergency entry key safe for the electric fence must be located in a single accessible location for the entire fence.

c. The electric fence must be surrounded by a non-electrical fence or wall measuring between six (6) and eight (8) feet in height.

d. The electric fence must be installed a minimum of one (1) foot from the surrounding non-electric fence or wall, except along the gate. Along the gate, the electric fence must be installed a minimum of three (3) inches from the surrounding non-electric fence or wall.

e. The electric fence must be clearly identified with warning signs at intervals of not less than sixty (60) feet.

f. The electric fence shall not be energized during hours when the public has legal access to the protected property.

3. See H below for additional requirements related to screening of outdoor equipment and storage.

E. Fences in HP Overlay

See 4.2.5D.4.k.Fences, Railings, and Walls.

F. Residential Fences

1. A solid masonry fence is required in an RE, R-1, or R-2 district when more than three contiguous lots in a Subdivision back to a street of any classification.

2. Materials

a. Any residential Subdivision perimeter fence shall be constructed of masonry, wrought iron, Cedar wood, precast concrete designed to resemble wood, stucco, stone, or brick fencing (excluding CMU), or vinyl materials that produce a similar appearance.

b. A residential Subdivision perimeter fence shall have a concrete footing along the entire length of the fence and be maintained by a homeowners association or other entity with the legal right to levy funds for maintenance.

c. A residential Subdivision perimeter fence that provides screening for more than one lot or property shall be placed entirely within a separate lot dedicated as a common lot on a Final Plat and that is owned and maintained by a homeowners association or other entity with the legal right to levy funds for maintenance.

3. Gated Entry

(i) If a Subdivision, multi-family, mixed use, or nonresidential property is gated, any gate designed for vehicular access shall be setback at least fifty (50) feet from a public street and provide turnaround room adequate to prevent a vehicle from maneuvering into the street if access is denied.

(ii) Gates on an individual single-family residential lot that are designed for vehicular access shall be set back from the property line a minimum of twenty (20) feet.

(iii) The Planning Director may waive setback requirements for a gate that is:

(1) Used only for egress from a property; or

(2) Used only for emergency access and is not accessible to the public.

4. Height and Location

a. Any fence or wall located to the rear of the minimum required front yard line shall not exceed six (6) feet in height.

b. Except as provided in (i) below, no fence or wall shall be permitted in front of any single family or duplex structure.

(i) Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding forty-two (42) inches in height are permitted in front yards.

(ii) Decorative fences include wrought iron or tubular steel and wooden picket or split-rail type. Chain link, corrugated metal or plastic, woven wire mesh or chicken wire, found objects, or similar materials or methods are not considered decorative fencing.

(iii) No fence shall be erected in any required side yard that is adjacent to a public street.

5. Residential Chain Link and Barbed Wire Fences Prohibited

a. Chain link fencing is prohibited in residential areas except in the following circumstances:

(i) This requirement does not include any fence necessary for an agricultural use or interior fence that is not visible from outside the perimeter fence.

(ii) Chain link fencing is allowed for residential properties for side and rear fences not facing a public street.

b. Barbed wire or electrical fencing shall be prohibited in residential areas, except as used for farm or ranching purposes on lots over one (1) acre in size or as noted in **A** above.

(i) Invisible fences designed for household pets are exempt from this restriction, provided all components of the invisible fence are set entirely within the property line.

G. Special Fences

1. The Building Official may issue a Building Permit for special purpose fencing, such as fencing around sports courts and fields or outdoor play areas such as those associated with schools, churches, or day cares.

2. Fences around swimming pools shall comply with the Building Code and include gates and other access points designed to prevent access by children.

3. Screening or fencing shall not be located closer than three (3) feet from the edge of any accessway pavement or driveway.

H. Outdoor Equipment and Storage Area Screening

1. Outdoor equipment and storage areas shall be screened with an opaque masonry wall constructed of brick, stone, or split-faced CMU block.

2. A wall constructed to screen outdoor equipment and storage areas shall measure between six (6) and eight (8) feet in height.

3. Equipment or stored items exceeding one (1) foot in height below the height of the wall must be set back at least one (1) foot for every foot in excess height to a maximum of forty (40) feet.

4. Exception for Property in the HI District

a. Except where a property abuts a district other than HI, the Building Official may issue a permit for a wrought iron, tubular steel, or chain link fence in a HI district if the fence is made opaque with vegetation that measures at least as high as the fence or with a vinyl screen along the back of the fence, or a combination.

b. The property owner shall maintain all vegetation and screening used under this provision. Vegetation and screening that is not maintained is subject to citation under **1.9.3 Enforcement**.

4.6.5 RESIDENTIAL ADJACENCY

A. Purpose

The intent of this section is to preserve and protect the integrity of single-family residential neighborhoods, to protect the quiet enjoyment of single-family residential properties, and to maintain property values.

B. Applicability

1. The following residential adjacency standards shall apply to all non-single family residential buildings or uses that lie within two hundred (200) feet of properties used for single-family residential, including detached single-family and duplex uses in the RE, R-1, R-2, R-3, TN, TN-UM, TN-C, and DT-E Districts.
2. For purposes of the section, the two hundred (200) foot distance shall be measured from the non-single-family residential building or use to the property line of the single-family residential use.
3. The standards contained in this Section are supplemental to all other regulations of this UDC. Where a conflict exists between this section and the UDC, the more restrictive requirement will govern.

C. Land Uses Requiring a Specific Use Permit

The following uses require a Specific Use Permit when located within two hundred (200) feet of residential uses, in addition to the regulations of **4.2.7 Specific Use Permit** and **4.2.4E.2 Site Plan with Specific Use Permit Request**:

1. Indoor Amusement Establishment
2. Outdoor Amusement Establishment
3. Animal-Related Service with Outdoor Pens or Runs
4. Auto-Related Sales and Service
5. Banquet or Meeting Facility
6. Golf Course (miniature)
7. Hotel
8. Manufacturing
9. Self-Storage or Mini-Storage (outdoor only)
10. Outdoor Storage
11. Shooting Range (indoor or outdoor)
12. Theater
13. Trade School

D. Development Regulations

1. Roof Design Standards

a. To screen rooftop mechanical equipment, other appurtenances, and flat or built-up roofs, all structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof

b. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides).

c. Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, non-reflective matte finish

d. Metal roofs with lapped seamed construction, bituminous built-up roofs, and flat, membrane-type roofs that are visible are not permitted.

2. Loading and Service Areas

a. Loading and service areas shall be located at the side or rear of buildings.

b. Where loading and service areas are visible from the property line, a solid masonry screening wall at least ten (10) feet in height shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery. This wall must screen the entire loading dock or space.

c. Screening materials shall utilize similar masonry materials to the building's facades.

3. Lighting

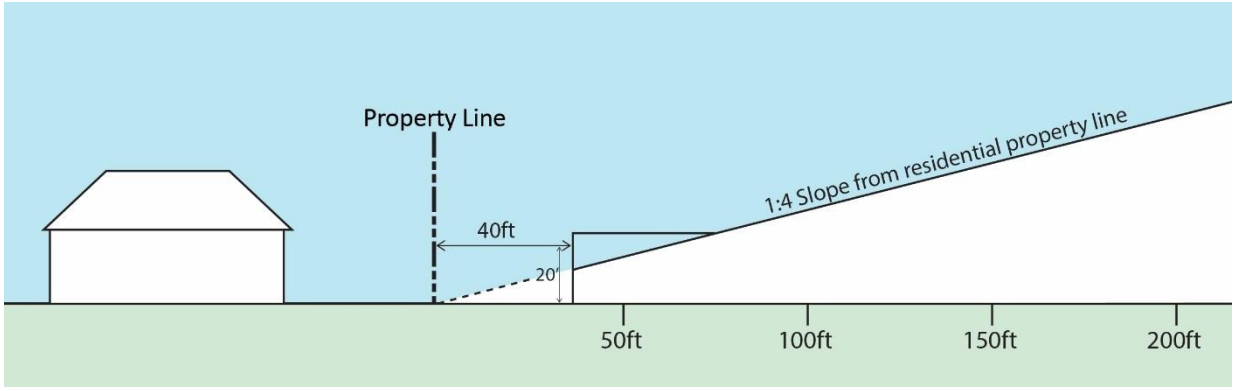
Mounting height of light fixtures shall not exceed fourteen (14) feet within fifty (50) feet of properties zoned RE, R-1, R-2, R-3, or TN.

4. Building Setbacks and Height

a. No multi-family, mixed-use, or nonresidential structure shall be built within forty (40) feet of the property line of a single-family residential, duplex, or townhome.

b. Structures set back at least forty (40) feet from the property line may be up to twenty (20) feet in height, or up to a line having a slope of 1:4 from the single-family residential property line, whichever is greater (see **Figure 4.6-4. Multi-Family, Mixed-Use, and Nonresidential Height Limit Slope**).

Figure 4.6-4. Multi-Family, Mixed-Use, and Nonresidential Height Limit Slope



4.6.6 INNOVATIVE RESIDENTIAL DESIGN

A. Innovative Residential Design developments are intended primarily to embody the objectives of the Comprehensive Plan. Any proposed development with this use designation must utilize one or more of the following design principles:

1. Clustering;
2. Pocket Neighborhoods;
3. Traditional Neighborhood Design; or
4. Another innovative design that results in a unique neighborhood with desirable characteristics consistent with the vision of the Comprehensive Plan, as determined by the Planning Director during the Sketch Plan phase outlined below.

B. To qualify as an Innovative Residential Development, the design principle must be applied throughout the development. (e.g., if a Pocket Neighborhood is included within a larger traditional subdivision, then the Pocket Neighborhood standards apply only to the Pocket Neighborhood area, not the larger subdivision.)

C. All housing types must comply with **4.4 Land Uses**.

D. Approval Process

1. Sketch Plan
   a. The applicant shall submit a Sketch Plan, which includes a statement of project intent, a location map indicating the project boundaries, the general location of proposed land use types, and any other information required by the Planning Director.
   b. The Planning Director is responsible for reviewing and approving Sketch Plans.
2. Site Plan
   a. Upon approval of a Sketch Plan, the applicant shall submit a detailed Site Plan that is in conformance with the approved Sketch Plan (see **4.2.4 Site Plan**).
   b. The Planning Director shall be responsible for reviewing and approving the Site Plan.
   c. If the Planning Director refuses to approve an Innovative Residential Design development, it may be deferred to the Planning and Zoning Commission for review and final decision.

E. Clustering

Figure 4.6-5. Example of Clustering



Intent

Provide open space accessible to the public in residential developments by allowing reductions to the minimum lot area to either maintain or increase overall density.

Preserve natural features, decrease impervious cover, and create unique neighborhoods.

Requirements

Area | 5 acre minimum area for development

Open Space Area | At least 30% of the site must be open space, in addition to park land dedication requirements.

Modifications

First, calculate the number of dwelling units permitted on the site based on the zoning district using the net buildable area.

If at least 30% of the site is conserved, then the number of units in the development may be up to or equal to the number of units that would be permitted with traditional development.

If at least 40% of the site is conserved, then an increase of 10% in the number of units is permitted.

All dimensions are as required by **4.3 Zoning Districts**, except:

- Lot area: None
- Lot width: 25’ min
- Lot depth: None
- Street frontage: 20’ min
- Front yard setback: 10’ min
- Porches may be located up to 5’ from the front property line (provided it does not interfere with utility easements)
- Rear yard setback with alleys: 10’ min
- Building separation: 14’ min / 10’ min if zero lot line placement is used

G. Pocket Neighborhoods

Figure 4.6-6. Example of Pocket Neighborhood



Source: Pocket Neighborhoods: Creating Small-Scale Community in a Large-Scale World by Ross Chaplin

Intent

Encourage residents to interact with their neighbors by sharing a centralized common area consisting of greenspace, park area, or community gardens instead of private backyards.

See *Pocket Neighborhoods: Creating Small-Scale Community in a Large-Scale World* by Ross Chaplin for additional information on this development style.

Requirements

Districts | Not permitted for the AG and R-1 Districts

Number | Neighborhood must include 6-20 homes

Common Area | Centralized greenspace of 400 sqft per unit, maintained by HOA

Orientation | Development must front onto the common area

Connectivity | All homes must be connected with a sidewalk

Porch | All homes must have a front porch of at least 80 sqft and 8' deep

Access | All parking, streets, garages, and alleys shall be located behind the homes, out of view from the common area, with no more than 6 adjoining spaces

Modifications

All dimensions are as required by **4.3 Zoning Districts**, except:

- Lot area: None
- Maximum DUA: 12
- Lot width: 20' min
- Lot depth: None
- Front yard setback: 10'
- Porches may be located up to 5' from the front property line outside of easements
- Rear yard setback: 10' min
- Building separation: 14' min / 10' min if zero lot line placement is used
- Building footprint: 1,200 sqft max plus 500 sqft max for garage
- Dwelling size: 1,800 sqft max

H. Traditional Neighborhood Design

Figure 4.6-7. Example of Traditional Neighborhood Design





Intent

Incorporate a blend of housing types and land uses into one area at a neighborhood scale. The traditional development style leading up to WWII, before the rise of sprawling subdivisions. Create developments that are compact, pedestrian-oriented, and promote a traditional, small-town atmosphere.

Requirements

Number | At least 100 dwelling units per development

Variety | At least 25% of the lots must incorporate a housing type other than Single Family (Detached)

Access | All homes must be accessed by an alley; front- and side-entry garages are prohibited, except for side-entry garages on corner lots

Detail | All windows visible from public ROW must have muntins and include a type of exterior architectural detail (i.e., shutters, detailed window cornices, or dormer)

Porch | All homes must have a front porch of at least 80 sqft and 8' deep

Grid | Neighborhood design must be of a grid-like connected pattern; cul-de-sacs are prohibited unless unavoidable due to topography or other natural features as determined by the Director of Planning

Blocks | Blocks must be between 200-400' in width and 400-800' in length

Open Space Area | At least 15% of the total site acreage must be common open space (may count undevelopable areas toward up to 75% of this required open space)

Open Space Access | At least 90% of the homes must be within 1/4 mile of the open space

Modifications All dimensions are as required by **4.3 Zoning Districts**, except:

- Lot area: None
- Maximum DUA unless zoning allows higher: 12
- Lot width: 20’ min
- Lot depth: None
- Front yard setback: 10’
- Rear yard setback: 10’ min
- Building separation: 14’ min / 10’ min if zero lot line placement is used
- Building footprint: 1,200 sqft max plus 500 sqft max for garage
- Dwelling size: 1,800 sqft max

4.6.7 LIGHTING

A. Purpose

The purpose of these lighting regulations is to:

1. Permit the use of outdoor lighting that does not exceed the maximum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.
2. Minimize adverse offsite impacts of lighting.
3. Curtail Light Pollution, reduce skyglow and improve the nighttime environment for astronomy.
4. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
5. Conserve energy and resources to the greatest extent possible.

B. Applicability as to Location

This section applies within the City limits.

C. Conformance with All Applicable Codes

All outdoor lighting shall be installed in conformance with the provisions of this Section, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

D. Applicability as to Type

1. Except as described below, all outdoor lighting installed after the date of effect of this UDC shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.
2. Exemptions
   a. Lighting within public or private right-of-way or easement for the principle purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public or private right-of-way or easement when the purpose of the Luminaire is to illuminate areas outside the public or private right-of-way or easement, unless otherwise stated in separate regulation.
   b. Lighting for public monuments and statuary.
   c. Lighting solely for signs.
   d. Repairs to existing Luminaires not exceeding twenty-five percent (25%) of total installed Luminaires.
   e. Temporary lighting for theatrical, television, performance areas and construction sites.
   f. Underwater lighting in swimming pools and other water features.
   g. Temporary lighting and seasonal lighting provided that individual Lamps are less than 10 watts and 70 Lumens.
   h. Lighting that is only used under emergency conditions.
   i. Low Voltage Landscape Lighting.

3. Preemption

All lighting shall follow provisions in this ordinance; however, any special requirements for lighting listed below shall take precedence.

a. Lighting specified or identified in a Specific Use Permit.

b. Lighting required by federal or state laws or regulations.

E. Allowed Correlated Color Temperature

The allowable correlated color temperature of all lighting fixtures shall not exceed 3,000 Kelvins (K).

F. Lighting Control Requirements

1. Automatic Switching Requirements

a. Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, Astronomic Time Switch, or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

b. Exceptions

(i) Lighting under canopies.

(ii) Lighting for tunnels, parking garages, garage entrances, and similar conditions, provided that the lighting source and Luminaire are not visible from properties zoned RE, R-1, or R-2 and developed as a residential use.

2. Automatic Lighting Reduction Requirements

a. Lighting Curfew

Total outdoor lighting Lumens shall be reduced by at least thirty percent (30%) or extinguished according to the most restrictive of the following:

(i) A period beginning at midnight and continuing until 6 AM; or

(ii) From one (1) hour after business closing to one (1) hour before business opening; or

(iii) During any period when activity has not been detected for longer than fifteen (15) minutes.

b. Exceptions

(i) Lighting for residential use in Residential Zoning Districts, including multiple residential properties not having common areas.

(ii) When the outdoor lighting consists of only one (1) Luminaire.

(iii) Code required lighting for steps, stairs, walkways, and building entrances.

(iv) When, in the opinion of the Planning Director, lighting levels must be maintained.

(v) Motion-activated lighting.

(vi) Lighting governed by specific use permit in which times of operation are specifically identified.

(vii) Businesses that operate on a 24-hour basis.

G. Urban Residential, Nonresidential, and Mixed-Use Lighting Requirements

For zoning districts R-3, TN-MU, TN-C, CC, RC, DE, DG, DC, LI, HI, and PDDs with one or more allowed uses consistent with these districts, or any residential development other than Single-Family Residential with seven residential units or more and having common outdoor areas, all outdoor lighting shall comply either with **4.6.7G.1. Prescriptive Method** or **4.6.7G.2. Performance Method**. Two methods are provided for assessing regulatory compliance:

1. Prescriptive Method

a. The prescriptive method contains precise and easily verifiable requirements for Luminaire light output and fixture design that limit Glare, upward projected light (uplight), Light Trespass, and the amount of light that can be used.

b. The prescriptive method constrains total installed initial Luminaire Lumens based on compliant Luminaires and project property conditions and features.

c. The prescriptive method is most suitable for outdoor lighting projects that do not involve a lighting professional because it is simple and does not require engineering expertise.

2. Performance Method

a. The performance method allows greater flexibility and creativity in meeting the intent of this **4.6.7**.

b. The performance method establishes system performance metrics for the system as a whole detailing photometric calculations in addition to individual Luminaire compliance.

c. An engineer or lighting professional generally will be required to design within the performance method.

d. The performance method is most suitable for projects with the following characteristics:

(i) Lighting must be evaluated under complex requirements not suitable under the Prescriptive Method;

(ii) The applicant wants or needs more flexibility in lighting design;

(iii) The lighting designer plans to aim or direct any light fixture upward (above 90 degrees); or

(iv) The project requires higher lighting levels compared to typical area lighting.

3. Prescriptive Method of Regulatory Compliance

The total installed initial Luminaire Lumens of all outdoor lighting shall not exceed the total site Lumen limit.

a. The total site Lumen limit shall be determined using either the per parking space method (subsection **K.1**) or the hardscape method (subsection **K.2**).

b. Only one method shall be used per permit application, and for sites with existing lighting, existing lighting shall be included in the calculation of total installed Lumens.

c. The total installed initial Luminaire Lumens is calculated as the sum of the initial Luminaire Lumens for all Luminaires.

4. Limits to Off Site Impacts

   All Luminaires shall be rated and installed according to Section 4.6.7K.

   a. Light Shielding for Parking Lot Illumination

      (i) All parking lot lighting shall have no light emitted above 90 degrees.

      (ii) Exception

5. Ornamental parking lighting shall be permitted by special permit only, and shall meet the requirements of K.2.c, without the need for external field-added modifications.

6. Performance Method of Regulatory Compliance

   The total installed initial Luminaire Lumens of all lighting systems on the site shall not exceed the allowed total initial site Lumens. The allowed total initial site Lumens shall be determined using 4.6.7K.3. For sites with existing lighting, existing lighting shall be included in the calculation of total installed Lumens. The total installed initial Luminaire Lumens of all Luminaires is calculated as the sum of the initial Luminaire Lumens for all Luminaires.

7. Limits to Off Site Impacts

   a. All Luminaires shall be rated and installed using one of the options below:

   b. Categorical Assessment Option.

      All Luminaires shall be rated and installed according to subsection K.

   c. Software Modeling Option.

      The entire outdoor lighting designs hall be analyzed using industry standard lighting software including interreflections in the following manner:

      (i) Input data shall describe the lighting system including Luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IES guidelines. Buildings or other physical objects on the site within three object heights of the property line must be included in the calculations.

      (ii) Analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site. The top of the enclosure shall be no less than 33 feet (10 meters) above the tallest Luminaire. Calculations shall include total Lumens upon the inside surfaces of the box top and vertical sides and maximum vertical illuminance (Footcandles or Lux) on the sides of the enclosure.

   d. The design complies if:

      (i) The total Lumens on the inside surfaces of the virtual enclosure are less than fifteen percent (15%) of the total site Lumen limit; and

      (ii) The maximum vertical illuminance on any vertical surface is less than the allowed maximum illuminance per K.3.a.

H. Residential Lighting

1. General Requirements

For residential properties including multiple residential properties not having common areas, all outdoor Luminaires shall be fully shielded and shall not exceed the allowed Lumen output in **K.3.c Residential Lighting Limits**, row 2.

2. Exceptions

a. One partly shielded or unshielded Luminaire at the main entry, not exceeding the allowed Lumen output in **K.3.c Residential Lighting Limits**, row 1.

b. Any other partly shielded or unshielded Luminaires not exceeding the allowed Lumen output in **K.3.c Residential Lighting Limits**, row 3.

c. Low Voltage Landscape Lighting aimed away from adjacent properties and not exceeding the allowed Lumen output in **K.3.c Residential Lighting Limits**, row 4.

(i) Shielded directional flood lighting aimed so that direct Glare is not visible from adjacent properties and not exceeding the allowed Lumen output in **K.3.c Residential Lighting Limits**, row 5.

d. Open flame gas Lamps.

(i) Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated.

(ii) Lighting exempt per **4.6.7D.2**.

3. Requirements for Residential Landscape Lighting

a. Residential Landscape Lighting shall comply with **K.3.c Residential Lighting Limits**.

b. Residential Landscape Lighting shall not be aimed onto adjacent properties

I. Lighting by Special Permit Only

1. High Intensity and Special Purpose Lighting

2. The following lighting systems are prohibited from being installed or used except by Special Lighting Permit:

a. Temporary lighting in which any single Luminaire exceeds 20,000 initial Luminaire Lumens or the total lighting load exceeds 160,000 Lumens.

b. Aerial lasers.

c. Searchlights.

d. Other very intense lighting defined as having a light source exceeding 200,000 initial Luminaire Lumens or an intensity in any direction of more than 2,000,000 candelas.

3. Complex and Nonconforming Uses

Upon issuance of a Special Lighting Permit issued by the Planning and Zoning Commission, lighting not complying with the technical requirements of this Section but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:

a. Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.

b. Construction lighting.

c. Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.

d. Parking structures.

e. Parks within a Nonresidential or Mixed-Use zoning district

f. Ornamental and architectural lighting of bridges, public monuments,

g. statuary and public buildings.

h. Theme and amusement parks.

i. Correctional facilities.

4. Special Lighting Permit Application and Criteria

a. Applicants shall demonstrate that the proposed lighting installation:

(i) Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the calculations required for the Performance Method.

(ii) Employs lighting controls to reduce lighting at a Project Specific Curfew ("Curfew") time to be established in the Permit.

(iii) Complies with the Performance Method after Curfew.

b. Approval Process

(i) The Planning Director shall review and provide a recommendation to the Planning and Zoning Commission.

(ii) The Planning and Zoning Commission may grant the permit if, upon review, the Commission believes that the proposed lighting will not create unwarranted Glare, Sky Glow, or Light Trespass.

J. Existing Lighting

Lighting installed prior to the effective date of this Section shall comply with the following.

1. New Uses or Structures, or Change of Use

Whenever use of a property changes (zoning change, Specific Use Permit, or variance), all outdoor lighting on the property shall be brought into compliance with this Section before the new or changed use commences.

2. This subsection **J** applies to additions or alterations for property in High-Density Residential, Nonresidential, and Mixed-Use zoning districts (zoning districts R-3, TN-MU, TN-C, CC, RC, DE, DG, DC, LI, HI, and PDDs with one or more allowed uses consistent with these districts)

a. Major Additions

If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Section. For purposes of this section, the following are considered to be major additions:

(i) Additions of twenty-five percent (25%) or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.

(ii) Single or cumulative additions, modification, or replacement of 25 percent or more of installed outdoor lighting Luminaires existing as of the effective date of this Ordinance.

b. Minor Modifications, Additions or New Lighting Fixtures

(i) All additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.

(ii) Any new lighting shall meet the requirements of this Ordinance.

3. Resumption of Use after Abandonment

If a property with nonconforming lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.

K. Lighting Design Standards and Metrics

1. Allowed Total Initial Luminaire Lumens per Site, Per Parking Space Method

This method applies only to properties with up to 10 parking spaces (including handicapped accessible spaces)

AG, RE, R-1, R-2, R-3, TN Zoning Districts IES Lighting Zone 1	TN-MU, TN-C, CC, DE, DG Zoning Districts IES Lighting Zone 2	DC, RC, LI, HI Zoning Districts IES Lighting Zone 3
490 Lumens per space	630 Lumens per space	840 Lumens per space

2. Allowed Total Initial Lumens per Site, Hardscape Area Method

May be used for any project. When lighting intersections of site drives and public streets, a total of 600 square feet for each intersection may be added to the actual Hardscape area to provide for intersection lighting.

a. Base Allowance

AG, RE, R-1, R-2, R-3, TN Zoning Districts IES Lighting Zone 1	TN-MU, TN-C, CC, DE, DG Zoning Districts IES Lighting Zone 2	DC, RC, LI, HI Zoning Districts IES Lighting Zone 3
1.25 Lumens per square foot of Hardscape	2.5 Lumens per square foot of Hardscape	5.0 Lumens per square foot of Hardscape

b. Additional Allowance

	AG, RE, R-1, R-2, R-3, TN Zoning Districts IES Lighting Zone 1	TN-MU, TN-C, CC, DE, DG Zoning Districts IES Lighting Zone 2	DC, RC, LI, HI Zoning Districts IES Lighting Zone 3
Outdoor Sales Lots. This allowance is Lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas. To use this allowance, Luminaires must be within 2 mounting heights of sales lot area.	4 Lumens per square foot	8 Lumens per square foot	N/A
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, Luminaires must be located between the principal viewing location and the frontage outdoor sales area.	0	1,000 per linear foot	1,500 per linear foot
Drive-Thru or Drive-Up Windows. In order to use this allowance, Luminaires must be within 20 feet horizontal distance of the center of the window.	2,000 Lumens per drive-up window	4,000 Lumens per drive-up window	8,000 Lumens per drive-up window
Fuel Pumps This allowance is Lumens per installed fuel pump.	4,000 Lumens per pump (based on 5 Footcandles horizontal)	8,000 Lumens per pump (based on 10 Footcandles horizontal)	16,000 Lumens per pump (based on 20 Footcandles horizontal)

d. Maximum Allowable Backlight, Uplight, and Glare (B-U-G Ratings)

May be used for any project. A Luminaire may be used if it is rated for the lighting zone of the site or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of Luminaire aiming in the field shall not be permitted.

e. Maximum Allowed Backight Rating

For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section.

	AG, RE, R-1, R-2, R-3, TN Zoning Districts IES Lighting Zone 1	TN-MU, TN-C, CC, DE, DG Zoning Districts IES Lighting Zone 2	DC, RC, LI, HI Zoning Districts IES Lighting Zone 3
Greater than 2 mounting heights from property line	B3	B4	B5
1 to less than 2 mounting heights from property line and ideally oriented*	B2	B3	B4
0.5 to 1 mounting heights from property line and ideally oriented*	B1	B2	B3
Less than 0.5 mounting height to property line and properly oriented*	B0	B0	B1

* To be considered *ideally oriented*, the Luminaire must be mounted with the Backlight portion of the light output oriented perpendicular and towards the property line of concern.

f. Maximum Allowed Upight Rating

	AG, RE, R-1, R-2, R-3, TN Zoning Districts IES Lighting Zone 1	TN-MU, TN-C, CC, DE, DG Zoning Districts IES Lighting Zone 2	DC, RC, LI, HI Zoning Districts IES Lighting Zone 3
Allowed Uplight Rating	U1	U2	U3
Allowed percentage light emission above 90 degrees for street or area Lighting	0%	0%	0%

g. Maximum Allowable Glare Rating

	AG, RE, R-1, R-2, R-3, TN Zoning Districts IES Lighting Zone 1	TN-MU, TN-C, CC, DE, DG Zoning Districts IES Lighting Zone 2	DC, RC, LI, HI Zoning Districts IES Lighting Zone 3
Allowed Glare Rating	G1	G2	G3
Any Luminaire not ideally oriented* with 1 to less than 2 mounting heights to any property line of concern	G0	G1	G1
Any Luminaire not ideally oriented* with 0.5 to 1 mounting heights to any property line of concern	G0	G0	G1
Any Luminaire not ideally oriented* with less than 0.5 mounting heights to any property line of concern	G0	G0	G0

* Any Luminaire that cannot be mounted with its Backlight perpendicular to any property line within two times the mounting heights of the Luminaire location shall meet the reduced Allowed Glare Ratings described in the table above

3. Performance Method Allowed Total Initial Site Lumens

May be used for any project.

	AG, RE, R-1, R-2, R-3, TN Zoning Districts IES Lighting Zone 1	TN-MU, TN-C, CC, DE, DG Zoning Districts IES Lighting Zone 2	DC, RC, LI, HI Zoning Districts IES Lighting Zone 3
Allowed Lumens Per Square Foot	1.25	2.5	5.0
Allowed Base Lumens Per Site	3,500	7,000	14,000

a. Performance Method Additional Initial Luminaire Lumen Allowances

All of the following are allowances that, if not used, cannot be applied for other purposes. All area and distance measurements are based on plan view unless otherwise noted.

Lighting Application	AG, RE, R-1, R-2, R-3, TN Zoning Districts IES Lighting Zone 1	TN-MU, TN-C, CC, DE, DG Zoning Districts IES Lighting Zone 2	DC, RC, LI, HI Zoning Districts IES Lighting Zone 3
Additional Lumens allowances for all buildings except outdoor sales facilities. A maximum of three (3) allowances are permitted.			
Building Entrances or Exits. This allowance is per door. Luminaires must be within 20 feet of the door to utilize this allowance.	1,000	2,000	4,000
Building Facades. This allowance is Lumens per unit area of building façade that are illuminated. To use this allowance, Luminaires must be aimed at the façade and capable of illuminating it without obstruction.	0	8 per square foot	16 per square foot
Sales or Non-sales Canopies. This allowance is Lumens per unit area for the total area within the drip line of the canopy. In order to qualify for this allowance, Luminaires must be located under the canopy.	3 per square foot	6 per square foot	12 per square foot
Guard Stations. This allowance is Lumens per unit area of guardhouse plus 2000 sf per vehicle lane. In order to use this allowance, Luminaires must be within 2 mounting heights of a vehicle lane or the guardhouse.	6 per square foot	12 per square foot	24 per square foot
Outdoor Dining. This allowance is Lumens per unit area for the total illuminated Hardscape of outdoor dining. In order to use this allowance, Luminaires must be within 2 mounting heights of the Hardscape area of outdoor dining	1 per square foot	5 per square foot	10 per square foot
Drive Up Windows. This allowance is Lumens per window. In order to use this allowance, Luminaires must be within 20 feet of the center of the window.	2,000 Lumens per drive-up window	4,000 Lumens per drive-up window	8,000 Lumens per drive-up window
Additional Lumens Allowances for Service Stations only. Service stations may not use any other additional allowances.			

Lighting Application	AG, RE, R-1, R-2, R-3, TN Zoning Districts IES Lighting Zone 1	TN-MU, TN-C, CC, DE, DG Zoning Districts IES Lighting Zone 2	DC, RC, LI, HI Zoning Districts IES Lighting Zone 3
Fuel Station Hardscape. This allowance is Lumens per unit area for the total illuminated Hardscape area less area of buildings, area under canopies, area off property, or areas obstructed by signs or structures. In order to use this allowance, Luminaires must be illuminating the Hardscape area and must not be within a building, below a canopy, beyond property lines, or obstructed by a sign or other structure.	4 per square foot	8 per square foot	16 per square foot
Vehicle Service Station Canopies. This allowance is Lumens per unit area for the total area within the drip line of the canopy. In order to use this allowance, Luminaires must be located under the canopy.	8 per square foot	16 per square foot	32 per square foot
Additional Lumens Allowances for Outdoor Sales facilities only. Outdoor Sales facilities may not use any other additional allowances. NOTICE: Lighting permitted by these allowances shall employ controls extinguishing this Lighting after curfew time.			
Outdoor Sales Lots. This allowance is Lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas and shall not exceed 25% of the total Hardscape area. To use this allowance, Luminaires must be within 2 mounting heights of the sales lot area.	4 per square foot	8 per square foot	12 per square foot
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, Luminaires must be located between the principal viewing location and the frontage outdoor sales area.	0	1,000 per linear foot	1,500 per linear foot

b. Maximum Vertical Illuminance at Any Point in the Plane of the Property Line

AG, RE, R-1, R-2, R-3, TN Zoning Districts IES Lighting Zone 1	TN-MU, TN-C, CC, DE, DG Zoning Districts IES Lighting Zone 2	DC, LI, HI Zoning Districts IES Lighting Zone 3
0.1 Footcandles or 1 Lux	0.3 Footcandles or 3 Lux	0.8 Footcandles or 8 Lux

c. Residential Lighting Limits

	AG, RE, R-1, R-2, R-3, TN Zoning Districts IES Lighting Zone 1	TN-MU, TN-C, DE, DG Zoning Districts IES Lighting Zone 2	DC Zoning District IES Lighting Zone 3
Row 1 Maximum Allowed Luminaire Lumens[1] for Unshielded Luminaires at one entry only	420 Lumens	630 Lumens	630 Lumens
Row 2 Maximum Allowed Luminaire Lumens[1] for each Fully Shielded Luminaire	1,260 Lumens	1,260 Lumens	1,260 Lumens
Row 3 Maximum Allowed Luminaire Lumens[1] for each Unshielded Luminaire excluding main entry	315 Lumens	315 Lumens	315 Lumens
Row 4 Maximum Allowed Luminaire Lumens[1] for each Landscape Lighting Luminaire	Not allowed	1,050 Lumens	2,100 Lumens
Row 5 Maximum Allowed Luminaire Lumens[1] for each Shielded Directional Flood Lighting	Not allowed	1,260 Lumens	2,100 Lumens
Row 6 Maximum Allowed Luminaire Lumens[1] for each Low Voltage Landscape Lighting Luminaire	Not allowed	525 Lumens	525 Lumens

Notes:

1. Luminaire lumens equals Initial Lamp Lumens for a Lamp, multiplied by the number of lams in the luminaire

4.6.8 ACCESSORY BUILDINGS

A. All Accessory Structures

1. Accessory Structures are prohibited within easements.
2. In no case shall an Accessory Structure exceed the height of the main structure.
3. Accessory Structures two hundred (200) square feet and larger must comply with the exterior building material and related design requirements for a main structure, except in the AG District.

B. Residential Accessory Structures

The following regulations apply to Accessory Structures servicing lots zoned or used for residential uses.

1. No more than one (1) Accessory Structure for the purpose of a living quarters shall be permitted on a lot.
2. Multi-family Accessory Structures used to store equipment or provide a service function shall not be occupied as a dwelling.
3. The dimensional regulations in **Table 4.6-10. Residential Accessory Strucure Requirements** shall apply to all residential Accessory Structures.
4. Accessory Dwelling Units permitted by right may be served a separate utility meter from the primary structure (see **4.4.3 Permitted Use Chart**).

Table 4.6-10. Residential Accessory Strucure Requirements

	Lots up to 7,500 sq ft	Lots up to 1 acre	Lots over 1 acre
Maximum Number of Accessory Structures	2	2	3
Maximum Floor Area of All Accessory Structures Combined	50% of the ground floor area of the main structure	50% of the ground floor area of the main structure	50% of the ground floor area of the main structure
Maximum Height	20’	25’	N/A
Minimum Front Setback	Behind the front façade of the main building	Behind the front façade of the main building	Behind the front façade of the main building
Minimum Side and Rear Setback	5’ if height does not exceed 20’; otherwise same standards as main building	10’ if height does not exceed 20’; otherwise same standards as main building	10’ if height does not exceed 20’; otherwise same standards as main building

C. Nonresidential Accessory Structures

The dimensional regulations in **Table 4.6-11. Nonresidential Accessory Structures** shall apply to all Accessory Structures servicing lots zoned or used for nonresidential uses.

Table 4.6-11. Nonresidential Accessory Structures

	All Nonresidential Lots
Maximum Number of Accessory Structures	3
Maximum Floor Area of All Accessory Structures Combined	50% of the ground floor area of the main structure
Maximum Height	Equal to or less than the main building
Minimum Front Setback	Behind the front façade of the main building
Minimum Side and Rear Setback	Same standards as the main building

4.6.9 WIRELESS TRANSMISSION

A. Purpose

The purpose and intent of this section is to:

1. Promote the health, safety, and general welfare of the public by regulating the siting of wireless communication facilities, including satellite earth stations;
2. Minimize the impacts of wireless communication facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility;
3. Encourage the location and colocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
4. Accommodate the growing need and demand for wireless communication services;
5. Encourage coordination between suppliers of wireless communication services in the City of Brownsville;
6. Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in the City;
7. Establish predictable and balanced codes governing the construction and location of wireless communications facilities, within the confines of permissible local codes;
8. Establish review procedures to ensure that applications for wireless communications facilities are reviewed and acted upon within a reasonable timeframe;
9. Consideration of and compatibility with the goals and objectives of the Comprehensive Plan;
10. Protection of the beauty and character of the City of Brownsville and preservation of the natural landscape of the South Texas Coastal Plains; and
11. Meeting the need and expectation of every citizen of the City of Brownsville to enjoy the benefits of wireless communications services.

B. Siting Alternatives Hierarchy

1. Siting of a Wireless Communication Facility (as herein defined) shall be in accordance with the following siting alternatives hierarchy:
    a. City-owned property or facility;
    b. Colocation on existing Antenna-Supporting Structure;
    c. Attached Wireless Communication Facility;
    d. Replacement of existing Antenna-Supporting Structure;
    e. Stealth Wireless Communications Facility;
    f. Non-Stealth Antenna-Support Structure (Monopole tower with internal Antenna or Antenna Array);
2. The order of ranking is a. (highest preference) to f. (lowest preference).
3. Where a lower-ranked alternative is proposed, the applicant must file an affidavit demonstrating that higher ranked options are not feasible, despite diligent efforts to adhere to the established hierarchy

within the geographic search area as attested by the written determination of a qualified radio frequency engineer.

4. If an SUP is required for the lower-ranked alternative requested, the City Commission will retain the discretion to deny or modify the application based on factors not related solely to the need for Wireless Communications, including factors related to other objectives listed in Subsection A above or the Comprehensive Plan.

C. Definitions

1. For the purposes of this section, the terms and phrases listed below shall have the following meanings:

a. Ancillary Structures

Means improvements associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy wire anchors, generators, and transmission cable supports; however, specifically excluding equipment enclosures.

b. Anti-Climbing Device

Means a piece or pieces of equipment which are either attached to an antenna-supporting structure, or which are freestanding and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, “squirrel-cones,” the removal of climbing pegs on monopole structures, or other approved devices, but excluding the use of barbed wire.

c. Antenna

Means any apparatus designed for the transmitting and/or receiving of electromagnetic waves that includes but is not limited to telephonic, radio or television communications. Types of antennas include, but are not limited to:

(i) Omnidirectional (whip) antenna,

(ii) Sectorized (panel) antennas,

(iii) Multi or Single Bay (FM & TV),

(iv) Yagi, or

(v) Parabolic (dish) antennas.

d. Antenna Array

Means a single or group of antennas and their associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support.

e. Antenna-Supporting Structure

Means a vertical projection composed of metal, or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting structures do not include any device used to attach antennas to an existing building unless the device extends above the highest point of the building by more than ten (10) feet.

f. Attached Wireless Communication Facility

Means an antenna or antenna array, non-stealth in nature, that is attached to an existing building with any accompanying pole or device which attaches it to the building, transmission cables, and an equipment enclosure, which may be located either inside or outside of the existing building. An

attached wireless communications facility is considered an accessory use to the existing principal use on a site.

g. Breakpoint Technology

Means the engineering design of a monopole wherein a specified point on the monopole is designed to have stresses at least 5% greater than any other point along the monopole, including the anchor bolts and baseplate, so that in the event of a weather-induced failure of the monopole, the failure will occur at the breakpoint rather than at the baseplate or any other point on the monopole.

h. Broadcast Tower

A type of Antenna-Supporting Structure used for the proprietary transmission of radio and television signals by a licensed or chartered broadcast station along with facilities for colocation of antennas and equipment as authorized in this Section.

i. Code

Means the City of Brownsville Code of Ordinances (not the UDC).

j. Colocation

Means a situation in which two or more different wireless communication service providers place wireless communication antenna or antennas on a common antenna-supporting structure, including a stealth wireless communications facility. The term colocation shall not be applied to a situation where two or more wireless communications service providers independently place equipment on an existing building (see Attached Wireless Communication Facility.)

k. Disturbed Area

Means the area occupied by a wireless communications facility including areas inside or under the following: an antenna-supporting structure's framework, equipment enclosures, ancillary structures, and accessways.

l. Equipment Yard

A secure or enclosed area containing all above-ground equipment necessary for the operation of antennas that are not mounted to or concealed within the tower itself.

m. FAA

Means the Federal Aviation Administration.

n. FCC

Means the Federal Communications Commission.

o. Guyed

Means a style of antenna-supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

p. Geographic Search Area

Means an area designated by a wireless provider or operator for a new base station facility, produced in accordance with generally accepted principles of wireless engineering.

q. Lattice

Means a tapered style of antenna-supporting structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas.

r. Monopole

Means a style of freestanding antenna-supporting structure that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna-supporting structure is designed to support itself without the use of guy wires or other stabilization devices. These structures are mounted to a foundation that rests on or in the ground or on a building's roof.

s. Personal Wireless Service

Means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

t. Public Antenna-Supporting Structure

Means an antenna-supporting structure, appurtenances, equipment enclosures, and all associated ancillary structures used by a public body or public utility for the purposes of transmission and/or reception of wireless communication signals associated with but not limited to: public education, parks and recreation, fire and police protection, public works, and general government.

u. Public Safety Communications Equipment

Means all communications equipment utilized by the City of Brownsville for the purpose of operation in the interest of the safety of the citizens of Brownsville and operating within the frequency range of 806 MHz and 1,000 MHz, and shall be protected from interference from all frequencies, to include but not limited to adjacent channel receiver overload, and intermodulation distortion originating from any frequencies or derivative of any frequencies from any transmissions emanating from proponents system computed to the third order and fifth order levels.

v. Radio Frequency Emissions

Means any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna-supporting structure, building, or other vertical projection.

w. Replacement

Means the construction of a new antenna-supporting structure built to replace an existing antenna-supporting structure.

x. Satellite Earth Station

Means a single or group of satellite parabolic (or dish) antennas. These dishes are mounted to a roof or building or a supporting device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment enclosures necessary for the transmission or reception of wireless communications signals with satellites.

y. State of the Art

As used herein shall mean existing technology where the level of facilities, technical performance, capacity, equipment, components and service are equal to that developed and demonstrated to be more technologically advanced than generally available for comparable service in the State of Texas. (type accepted by the FCC)

z. Stealth Wireless Communications Facility

Means an unidentifiable attached or self-supporting wireless communications facility, ancillary structure, or equipment enclosure that is not readily visible, and is designed to be aesthetically compatible with existing and proposed uses on a site. A stealth facility shall have a secondary function or appear as an object other than a wireless communications facility, including, but not limited to the following: church steeple, bell tower, spire, clock tower, cupola, light standard, flagpole with a flag, or tree.

aa. Temporary Wireless Communications Facility

Means a wireless communications facility that is portable, self-contained, and designed for use on a nonpermanent basis.

bb. UDC

This Unified Development Code of the City of Brownsville.

cc. Wireless Communications

Means personal wireless service, which includes but is not limited to, cellular personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

dd. Wireless Communication Facility

May abbreviated as WCF. Means any staffed or unstaffed facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment enclosures, and may include an antenna-supporting structure. The following developments shall be considered as a Wireless Communication Facility: developments containing new or existing antenna-supporting structure, public antenna-supporting structures, replacement antenna-supporting structures, colocations on existing antenna-supporting structures, attached wireless communications facilities, stealth wireless communication facilities, temporary wireless communications facilities and satellite earth stations.

D. Applicability

1. Except as provided for in **2** below, this Section shall apply to development activities including installation, construction, or modification to the following wireless communications facilities:

a. Existing Antenna-Supporting Structure if height or Disturbed Area is increased;

b. Replacement of existing Antenna-Supporting Structure;

c. Proposed Antenna-Supporting Structure;

d. Public Antenna-Supporting Structure;

e. Colocation on existing Antenna-Supporting Structure;

f. Attached Wireless Communication Facility;

g. Stealth Wireless Communications Facility;

h. Non-Stealth Wireless Communications Facility;

i. Temporary Wireless Communication Facility.

2. The following items are exempt from the provisions of this section, unless otherwise regulated by an applicable local code, a state or federal statute, or this UDC:

   a. Facilities described in **O Other Wireless Telecommunications Facilities** below, including Satellite Earth Station, Amateur Wireless Facilities, and Broadcast Tower.

   b. Regular maintenance of any existing Wireless Communication Facility that does not include the addition of, or the placement of, any new Wireless Communication Facility; and

   c. Any existing or proposed Antenna-Supporting Structure not described by **O Other Wireless Telecommunications Facilities**, including Antenna or Antenna Array with an overall height of twenty (20) feet or less in RE, R-1, R-2, R-3, and TN districts and the HP Overlay or thirty-five (35) feet or less above ground level in all other zoning district[s].

   d. A government-owned Wireless Communication Facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the director of public safety; except that such facility must comply with all federal and state requirements. No Wireless Communication Facility shall be exempt from the provisions of this section beyond the duration of the state of emergency.

   e. Temporary Wireless Communication Facility if authorized as a part of a special event.

E. Uses by Zoning District

1. No new or replacement Antenna-Supporting Structure, Colocation, Attached Facility, or Stealth Facility shall be allowed in any zoning district except in accordance with **Table 4.6-12** below.

2. No Wireless Communication Facility may be constructed on an uplatted lot or obtain a determination certificate under Section **3.1.5B.4**.

3. In residential districts shown in **Table 4.6-12**, a Wireless Communication Facility may only be permitted on parcels where the principal use is not as a residential structure, i.e. Golf Course or Religious Assembly.

4. An Attached Wireless Communication Facility, Stealth Wireless Communications Facility and Non-Stealth Wireless Communications Facility and attached facilities require a Specific Use Permit if the parcel of land that the facility is proposed for is used as a golf course or a public park.

5. If the property subject to an application for a new or expanded facility listed in **Table 4.6-12** is subject to private covenants, the application must be accompanied by an affidavit that the proposed facility complies with applicable private covenants.

6. If a Planned Development District (PDD) specifically regulates a Wireless Communication Facility, the regulations of the PDD will take precedent over any conflicting regulations of this section. Other regulations addressed in this section that are not addressed in the ordinance regulating the PDD will remain in full force.

F. Responsible Official

1. The Building Official is the Responsible Official for reviewing applications listed as administrative approval in **Table 4.6-12** and the Planning Director is the Responsible Official for reviewing applications listed as SUP and making recommendation to the Planning and Zoning Commission and City Commission.

2. The Building Official or Planning Director may require a preapplication meeting before accepting an application under this section in order to determine the applicable facility type and requirements.

Table 4.6-12. Permit Type by District

Zoning District	Colocation	Attached Facility	Replacement of Existing Antenna-Support Structure	Stealth Facility	Non-Stealth Facility (new 120 feet or less)
Residential					
AG	Admin. Permit	SUP	SUP	Prohibited	Prohibited
RE	Admin. Permit	SUP	SUP	Prohibited	Prohibited
R-1	Admin. Permit	SUP	SUP	Prohibited	Prohibited
R-1A	Admin. Permit	SUP	SUP	Prohibited	Prohibited
R-2	Admin. Permit	SUP	SUP	Prohibited	Prohibited
R-3	Admin. Permit	SUP	SUP	Prohibited	Prohibited
TN	Admin Permit	SUP	SUP	Prohibited	Prohibited
Nonresidential and Mixed-Use					
TN-MU	Admin. Permit	SUP	SUP	SUP	Prohibited
TN-C	Admin. Permit	SUP	SUP	Admin Permit	Prohibited
CC	Admin. Permit	Admin. Permit	SUP, unless stealth	Admin Permit	Prohibited
RC	Admin. Permit	Admin. Permit	SUP, unless stealth	Admin Permit	Prohibited
DE	Admin. Permit	SUP	SUP	Admin Permit	Prohibited
DG	Admin. Permit	SUP	SUP	Admin Permit	Prohibited
DC	Admin. Permit	Admin. Permit	SUP, unless stealth	Admin Permit	Prohibited
PDD	Admin. Permit	SUP	SUP	SUP	Prohibited
LI	Admin. Permit	Admin. Permit	Admin. Permit	Admin. Permit	SUP
HI	Admin. Permit	Admin. Permit	Admin. Permit	Admin. Permit	SUP
Overlay					
Historic	Admin. Permit	Prohibited	Prohibited	SUP	Prohibited
Resaca	Admin. Permit	Prohibited	Prohibited	Prohibited	Prohibited

G. Summary of Submittal Requirements

1. Table 4.6-13 below contains a summary of submittal requirements for each type of Wireless Communications Facility. The Building Official will not review an application listed as an administrative approval under Table 4.6-12 above, and the Planning Director will not review an application listed as an SUP under Table 4.6-12 above until the applicant provides each required submittal element.

Table 4.6-13. Wireless Communication Facility Submittal Requirements (x = applies to the facility listed)

Submittal Requirement	Non-Stealth Facility (new)	Replacement Antenna Supporting Structure	Stealth facility	Antenna Colocation	Attached Facility
A completed application form and any appropriate fees required in the City's adopted Fee Schedule	X	X	X	X	X
Three (3) sets of plans sized 24" x 36" that include a site plan showing the proposed Equipment Yard and access from a public street, tower elevations, landscape plan, and preliminary grading plan and erosion control	X	X	X		
Evidence of property ownership, control, or permission from the property owner to submit the application and to construct the facility, if approved	X	X	X	X	X
Signed statement from the antenna-supporting structure's owner or owner's agent and the applicant stating that the radio frequency emissions comply with FCC standards	X	X	X	X	X
Proof that the FCC has granted authority to the applicant or operators who will utilize the Wireless Communication Facility to transmit and/or receive radio signals in the City of Brownsville	X	X	X	X	X
Prior to issuance of a building permit, a stamped or sealed structural analysis of the proposed antenna-supporting structure prepared by a licensed Texas engineer indicating the proposed and future loading capacity of the Antenna-Supporting Structure	X	X	X	X	X
Two (2) copies of a survey of the property completed by a licensed Texas engineer or surveyor which shows all existing uses, structures, and improvements	X		X		
Photo-simulated post-construction renderings of the proposed antenna-supporting structure, equipment enclosures, and ancillary structures as they would look from any public street lying within three hundred (300) feet of the Wireless Communication Facility	X	X	X		
Photo-simulations of the antenna-supporting structure after it has been fully developed with antenna array (applicant may assume for the purpose of the simulation that other antenna array on the facility will resemble their proposed array in size and design), proposed exterior paint and stain samples for any items to be painted or stained,	X	X			

Submittal Requirement	Non-Stealth Facility (new)	Replacement Antenna Supporting Structure	Stealth facility	Antenna Colocation	Attached Facility
exterior building material and roof samples indicating light reflectance values (LRV)					
Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace	X	X	X		
A signed statement from the antenna-supporting structure owner agreeing to allow the colocation of other wireless equipment on the proposed antenna-supporting structure	X	X	X		
If required by the United States Fish and Wildlife Service, a letter indicating that the proposed antenna-supporting structure and appurtenances comply with all applicable federal rules and regulations	X	X	X		
All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this chapter, including where applicable, existing wireless communications facilities to which the proposed facility will be a handoff candidate, including latitude, longitude, and power levels of each	X	X	X	X	X
A radio frequency plot indicating the coverage of existing wireless communications sites, and that of the proposed site sufficient to demonstrate radio frequency search area, coverage prediction, and design radius, together with a certification from the applicant's radio frequency engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative (see **4.6.9B. Siting Alternatives Hierarchy**)	X	X	X		X
A statement that the proposed facility conforms with state of the art, as defined herein, or alternatively, that state of the art technology is unsuitable for the proposed facility. Costs of state of the art technology that exceed facility development costs shall not be presumed to render the technology unsuitable	X	X	X	X	X
Prior to issuance of a building permit, a statement by a licensed professional engineer specifying the design structural failure modes of the proposed facility	X	X	X		
Antenna heights and power levels of the proposed facility and all other facilities on the subject property.	X	X	X	X	X

Submittal Requirement	Antenna Supporting Structure (new)	Replacement Antenna Supporting Structure	Stealth Facility	Antenna Colocation	Attached Facility
A statement from the applicant that demonstrates that alternative locations, configurations, and facility types have been examined; and addresses in narrative form the feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration, and location proposed, including but not limited to: • Height; and • Mass and scale; and • Materials and color; and • Illumination; • Multiple stealth or attached facilities which provide similar proposed coverage to the proposed facility; • Overall aesthetics; and • Information addressing the following items: o The extent of any existing or proposed commercial development within the geographic search area of the proposed facility; o The proximity of the structure to any existing or proposed residential dwellings; o The proximity of the structure to any existing or proposed public buildings or facilities; o The existence or proposal of tall and like structures within the geographic search area of the proposed structure;	X	X	X		X
A vicinity map delineating the location and classification of all major public or private streets and rights-of-way, driveways, public parking areas, pedestrian ways, trails and bikeways within 600 feet of property boundary, including zoning district boundaries, on a 24" x 36" sheet, together with a list of property owners within 1,000 feet of the subject property and keyed to the map. The list must be from the most current ownership information supplied by Cameron County, together with two (2) sets of mailing labels for such property owners. Applicant will also provide a notarized certification letter stating the ownership list referenced herein is as accurate as possible.	X				

H. Non-Stealth Antenna-Supporting Structure

1. Submittal Requirements

See **G** above.

2. Approval Criteria

For a proposed Non-Stealth Wireless Communications Facility to be approved, it shall meet the following criteria:

a. Setbacks

(i) Any new Antenna-Supporting Structure, Equipment Yard and Ancillary Structures shall meet the minimum building setback requirements for the zoning district where they are located, except that where the minimum setback distance for an antenna-supporting structure from any property line or public right-of-way is less than the height of the proposed antenna-supporting structure, the minimum setback distance shall be increased to equal the height of the proposed Antenna-Supporting Structure.

(ii) If the Antenna-Supporting Structure has been constructed using Breakpoint Technology, the greater of the following setbacks apply:

(1) 110% of the distance from the top of the antenna-supporting structure to the breakpoint of the Antenna-Supporting Structure; or

(2) The distance from the base of the Antenna-Supporting Structure to the breakpoint of the Antenna-Supporting Structure, plus the minimum setback for that land use district.

(iii) Certification by a licensed Texas professional engineer of the Breakpoint Technology design and the design's fall radius must be provided together with the other information required herein from an applicant.

(iv) In all zoning districts where an Antenna-Supporting Structure abuts a property zoned R-1 through R-4 inclusive, the minimum setback distance from the abutting residential property shall be at least 120% of the height of the entire proposed Antenna-Supporting Structure.

b. Height

(i) The overall height of any Antenna-Supporting Structure, antenna and/or antenna array shall not exceed one hundred and thirty-five (135) feet.

(ii) Height for all purposes in this section shall mean the linear distance from the ground to the highest physical point on the wireless communications facility.

c. Construction

Any Non-Stealth Wireless Communications Facility shall have a Monopole-type construction only and shall not be Guyed or have Lattice-type except in a LI or HI district.

d. Structural Integrity

The entire Antenna-Supporting Structure and all appurtenances shall be designed pursuant to the wind speed design requirements of ASCE 7-95, including any subsequent modification to those specifications.

e. Antenna Mounting and Colocation Capacity

(i) The new Non-Stealth Wireless Communications Facility shall be designed to accommodate the maximum amount of Antennas and associated wireless communications equipment, including that of other wireless communication service providers.

(ii) The number of spaces available for Antenna Colocation shall be constructed as shown on the approved plans.

(iii) In all cases, the minimum number of Colocation facilities on a new Antenna-Supporting Structure between 80 and 120 feet in height shall be three (3), and the minimum number of Colocation facilities on a new Antenna-Supporting Structure between 40 and 80 feet in height shall be two (2).

(iv) No new Antenna-Supporting Structure other than a Colocation or an Attached Wireless Communication Facility shall be permitted unless the applicant demonstrates one (1) of the following:

(1) That no existing Wireless Communication Facility or Antenna-Supporting Structure, including a Colocation or an Attached Wireless Communication Facility, can accommodate the applicant's proposed facility; or

(2) That use of an existing facility would unreasonably discriminate between providers of functionally equivalent personal wireless service providers in the area of the City to be served by the proposed Antenna-Supporting Structure; or

(3) That no existing Wireless Communication Facility or Antenna-Supporting Structure, including a Colocation or an Attached Wireless Communication Facility can accommodate the gap in wireless coverage the applicant’s facility will address.

(v) Evidence submitted to demonstrate that no existing Wireless Communication Facility or Antenna-Supporting Structure, including a Colocation or an Attached Wireless Communication Facility, could accommodate the applicant's proposed facility may consist of any of the following:

(1) No existing Wireless Communication Facility located within the geographic area meets the applicant's engineering requirements.

(2) No existing Wireless Communication Facility is of sufficient height to meet the applicant's engineering requirements and cannot be increased in height.

(3) No existing Wireless Communication Facility has sufficient structural strength to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be structurally improved.

(4) The applicant demonstrates that there are other limiting factors that render any existing Wireless Communication Facility unsuitable.

f. Lighting

(i) The Antenna-Supporting Structure shall be illuminated in accordance with FAA requirements to provide aircraft obstruction Lighting, where required.

(ii) Any Lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e. the longest duration between flashes) allowable by the FAA.

(iii) No strobes or other Lighting shall be permitted unless required by the FAA.

(iv) Security Lighting for on-ground facilities and equipment shall comply with **4.6.7 Lighting** and shall minimize the potential attraction to migratory birds.

g. Color

Any tower used as an Antenna-Supporting Structure shall maintain a galvanized gray finish or other accepted contextual or compatible color, except as required by federal rules or regulations.

h. Radio Frequency Emissions/Noise

(i) The radio frequency emissions shall comply with FCC standards for such emissions on an individual and cumulative basis with any adjacent facilities.

(ii) The applicant shall certify that new services cause no harmful interference to the existing City of Brownsville Public Safety Communications equipment.

(iii) Any equipment which produces noise shall be sited and/or insulated in such a fashion as to minimize the audio impact on adjacent property, and shall not exceed sixty (60) decibels when measured from the nearest property line to such equipment.

i. Required Access

(i) Every Antenna-Supporting Structure shall have access to a public street using a driveway constructed with a concrete apron from the curb return to the right-of-way line.

(ii) A concrete access driveway shall be provided when the Antenna-Supporting Structure is within three-hundred (300) feet of a public street. An existing concrete drive may be utilized to fulfill this requirement if the driveway is on the same lot as the Antenna-Supporting Structure or a permanent access easement is recorded that provides access to the operator.

(iii) The following shall be considered the Disturbed Area and shall be required to meet the setbacks and open space ratio requirements for the zoning district where the Antenna-Supporting Structure is located:

(1) The area within the Equipment Yard;

(2) The area of the Antenna-Supporting Structure foundation at or above grade;

(3) The area beneath any Ancillary Structures.

j. Fencing and Screening

(i) The applicant shall construct a fence or wall around the Equipment Yard that consists of masonry, including stone, brick, cementitious fiber panel, or rough or split-faced CMU.

(ii) Access drives are not required to be screened.

(iii) The Planning Director may approve alternative equivalent screening at the time of Building Permit submittal if the Antenna-Supporting Structure is partially screened by a building or other screening device or is integrated with a utility structure such as a high-voltage electrical tower where screening required under this section may be prohibited due to easement restrictions.

k. Landscaping

(i) Landscaping and buffering is required around the perimeter of equipment enclosures consisting of a solid row of shrubs of at least thirty-six (36) inches mature height or one (1) tree per thirty (30) linear feet of perimeter area around the equipment enclosure.

(ii) Landscaping shall be installed around the entire perimeter of any Equipment Yard.

(iii) Where not inconsistent with **4.6.3 Landscaping**, landscaping shall be placed in a manner that maximizes the screening between residential areas and the antenna-support structure and minimizes the view of the facility from any residential areas and public streets.

(iv) The Planning Director may waive landscaping requirements on one or more sides of the Disturbed Area or allow the placement of required landscaping elsewhere on the Disturbed Area when the required landscape area is located adjacent to undevelopable lands or lands not in public view.

(v) Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting the landscaping requirements, subject to approval by the Planning Director.

(vi) Alternative landscaping plans which provide for the same number of required plantings but propose alternative siting on the parent tract of the proposed facility may be considered and approved by the Planning Director, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with **4.6.3 Landscaping**.

(vii) The Planning Director may modify or waive landscaping requirements in cases where an existing Lattice or Guyed tower is replaced with a Monopole or Stealth Wireless Communications Facility tower.

(viii) The Planning Director may waive landscaping requirements for an Antenna-Supporting Structure that is constructed within a high-voltage electrical tower or similar utility structure where landscaping required under this section is prohibited due to easement restrictions.

l. Signage

(i) Unless otherwise required by state or federal law, the only signage permitted upon an Antenna-Supporting Structure, equipment enclosures, or fence (if applicable) shall be informational, and for the purpose of identifying the Antenna-Supporting Structure, (such as ASR registration number) as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable).

(ii) If more than two hundred twenty (220) voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall around the Equipment Yard shall display in large, bold, high contrast letters (minimum height of each letter: four (4) inches) the following: “HIGH VOLTAGE - DANGER.”

m. Adverse Effects on Adjacent Properties

(i) New Non-Stealth Wireless Communications Facility structures shall be configured and located in a manner that minimizes adverse effects including visual impacts on adjacent properties.

(ii) The applicant shall demonstrate that alternative locations, configurations, and facility types have been examined and shall address in narrative and graphic form the feasibility of any alternatives that may have fewer adverse effects on adjacent properties than the facility, configuration, and location proposed.

(iii) The following attributes shall be considered from vantage points at adjacent properties, roadways, and occupied structures:

(1) Height and location; and

(2) Mass and scale; and

(3) Materials and color; and

(4) Illumination; and

(5) Existing and proposed vegetation and intervening structures; and

(6) Overall aesthetics of the proposed structure.

(iv) An applicant shall demonstrate through a photo-simulation that the project design employs each of these attributes in a manner that minimizes adverse effects to the greatest extent feasible.

3. Notice Requirements

a. At the time of submission of an application, the applicant shall demonstrate that the following notice was mailed (via certified mail) to all other wireless service providers licensed to provide service within one (1) mile:

"Pursuant to the requirements of the City of Brownsville Code of Ordinances, (name of provider) is hereby providing you with notice of our intent to submit an application to the City of Brownsville to construct a freestanding wireless communications facility that would be located at (location). In general, we plan to construct a monopole support structure of [height of tower] feet in height for the purpose of providing (type of wireless service). Please inform the City Manager and us if you have any desire for placing additional wireless facilities or equipment within two (2) miles of our proposed facility. Please provide us with this information within twenty (20) business days after the date of this letter. Your cooperation is sincerely appreciated.

Sincerely, (applicant, wireless provider)"

Included with the notice shall be the latitude and longitude (NAD 83) of the proposed structure, and the actual proposed physical address. Within twenty (20) days of receiving a timely response from an interested potential co-applicant, the applicant shall inform the respondent and the City in writing as to whether or not the potential colocation or combining is acceptable and under what conditions. If the colocation or combining is not acceptable, then the applicant must provide the respondent and the City written justification as to why the colocations or combining not feasible.

b. For all structures requiring a Specific Use Permit, all property owners within one thousand (1,000) feet of the property boundary where the proposed structure will be constructed shall receive written notice of the application via certified mail from the applicant.

I. Replacement of an Existing Antenna-Supporting Structure

1. Submittal requirements

See **4.6.9G Summary of Submittal Requirements**.

2. Approval Criteria

a. For a proposed replacement antenna-supporting structure to be approved, it shall meet the following criteria, as summarized in **Table 4.6-14** below.

b. Setback

(i) Any new Equipment Yard shall meet the minimum setback requirements for the land use district where they are located; and

(ii) Replacement antenna-supporting structure foundations constructed on a property or properties which is/are contiguous to residential zones shall not be any closer to these zones than the foundation of the original antenna-supporting structure being replaced.

c. Height

Replacement antenna-supporting structures, antennas and/or antenna arrays shall not exceed one-hundred thirty-five (135) feet or one hundred ten percent (110%) of the height of the antenna-supporting structure it is replacing, whichever is less.

d. Construction

Replacement antenna-supporting structures, antennas and/or antenna arrays which are replacing existing structures that have an overall height of one hundred thirty-five (135) feet or less shall have a monopole type construction.

e. Landscaping

Landscaping requirements for a replacement antenna-supporting structure shall be the same as the requirements for new antenna-supporting structures (see **4.6.9H.2.k** above).

3. Removal of the old structure shall be completed within ninety (90) days of completion of replacement structure and otherwise subject to the abandonment provision hereinbelow.

4. Replacement of any other type of structure other than an existing Lattice or Guyed tower shall be of at least the same type of structure as existing structure or a higher ranked alternative as set forth in **4.6.9B**.

J. Stealth Wireless Communications Facilities

1. Submittal requirements

See **4.6.9G. Summary of Submittal Requirements**.

2. Approval Criteria

3. For a proposed stealth structure to be approved, it shall meet the following criteria, as summarized in **Table 4.6-14** below.

a. Setbacks

Stealth facilities shall meet the minimum setback requirements for the zoning district where they are located for the type of structure used or simulated.

b. Height

Stealth wireless communications facilities shall not exceed one hundred thirty-five (135) feet in overall height.

c. Construction and Aesthetics

(i) To qualify as a Stealth Wireless Communications Facility, the Antenna-Supporting Structure, Antenna, Antenna Array, and any Ancillary Structures must be disguised as an object, structure, architectural feature, or landscaping feature that is otherwise allowed within the zoning district.

(ii) A freestanding Stealth Wireless Communications Facility may consist of a disguised Monopole except in an RE, R-1, R-2, or R-3 district or the HP Overlay.

d. Structural Integrity

The Stealth Wireless Communications Facility shall be designed to meet all current building code requirements (including wind loading).

e. Visibility

No Stealth Wireless Communications Facility shall have Antenna, Antenna Array, and any Ancillary Structures and equipment that are visible from a public or private street or an abutting property.

f. Radio Frequency Emissions and Noise

Any equipment associated with the Stealth Wireless Communications Facility that produces noise shall be sited and/or insulated in such a fashion as to minimize the audio impact on adjacent property and shall not exceed sixty (60) decibels at the abutting property line.

g. Colocation

Any applicant proposing a Colocation on an existing Stealth Wireless Communications Facility shall follow the strictest of any submittal requirement listed in **G** above for a Colocation or Stealth Wireless Communications Facility.

K. Colocations on an Existing Antenna-Supporting Structure

1. Submittal Requirements

See **4.6.9G. Summary of Submittal Requirements**.

2. Approval Criteria

For a proposed Colocation on an existing Antenna-Supporting Structure to be approved, it shall meet the following criteria, as summarized in **Table 4.6-14** below.

a. Height

The Colocation shall not increase the overall height of the Antenna-Supporting Structure or Antenna Array beyond the maximum height allowed for the Antenna-Supporting Structure.

b. Structural Integrity

Any Colocation shall meet current building code requirements (including wind loading).

c. Aesthetics

The Antenna must appear substantially similar in color and finish to either the existing Antenna on the same or abutting Antenna Array or the Antenna-Supporting Structure.

L. Attached Wireless Communications Facilities.

1. Submittal requirements

See **4.6.9G. Summary of Submittal Requirements**.

2. Approval Criteria

For a proposed attached facility to be approved, it shall meet the following criteria, as summarized in **Table 4.6-14** below.

a. Height

Antenna, Antenna Array, and any Ancillary Structures and equipment shall not extend above the maximum height of the zoning district or highest point of the building by more than ten (10) feet, whichever is less.

b. Color

Antenna, Antenna Array, and any Ancillary Structures and equipment visible from outside the building to which they are attached shall be painted or finished so as to blend with the color and finish of the building to which they are attached.

c. Screening and Placement

If Antenna, Antenna Array, and any Ancillary Structures and equipment associated with an Attached Wireless Communication Facility cannot be finished to match the building as required by

b above, the If Antenna, Antenna Array, and any Ancillary Structures shall be screened by a parapet, architectural feature, or other device to minimize the visual impact from outside the building to which they are attached.

(i) An Attached Wireless Communication Facility may only be attached to a nonresidential building.

(ii) Submittal requirements for Attached Wireless Communication Facility applications:

d. Structural Certification

Certification from the licensed Texas engineer that the structure or rooftop to which the Attached Wireless Communication Facility will be attached has the structural capability to accommodate the attachment.

M. Summary of Approval Criteria

Table 4.6-14 below summarizes the approval criteria the Planning Director or City Commission will consider in approving a Wireless Communications Facility.

Table 4.6-14. Summary of Approval Criteria (x = Requirement Applies to Facility Listed)

Approval Criteria	Antenna Supporting Structure (new)	Replacement Antenna Supporting Structure	Stealth facility	Antenna Colocation	Attached Facility
The structure or facility meets setback requirements	X	X	X		
The structure, facility, or antenna meets height requirements	X	X	X	X	X
The structure is a monopole type (not guyed or lattice type)	X	X	X		
Structural Integrity conforms to ASCE 7-95 and is designed to support the minimum number of antennas required in Section H.2.e.	X	X	X		
Structure meets requirements of the building code with regard to wind load				X	X
Lighting meets FAA requirements and Section 4.6.7	X	X	X		
Applicant has demonstrated that no existing wireless communication facility can is available to accommodate the demand addressed by the applicant's proposed facility	X	X	X		X
Facility is finished in galvanized gray or other neutral or compatible color	X	X	X	X	X
Applicant certifies that radio frequency emissions comply with FCC standards	X	X	X	X	X
Facility meets requirements on limitation of impact	X	X	X		
Equipment enclosure meets requirements and limitations on screening and Lighting of equipment	X	X	X		
Facility meets landscaping requirements	X	X	X		
Facility will utilize no signage other than signage required by law	X	X	X	X	X
Facility minimizes impacts on adjacent properties	X	X	X	X	X
Certification by a licensed Texas professional engineer of the "breakpoint" design and the design's fall radius	X				

N. Abandonment

1. Towers and antenna shall be removed, at the owner's expense, within twelve (12) months of cessation of use, unless the abandonment is associated with a replacement antenna structure as provided hereinabove, in which case the removal shall occur within ninety (90) days of cessation of use.
2. An owner wishing to extend the time for removal or reactivation may submit an application stating the reason for such extension.
    a. The Planning Director may extend the time for removal or reactivation up to sixty (60) additional days if the owner submits evidence that the tower is not abandoned.
    b. The owner may appeal the decision of the Planning Director to the Board of Adjustment.
3. If the tower or antenna is not removed in a timely fashion, the City of Brownsville may give notice that it will contract for removal within thirty (30) days following written notice to the owner.
4. The City of Brownsville may remove the tower after thirty (30) days and recover the cost of removal from the owner.

O. Other Wireless Telecommunications Facilities

1. Uses by Zoning District

Table 4.6-15. Permit Type by District

Zoning District	Satellite Earth Stations (< 1 meter in diameter)	Satellite Earth Stations (equal to or greater than 1 meter in diameter)	Amateur Wireless Facility (< 40 ft. in height in R-1, R-2, R-3, TN, or 65 ft. in other districts)	Amateur Wireless Facility (equal to or greater than 40 ft. in height in R-1, R-2, R-3, TN, or 65 ft. in other districts)	Broadcast Tower
Residential					
AG	Admin. Permit	Admin. Permit	Admin. Permit	Admin. Permit	Prohibited
R-1	Admin. Permit	SUP	Admin. Permit	SUP	Prohibited
R-2	Admin. Permit	SUP	Admin. Permit	SUP	Prohibited
R-3	Admin. Permit	SUP	Admin. Permit	SUP	Prohibited
TN	Admin Permit	SUP	Admin. Permit	SUP	Prohibited
Nonresidential and Mixed-Use					
TN-MU	Admin. Permit	SUP	Admin. Permit	SUP	Prohibited
TN-C	Admin. Permit	SUP	Admin. Permit	SUP	Prohibited
CC	Admin. Permit	Admin. Permit	Admin. Permit	Admin. Permit	Prohibited
RC	Admin. Permit	Admin. Permit	Admin. Permit	Admin. Permit	SUP
DE	Admin. Permit	SUP	Admin. Permit	SUP	Prohibited
DG	Admin. Permit	SUP	Admin. Permit	SUP	Prohibited
DC	Admin. Permit	SUP	Admin. Permit	SUP	Prohibited
PDD	Admin. Permit	SUP	Admin. Permit	SUP	Prohibited
LI	Admin. Permit	Admin. Permit	Admin. Permit	Admin. Permit	SUP
HI	Admin. Permit	Admin. Permit	Admin. Permit	Admin. Permit	SUP
HP Overlay					
	Admin. Permit	Prohibited	Admin. Permit	Prohibited	Prohibited

2. Summary of Submittal Requirements

Table 4.6-16 contains a summary of submittal requirements for each type of Wireless Communications Facility not regulated in other subsections. The Application is not complete until the applicant provides each required submittal element.

Table 4.6-16. Summary of Submittal Requirements (x = Requirement Applies to the Facility Listed)

Submittal Requirement	Satellite Earth Stations > 1m	Amateur Wireless Facility	AM/FM/TV/DTV Broadcasing Facilities
A completed application form and any appropriate fees required in the adopted Fee Schedule	X	X	X
One (1) set (24" x 36") of signed and sealed site plan, setbacks, stealth features (if applicable) and technical drawings as required by the Planning Director	X	X	X
Evidence of property ownership, control, or permission from the property owner to submit the application and to construct the facility, if approved	X	X	X
Signed statement from the antenna-supporting structure's owner or owner's agent and the applicant stating that the radio frequency emissions comply with FCC standards for such emissions certifying that both individually and cumulatively with any other facilities located on or immediately adjacent to the proposed facility	X	X	X
Proof of FCC authority to transmit and/or receive radio signals in the City of Brownsville	X	X	X
Prior to issuance of a building permit, a stamped or sealed structural analysis of the proposed antenna-supporting structure prepared by a licensed Texas engineer indicating the sufficiency of the support structure.	X	X	X

3. Satellite Earth Station Equal to or Greater than One (1) Meter in Diameter

   a. Administrative Approval of Stealth Satellite Earth Station

      (i) The Planning Director may approve:

         (1) A Satellite Earth Station equal to or greater than one (1) meter (39.37 inches) in diameter in districts shown in **Table 4.6-15 above**, and greater than two (2) meters in diameter in all other zoning districts; and

         (2) A Satellite Earth Station greater than twenty (20) feet above grade in districts shown in **Table 4.6-15** above and thirty-five (35) feet above grade in all other zoning districts.

         (3) Satellite Earth Stations equal to or greater than one (1) meter are prohibited in the HP Overlay.

      (ii) To qualify for administrative approval, the Satellite Earth Station must utilize a stealth design such as a patio umbrella or faux boulder or be surrounded by landscaping consistent with **4.6.3 Landscaping** that prevents the Satellite Earth Station from being seen from an abutting property or public or private street.

      (iii) The area of the Satellite Earth Station, when combined with other buildings on the property, must not cause the property to exceed impervious coverage limitations for the zoning district (see **4.3 Zoning Districts**).

      (iv) No Satellite Earth Station, whether fully enclosed within a building or otherwise, shall have antennas, antenna arrays, transmission lines, equipment enclosures or other ancillary equipment that is readily identifiable from an abutting property or public or private street.

      (v) In addition, if the Satellite Earth Station is attached to a roof or building, the applicant shall supply a letter certifying the structural stability of the supporting members. A Texas licensed engineer shall seal the letter prior to any approval of a roof-mounted Satellite Earth Station.

      (vi) Roof-mounted Satellite Earth Station that complies with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.

   b. Specific Use Permit Required

      A Specific Use Permit is required for any Satellite Earth Station described in **a** above if it does not meet the stealth criteria of that subsection.

   c. Satellite Earth Stations Under One (1) Meter

      The Planning Director is authorized to approve Satellite Earth Station under one (1) meter consistent with setbacks required for accessory structures in **4.6.8.**

4. Amateur Wireless Facility

   a. Administrative Approval

      The Planning Director is authorized to approve Amateur Wireless Facilities consistent with **Table 4.6-15** above and **c** below.

   b. Specific Use Permit Required

      A Specific Use Permit is required for an amateur wireless facility equal to exceeding forty (40) feet in height in the districts listed in **Table 4.6-15** above and equal to or exceeding sixty-five (65) feet in height all other zoning districts.

c. Approval Criteria

The Planning Director (under subsection **3.a**) or City Commission (under subsection **3.b**) may deny a request for an Amateur Wireless Facility unless it meets the following criteria:

(i) The Amateur Wireless Facility shall be accessory to a legal, principal use on a platted lot.

(ii) Structures, including towers, shall meet the setback requirements for accessory uses for the zoning district in which the proposed facility shall be located or 110% of the tower height, whichever is greater.

(iii) Voltage exceeding two hundred twenty (220) requires a permanent outdoor sign attached to the tower displaying the message: "HIGH VOLTAGE - DANGER."

(iv) The applicant must provide evidence that the proposed facilities meets or exceeds FCC Guidelines for radio frequency radiation exposure.

(v) All applications for new or expanded Amateur Wireless Facilities must be accompanied by a sworn certification that the proposed facility complies with applicable Private Covenants.

5. Broadcast Tower (AM/FM/TV/DTV)

a. Specific Use Permit Required

A Broadcast Tower may be constructed following approval of a Specific Use Permit in the districts shown in **Table 4.6-15** above.

b. Approval Criteria

The City Commission may deny a request for a Broadcast Tower unless it meets the following criteria:

(i) The Broadcast Tower is accessory to a Broadcast Station located on the same platted lot as the proposed Broadcast Tower.

(ii) Where applicable, the applicant provides a FAA Determination of No Hazard to Air Navigation (based on evaluation of Form 7460 or equivalent.)

(iii) Lighting consists only of the minimum required by the FAA if such Lighting is required.

(iv) The Broadcast Tower is painted in a neutral color chosen with respect to the natural context of the surrounding area, unless certain colors are required by the FAA or other federal or state regulation.

(v) The Broadcast Tower does not exceed three hundred (300) feet in height.

(vi) The minimum setback from any portion of the Broadcast Tower or Equipment Yard conforms to the strictest of the following requirements:

(1) The minimum setbacks of the zoning district (see **4.3 Zoning Districts**)

(2) A distance equal to one hundred percent (100%) of the highest point of the Broadcast Tower.

(3) A distance equal to two hundred percent (200%) of the highest point of the Broadcast Tower, if the lot on which the tower is constructed abuts a property zoned RE, R-1, R-2, R-3, or TN.

(vii) The Broadcast Tower, Antenna-Supporting Structure, and all Ancillary Structures are designed to meet the wind speed design requirements of ASCE 7-95, including any subsequent modification to those specifications or the adopted Building Code, whichever is strictest.

(viii) The radio frequency emissions shall comply with FCC standards for such emissions on an individual and cumulative basis with any adjacent Wireless Communication Facility.

(ix) The applicant certifies that new services will cause no harmful interference to existing City of Brownsville Public Safety Communications equipment.

(x) Any noise-producing equipment will be sited and/or insulated to minimize the audio impact on adjacent property and will not exceed sixty (60) decibels (60 db) when measured from the nearest property line to such equipment.

(xi) The applicant provides a landscaping and screening plan consistent with **4.6.9H.2.k** for any portion of the equipment enclosure that is visible from an abutting property or public or private street.

(xii) Security Lighting complies with and minimizes the potential attraction to migratory birds.

(xiii) Signage consists only of official or informational signs identifying the Broadcast Tower, (such as ASR registration number) as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable).

(xiv) If voltage exceeding two hundred twenty (220) is utilized in the operation of the Broadcast Tower, the owner shall install and maintain signs located every twenty (20) feet displayed in a visible area with large, bold, high contrast letters measuring a minimum of four (4) inches with the following message: "HIGH VOLTAGE - DANGER."

6. Summary of Approval Criteria

Table 4.6-17 below summarizes the approval criteria the Planning Director or City Commission will consider in approving a Wireless Communications Facility under this subsection **O**.

Table 4.6-17. Summary of Approval Criteria (x = Requirement Applies to Facility Listed)

Approval Criteria	Satellite Earth Stations (less than or equal 1 meter in diameter in R-1, R-2, R-3, TN or 2 meters in other districts)	Satellite Earth Stations (greater than 1 meter in diameter in R-1, R-2, R-3, TN or 2 meters in other districts)	Amateur Wireless Facility (< 40 ft. in height in R-1, R-2, R-3, TN or 65 ft. in other districts)	Amateur Wireless Facility (equal to or greater than 40 ft. in height in R-1, R-2, R-3, TN or 65 ft. in other districts)	Broadcast Tower
The structure or facility is accessory to a legal primary use on a platted lot		X	X	X	X
The structure or facility meets setback requirements (other than roof-mounted Satellite Earth Stations)	X	X	X	X	X
The structure, facility, or antenna meets height requirements	X	X	X	X	X
Structural Integrity conforms to ASCE 7-95					X
Structural Integrity of a roof-mounted installation has been assessed by a licensed engineer	X	X			
Structure meets requirements of the building code with regard to wind load	X	X	X	X	X
Lighting meets the stricter of FAA requirements or, if none, Section 4.6.7					X
Facility is finished in a neutral color consistent with the natural context of the site or as required by federal law	X	X	X	X	X
Applicant certifies that radio frequency emissions comply with FCC standards			X	X	X
Equipment Yard, if any, meets requirements and limitations on screening and Lighting of equipment					X
Facility meets landscaping requirements					X
Facility utilizes no signage other than informational signage warning of high voltage		X	X	X	X
Facility minimizes impacts on adjacent properties through screening of equipment and satellite arrays and antennas consistent with Section H.2.j and H.2.k		X	X	X	X

P. Interference With Public Safety Communications

1. In order to ensure that the City's public safety communications equipment will be free from objectionable technical interference, all applicants requesting a permit for a Wireless Communication Facility or a Broadcast Tower under this section shall agree, in addition to any other requirements herein:

a. To demonstrate compliance with good engineering practices;

b. To provide the City a copy of all intermodulation studies submitted to the FCC;

c. Not to induce objectionable technical interference to the City's public safety communication equipment;

d. To comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI);

e. In the case of Colocation of telecommunications facilities either in the same location or on the same tower as the City's, to not cause or permit to be caused by its transmissions or other activities on the premises, objectionable technical interference of any kind whatsoever to the broadcasting transmissions, reception, or electromagnetic communications of the City; and

f. To provide any studies requested by the Police Chief, Fire Chief, or City Commission to determine if the applicant's telecommunications facilities are causing objectionable technical interference; and

g. Upon notification by the City that the operations of the applicant are causing objectionable technical interference, to immediately undertake all steps necessary to determine the cause of and eliminate such interference at the cost of the applicant. If said interference continues for a period in excess of 48 hours after notice, the City shall have the right to cause the applicant to cease operating the equipment that is causing the objectionable technical interference or to reduce the power sufficiently to ameliorate the objectionable technical interference until the condition causing said interference has abated.

Q. Dormant Projects

1. Permits issued pursuant to this section expire one (1) year from the date of issuance if construction of the facility is not completed by that time.

2. The Planning Director may approve an extension of up to one (1) year if the applicant makes a request in writing prior to the expiration of the permit.

3. Upon receiving the request for expiration, the Planning Director shall approve or deny the request for extension within ten (10) business days.

4. The applicant may appeal the decision of the Planning Director to the Board of Adjustment within ten (10) business days of the decision.

4.6.10 MANUFACTURED HOME DEVELOPMENT

A. Administrative Review and Approval

1. A **Manufactured Home**, **Manufactured Home Park**, or a **Manufactured Home Subdivision** is allowed in the designated zoning districts provided in **4.4.3 Permitted Use Chart**.

a. Any zoning district that allow a single **Manufactured Home** will also allow the following uses:

(i) **Manufactured Home Park**;

(ii) **Manufactured Home Subdivision**;

(iii) Accessory uses providing service to the occupants of the mobile park, such as recreational facilities, central or community garages, storage buildings, washaterias, and any other supplementary structure.

2. Any development application for a manufactured home, manufactured home park, or a manufactured home subdivision will the comply with the following sections:

a. **Minimum Requirements for all Manufactured Home Development** in **4.6.10C.1**; and

b. **Additional Requirements for Manufactured Home** in **4.6.10C.2**; or

c. **Additional Requirements for Manufactured Home Subdivisions** in **4.6.10C.3**.

3. If a specific use permit is required for a **Manufactured Home Development** the City Commission will consider the following factors in their decision to approve or deny a specific use permit for a **Manufactured Home Development**.

a. The **Manufactured Home Development** complies with the goals and objectives of the City's Comprehensive Plan with the purpose of promoting the health, safety, moral, and general welfare of the community.

b. The manufactured home development complies with the applicable **Development Standards for a Manufactured Home Development** in **4.6.10C**.

c. The City Commission may impose additional conditions or requirements with the purpose of mitigating any potential impacts that may negatively affect the health, safety or compatibility of the **Manufactured Home Development** with the surrounding land uses by exceeding the minimum requirements of this section through enhanced:

(i) Building setbacks;

(ii) Increased landscaping;

(iii) Greater street access; and

(iv) Any additional provisions pertaining with the latest HUD code and International Building Construction Code (IBCC).

d. The Planning Director may administratively approve any changes to the original specific use permit approval if the enlargement, expansion or density increase does not exceed five (5) percent. Any changes beyond the five (5) percent requires approval of the City Commission.

e. The Building Official or the Planning Director may revoke or suspend a specific use permit for any period after it has been approved by the City Commission if found in violation with any of the following provisions:

(i) The applicable **Development Standards for a Manufactured Home Development** in **4.6.10C**; or

(ii) The **Manufactured Home Development** is failing to give access to emergency services, such as police or fire, and authorized City personnel such as the health director and health inspectors.

f. The Building Official or the Planning Director may revoke the specific use permit sixty (60) days from the date the initial violation notice was issued to the permit holder.

B. Building Permit Required

1. No person shall construct, improve, alter, repair, convert, expand or demolish any **Manufactured Home Development** without complying with the provisions in **4.6.10A Administrative Review and Approval** and receiving approval of a building permit.

2. If an extension or construction of water and wastewater services is required for the **Manufactured Home Development** the property owner may also need to receive approval of construction plans with the respective public utility service provider concurrently with the review of a building permit.

3. The property owner shall submit **Construction Plans** concurrently with the review of a building permit to construct the private roads and access ways required in **4.6.10C.1.c**.

C. Development Standards for a Manufactured Home Developments

1. Minimum Requirements for all Manufactured Home Development

a. Minimum Lot Area

A **Manufactured Home Park** or **Manufactured Home Subdivision** will require a minimum of two (2) acres of land area.

b. Utility Services

(i) A manufactured home park or subdivision shall be served with water, wastewater and electrical services provided from a public service provider.

(ii) A manufactured home park or subdivision may not use an on-site sewage facility if located within five hundred (500) feet of a public sewer line

(1) Exceptions to connect to a public sewer system are detailed in **3.4.10B Wastewater Connection**.

(2) An on-site sewage facility requires approval of an on-site sewage facility permit reviewed and approved by the Cameron County Health Official.

c. Private Roads and Access Requirements

(i) All **Manufactured Home Rental Spaces** and **Manufactured Home Lots** shall have direct frontage onto a private access road that is a minimum 20 feet wide and composed of an all-weather paved hard surface approved by the Fire Marshal in coordination with the City Engineer.

(1) The Fire Marshal or the City Engineer may require the property owner to dedicate a twenty (20) foot private access easement or an emergency access easement over the limits of the private access road to guarantee the clearance of the private access road for emergency services.

(ii) All **Manufactured Home Rental Spaces** and **Manufactured Home Lots** shall not have direct access to an arterial street and shall be made accessible through a private access road.

(iii) The private access road will be constructed and maintained by the permit holder or property owner of the **Manufactured Home Development**.

(iv) The private access road shall be free and clear of any obstructions and will always have a fourteen (14) foot vertical clearance .

(v) A **Manufactured Home Park** or **Manufactured Home Subdivision** composed of five (5) rental spaces/lots or more shall have a secondary ingress/egress onto a public street.

(vi) A dead-end private access road will be limited to a maximum length of one thousand (1,000) feet and shall have a minimum turnaround at least eighty (80) feet in diameter.

d. Minimum Off-Street Parking Requirements

(i) All **Manufactured Home Parks** and **Manufactured Home Subdivisions** shall have a minimum of two (2) parking spaces that are each nine (9) feet wide by eighteen (18) feet deep.

(ii) Parking spaces will be composed of a permanent all-weather surface.

(iii) Parking spaces shall be appropriately defined and marked.

(iv) Parking spaces must have adequate barriers to keep any parked vehicle from extending into or overhanging into the private access road.

(v) Parking spaces will be placed and designed in a configurations and manner that a parked vehicle may move in and out of the parking space without having the vehicle parked in the second space having to move.

e. Drainage

The ground surface in all **Manufactured Home Developments** shall be graded and equipped to drain all surface water in a safe, efficient so as not to permit water to stand or become stagnant, subject to review and approval by the City Engineer.

f. Lighting

(i) Private access roads, parking lots, walks and service areas shall always be adequately lighted so the **Manufactured Home Development** is safe for occupants and visitors.

(ii) All entrances and exits shall be lighted and all lighting shall be at the expense of the manufactured home operator or permit holder.

g. Manufactured Home Security

In order to safeguard the lives and properties of residents during high wind weather conditions, such as hurricanes, all **Manufactured Homes** shall be tied down or anchored in accordance with the following provisions.

(i) Anchorage

For most minimum hurricane tiedown requirements the number of ties shall be as follows:

(1) Up to thirty (30) feet, two (2) frame ties per side.

(2) Thirty (30) feet to fifty (50) feet, three (3) frame ties per side.

(3) Fifty (50) feet to seventy (70) feet, four (4) frame ties per side.

(4) Over seventy (70) feet, five (5) frame ties per side.

(5) Plus over-the-home ties as close to each end as possible with straps at stud and rafter locations.

(ii) Anchors

A soil test shall be performed to ensure that the following will withstand 3,750 pounds of pull per ten (10) feet of mobile home:

(1) Auger or deadman shall be six (6) inches in diameter; arrowhead eight (8) inches.

(2) Auger or arrowhead shall have a depth of four (4) feet; deadman five (5) feet.

(3) Anchor rod shall be five-eighths (5/8) inch in diameter with a welded eye at the top. It must be hooked into concrete when used in deadman anchors.

(4) Anchors to slabs must equal the requirements in this subsection in pull resistance.

(iii) Connectors

Specifications for connectors shall be as follows:

(1) Galvanized or stainless steel cable: three-eighths (3/8) inch (seven (7) by seven (7), seven (7) wires each).

(2) Galvanized aircraft cable: one-fourth (1/4) inch (seven (7) by nineteen (19), seven (7) strands of nineteen (19) wires each).

(3) Steel strap, one and a quarter (1¼) inches by 0.035 inch: galvanized, with tensioning device.

(4) Cable ends secured by two U-bolt clamps.

(5) Steel rods with ends welded closed to form an eye.

(6) Turnbuckles five-eighths (5/8) inch drop forged, closed eyes. Other tensioning devices of similar strength may be approved.

(iv) Piers and Footings

Standards for piers and footings shall be as follows:

(1) They shall be spaced at ten (10)-foot intervals on both frame rails with end ones no further than five (5) feet from the end of the mobile home.

(2) Footings shall be of solid concrete sixteen (16) inches by sixteen (16) inches by four (4) inches.

(3) Piers shall be of standard solid concrete block, eight (8) inches by eight (8) inches by sixteen (16) inches.

(4) Treated trim shingles shall be used for leveling.

(5) Other similar piers may be accepted. An adjustable screw anchor-type column fastened to both the frame rail and to a concrete pad of four-inch thickness extending the length and width of the mobile home is especially recommended.

(v) Patio Awnings and Cabana Roofs

Specifications for patio awnings and cabana roofs shall be as follows:

(1) There shall be two (2) rows of vertical support bars with a spacing of twelve (12) feet. The second row is to be down the middle or at the mobile home edge, anchored to a concrete floor or equivalent footings.

(2) Other structures on the lot must be secured.

(3) A tip-out room is to be held by an over-the-home tie at the outer edge.

(4) A clerestory roof requires over-the-home ties at the end of each raised section.

2. Additional Requirements for Manufactured Home Parks

A **Manufactured Home Park** is required to comply with the additional provisions of this section in addition to the **Minimum Requirements for all Manufactured Home Development** in **4.6.10C.1**.

a. Occupancy Records

(i) The permit holder for a **Manufactured Home Park** shall keep an up to date record of all **Manufactured Home**s and their respective owners located within the manufactured home park.

(ii) The occupancy record shall specifically contain the following information:

(1) The name and address of each manufactured home occupant;

(2) The motor vehicle used to tow each manufactured home;

(3) The make, model, year and license number of each manufactured home;

(4) The date of arrival and of departure of each manufactured home;

(iii) The permit holder for a **Manufactured Home Park** shall keep record of all inspections conducted by law enforcement and public health officials.

(iv) The permit holder for a manufactured home park shall keep each occupant's record for at least three (3) years following their date of departure.

b. Density

A **Manufactured Home Park** will not exceed ten (10) dwelling units per acre.

c. Minimum Rental Space Dimensions

(i) Every **Manufactured Home Rental Space** shall be a minimum thirty-five (35) feet wide and a minimum seventy-five (75) feet deep.

(ii) The width of the space shall be measured along the frontage of the space fronting onto the private access used for ingress and egress.

(iii) The depth of the lot shall be measured from the center of the frontage line to the back of the lot.

(iv) Double frontage lots should be avoided unless determined unfeasible by the Planning Director.

d. Manufactured Home Stands

(i) Every rental space will have a **Manufactured Home** stand which shall provide an adequate foundation for the placement of one manufactured home.

(ii) The manufactured home stand will be:

(1) Impervious to plant material, such as weeds, grass and shrubs;

(2) Eleven (11) feet in width and fifty (50) feet in length;

(3) Located a minimum of ten (10) feet from a private access road and a minimum of three (3) feet from all other sides of the rental space.

(4) The rear of the manufactured home stand will be a minimum of five (5) feet from the rear boundary line of the rental space.

e. Minimum Setbacks from a Public Street and Surrounding Land Uses

(i) A rental space for a **Manufactured Home** may not have direct access to a public street and must front onto a private access road as required in **4.6.10C.1.c Private Roads and Access Requirements**.

(ii) A **Manufactured Home** stand and a manufactured home may not be located any closer than twenty five (25) feet from a public street;

(iii) A manufactured home stand and a **Manufactured Home** may not be located any closer than five (5) feet when adjacent to any property used or zoned for residential.

(iv) A manufactured home stand and a **Manufactured Home** may not be located any closer than five (5) feet when adjacent to any property used or zoned for commercial or industrial.

(v) All accessory uses shall be a minimum ten (10) feet from all boundaries of the rental space.

f. Centralized Sanitation Container

(i) The **Manufactured Home Park** will have a designated and centralized location for a sanitation container.

(1) The area reserved for the sanitation container shall measure at least twelve (12) feet wide and fourteen (14) feet deep.

(ii) It is the responsibility of the **Manufactured Home Park** operator to coordinate with the appropriate environmental services provider to have trash picked up on weekly basis.

(iii) The sanitation truck shall have adequate access to the centralized sanitation container.

g. Platting Requirements

A **Manufactured Home Park** will be platted as one (1) lot in accordance with **Article 3 Subdivision Regulations**.

3. Additional Requirements for Manufactured Home Subdivisions

Manufactured Home Subdivisions are required to comply with the additional provisions of this section in addition to the **Minimum Requirements for all Manufactured Home Development** in **4.6.10C.1.**

a. Minimum Lot Dimensions

(i) Each lot may only have one (1) **Manufactured Home** and shall be a minimum fifty (50) feet wide and fifty (50) feet deep.

(ii) Each lot shall be a minimum 5,400 square feet in lot area.

(iii) The width of the space shall be measured along the frontage of the space fronting onto the private access used for ingress and egress.

(iv) The depth of the lot shall be measured from the center of the frontage line to the back of the lot.

(v) Double frontage lots should be avoided unless determined unfeasible by the Planning Director.

b. Minimum Block Face Length

The face of a residential block shall not exceed 1,320 feet in length.

c. Minimum Street Intersection Distance

Street intersections shall be spaced no greater than 250 feet measured from the street centerline to the next street centerline.

d. Minimum Setbacks from a Public Street and Surrounding Land Uses

(i) A **Manufactured Home Lot** may not have direct access to a public street and must front onto a private access road as required in **4.6.10C.1.c Private Roads and Access Requirements.**

(ii) A manufactured home stand and a **Manufactured Home** may not be located any closer than twenty (20) feet from the property line adjoining a public street.

e. Mobile Home Stand Requirements

(i) Every lot will have a manufactured home stand shall provide an adequate foundation for the placement of one (1) **Manufactured Home**.

(ii) The manufactured home stand will be:

(1) Impervious to plant material, such as weeds, grass and shrubs; and

(2) Shall be the same size as the **Manufactured Home** to be placed on the lot.

f. Platting Requirements

(i) A **Manufactured Home Subdivision** will be required to plat each lot occupied with a manufactured home as individual lots in accordance with **Article 3 Subdivision Regulations**.

(ii) A **Manufactured Home Subdivision** that creates two (2) or more lots of five (5) acres or less intended for residential purpose is subject to the **Model Subdivision Rules** in **3.1.6**.

4.6.11 DEVELOPMENT IN THE HISTORIC OVERLAY

A. Applicability

1. This Section applies to new construction and development within the Historic Preservation HP Overlay. For alterations, additions, or demolition of existing buildings, including determination of economic hardship, see Section **4.2.5G**.
2. No person shall carry out any construction on any property within the HP District except in accordance with this section.

B. Approval by HPO or HPC Required

1. Prior to the issuance of any building permit within the HP District, the permit application must be reviewed and approved by the Historic Preservation Officer, or by the Historic Preservation Commission if required under Section **4.2.5** or if the Historic Preservation Officer defers approval of an application.
2. The application is required in addition to, and not in lieu of, any required building permit.
3. In considering an application for a Certificate of Appropriateness, the Historic Preservation Officer and the Historic Preservation Commission shall review it for compliance with The Secretary of the Interior's Standards for Rehabilitation and any applicable adopted Design Guidelines previously ratified by the City Commission.
4. All review criteria shall be made available to the applicant, property owners of Landmarks and properties located within Districts.
5. The Historic Preservation Commission shall promulgate and make recommendations to update the adopted Design Guidelines as necessary, provided that the changes do not pose a conflict with underlying land-use zoning and the changes do not take effect until ratified by the City Commission.
6. The procedure for obtaining a Certificate of Appropriateness may be initiated by the City for all City-owned Landmarks or proposed work within the HP Overlay district, or by the individual property owner(s) of the subject Landmark or for a property located within the HP Overlay district.
7. An application for Certificate of Appropriateness shall be made in accordance with **4.2.5A**.
    a. Following determination of completeness and a preliminary determination of compliance, the Historic Preservation Officer shall schedule a public hearing and consideration at the next available regularly scheduled Historic Preservation Commission meeting.
    b. All review criteria and the formal written report to the Historic Preservation Officer shall be made available to the applicant prior to consideration.

C. Compliance with Guidelines Required

1. The Historic Preservation Commission shall review the application at a public meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that the proposed work complies with the Secretary of the Interior Standards for Rehabilitation and any adopted Design Guidelines.
2. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.
3. The Historic Preservation Commission may take action to approve the application, postpone its decision and request additional specific information for further consideration, or deny the application.

4. If the Historic Preservation Commission has not taken action to approve or deny the application within ninety (90) days of the original application being determined complete by the Historic Preservation Officer, a Certificate of Appropriateness shall be deemed issued and the Historic Preservation Officer shall so advise the applicant in writing.

5. If approved, the Historic Preservation Officer shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law and any specific conditions of approval (if any) supporting the decision.

6. The Historic Preservation Officer shall also forward the Historic Preservation Commission decision to the appropriate City personnel.

7. Any specific conditions of approval made by the Historic Preservation Commission shall be attached to the construction documents prior to the issuance of any building permits.

8. If the Historic Preservation Commission finds the proposed work will have an Adverse Effect on the Landmark, or property located within a District, or if the proposed work is inconsistent with the Secretary of the Interior Standards for Rehabilitation or any applicable adopted Design Guidelines, the Historic Preservation Commission shall advise the applicant at the meeting of the disapproval of the application and of any changes to the application which are necessary to approval of the same.

9. Within five (5) days following the meeting, the Historic Preservation Officer shall provide the applicant noticing in writing of the disapproval of the application and of any changes to the application which are necessary for approval of the same.

10. A Certificate of Appropriateness application that has been denied may not be resubmitted without incorporating changes to the application which are necessary for approval.

D. Actions Following HPC Approval

1. No subsequent changes shall be made to the approved design without the prior review and approval of the Historic Preservation Officer or Historic Preservation Commission.

2. An applicant shall have one (1) year from the date of issuance of a Certificate of Appropriateness to secure a building permit for the specified improvements or it shall become null and void.

E. Appeal of HPO or HPC Decision

1. The applicant or any persons adversely affected by the action of the Historic Preservation Commission may appeal the decision to the City Commission. Appeal requests shall be filed in writing to the Historic Preservation Officer within ten (10) days of the Historic Preservation Commission decision.

2. The Historic Preservation Officer must schedule the appeal at the next available regularly scheduled City Commission meeting.

3. Appeals of decisions made under Administrative Review will be heard by the Historic Preservation Commission at their next regularly scheduled meeting.

4. Appeals to the City Commission shall be considered only on the record made before the Historic Preservation Commission and may only allege that the Historic Preservation Commission decision was arbitrary, capricious, or illegal.

4.6.12 DEVELOPMENT IN THE AIRPORT OVERLAY

A. Purpose and Applicability

1. The purpose of the Airport Overlay District (O-A) is to ensure development near the airport is compatible with airport operations, that land uses surrounding the airport are developed according to the recommendations of the BRO Airport Master Plan, to limit the adverse impacts of airport operations on adjacent properties by accounting for those impacts in the development and use of property near the airport, and to protect the airport from incompatible encroachments.
2. The O-A district is applicable to each property within the district in addition to the regulations of the base district classification in which such property is located.
3. The O-A is divided into three zones indicated in section B below. The zoning classification of each property is designated by the base district classification plus the airport overlay (O-A) designation. For example, a property in an LI district within the O-A district will carry an LI (O-A 1, 2, or 3) designation.
4. Within the O-A district, the regulations of each respective base district shall continue to apply to property located in that district, except as supplemented or modified in this section 4.6.12.

B. Definitions

Within this section, the following terms will have the meaning ascribed to them:

1. Airport

   The Brownsville South Padre Island Airport.

2. Compatible Land Use

   The use of land adjacent to an airport that does not endanger the health, safety, or welfare of the owners, occupants or users of the land because of levels of noise or vibrations or because of the risk of personal injury or property damage created by the operations of the airport, including take-off and landing of aircraft.

3. Controlled compatible land use area

   The area within which airport land use compatibility controls may be instituted, as defined by **TLGC Section 241.003**. The controlled area is located outside the airport boundaries and within an area measured no farther than 1½ statute miles from the centerline of the Waco Regional Airport runways and lines located no farther than five statute miles from each end of the paved surface of the runways.

4. Ldn (yearly day-night average sound level)

   The 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7:00 a.m. and between 10:00 p.m. and midnight and averaged over a span of one year. A mathematical definition of Ldn can be found in Federal Aviation Regulation Part 150, Section A150.201.

5. Noise level reduction

   The amount of noise level reduction achieved through incorporation of noise attenuation measures in the design and construction of structures.

6. Nonconforming use

   Any structure, object, natural growth or use of land which is inconsistent with the provisions of this division or an amendment thereto.

7. Person

   An individual, firm, partnership, corporation, company, association, joint stock association or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

8. Runway

   A defined area of an airport prepared for landing and take-off of aircraft along its length.

9. Structure

   An object, constructed or installed by one or more persons and includes a building, tower, smokestack, and overhead transmission line.

C. Airport Noise Zones

1. Airport noise zones are established within the Controlled compatible land use area for the purpose of regulating the development of noise sensitive land uses, to promote compatibility between the airport and surrounding land uses, and to protect the airport from incompatible encroachments.

2. Zones. The boundaries of the airport noise zones correspond to the Ldn noise contours shown on the most recently-adopted noise exposure map for Brownsville South Padre Island International Airport and are identified as follows:

   a. *Airport overlay—1 (O-A 1)* is that area within the Controlled compatible land use area with a noise contour that is between 65 Ldn (yearly day-night average sound level) and 70 Ldn (yearly day-night average sound level).

   b. *Airport overlay—2 (O-A 2)* is that area within the Controlled compatible land use area with a noise contour that is between 70 Ldn (yearly day-night average sound level) and 75 Ldn (yearly day-night average sound level).

   c. *Airport overlay—3 (O-A 3)* is that area within the Controlled compatible land use area beyond the 75 Ldn (yearly day-night average sound level) noise contour.

3. Compatible uses permitted within the airport noise zones are shown in **D Compatible Land Uses Table** below.

D. Compatible Land Uses Table

1. How to Use the Table

a. A cell with a "Y" indicates that the land use and related structures are compatible without restrictions.

b. A cell with a "N" indicates that the land use and related structures are not compatible and are prohibited.

c. A cell with a number ("25" or "30") indicates that measures to achieve Noise level reduction (NLR) from outdoor to indoor must be incorporated into the design and construction of the entire structure.

d. Where "N" is indicated for a residential use followed by "25" or "30", it means that residential use is not compatible but if the property is zoned for residential, measures to achieve outdoor to indoor Noise level reduction (NLR) of at least 25 dB or 30 dB must be achieved, as indicated. Normal single family construction can be expected to provide a Noise level reduction of 20 dB, meaning that Noise level reduction measures in this area require a reduction of 5 to 10 dB over standard construction and generally assume mechanical ventilation and closed windows year-round. However, the use of NLR criteria will not eliminate outdoor noise problems.

e. Where "Y" is indicated for a use followed by a "25", it means that the use is compatible where measures to achieve a Noise level reduction of 25 dB are incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

f. Where "Y" is indicated for a use followed by a "30", it means that the use is compatible where measures to achieve Noise level reduction of 30 dB are incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

g. Where ("R25") is indicated, only the use listed is compatible. Any residential buildings associated with the use require an Noise level reduction of 25 dB to be compatible.

h. Where ("R30") is indicated, only the use listed is compatible. Any residential buildings associated with the use require an Noise level reduction of 30 dB to be compatible.

Table 4.6-18. Compatible Land Uses

Land Use	Noise Zone		
	O-A 1 65-70 dB	O-A 2 >70-75 dB	O-A 2 >75 dB
Residential Uses(Household Living and Group Living other than Manufactured Housing)	N(25)	N(30)	N
Manufactured Housing	N	N	N
Mixed-Use with Residential	N(25)	N(30)	N
Civic and Cultural Facilities	25	30	N
Educational Service Establishments (Public And Private)	N	N	N
Health and Human Services (other than Clinic or Lab or Plasma Center)	N	N	N
Clinic or Lab	Y	Y(25)	Y(30)
Plasma Center	Y	Y(25)	Y(30)
Parks and Recreation Facilities	Y	N	N
Public and Other Government Functions	Y	25	30
Agricultural Uses	Y(R25)	Y(R30)	N
Animal Production and Ranching	Y(R25)	Y(R30)	N
Animal-Related Services (except outdoor kennels or stables)	Y	Y(25)	Y(30)
Outdoor Kennels or Stables	Y	N	N
Auto-Related Sales and Service	Y	Y(25)	Y(30)
Business, Professional and Technical Services	Y	25	30
Financial and Real Estate Services	Y	25	30
Food And Beverage Services	Y	25	30
Lodging Facilities	N(25)	N(30)	N
Other Commercial Uses	Y	Y	Y
Recreation and Entertainment Uses (Indoor)	Y	Y(25)	Y(30)
Recreation and Entertainment Uses (Outdoor)	Y	Y	N
Rental and Leasing	Y	Y(25)	Y(30)
Retail Sales	Y	25	30
Construction-Related Businesses (temporary buildings exempted)	Y	Y(25)	Y(30)
Manufacturing	Y	Y	Y
Transportation-Related Businesses	Y	Y(25)	Y(30)
Utilities and Utility Services	Y	Y(25)	Y(30)
Warehouse and Storage	Y	Y	Y
Wholesale Trade (Not Resale)	Y	Y(25)	Y(30)

E. Interference With Airport Operations

1. No use within the O-A shall be conducted in such a way that creates any of the following effects:

a. Creation of electrical interference with navigational signals or radio communication between the Airport and aircraft;

b. Utilitizing Lighting in a way that creates difficulty in distinguishing between Airport lights and lights employed by the use within the O-A;

c. Creation of Glare in the eyes of pilots using the airport or impairing visibility in the vicinity of the Airport;

d. Creation of bird strike hazards; or

e. Otherwise endangering or interfering with the safe landing, taking off or maneuvering of aircraft intending to use the Airport.

F. Existing Buildings and Lots Within the O-A

1. Regulations Not Retroactive

a. The regulations prescribed by this division shall not be construed to require changes in land use or the removal or other change or alteration of any structure not conforming to the regulations as of the effective date of this division or otherwise interfere with the continuance of any nonconforming use.

b. Nothing herein contained shall require any change in construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section and whose completion is diligently pursued.

c. For purposes of this division, permitted nonconforming structures shall include all phases or elements of a multi-phase structure, whether or not actual construction has commenced, which has received a determination of no hazard by the Federal Aviation Administration under Part 77 of the Federal Aviation Regulation (14 Code of Federal Regulations, Part 77).

2. Exceptions for residential uses.

a. Existing residences

Notwithstanding any other provisions of this section, all residential uses located within the Airport noise zones which were lawfully existing on the effective day of this division may be repaired and enlarged provided the number of dwelling units is not increased.

b. Vacant lots

Vacant platted lots which are zoned for single-family residential uses may be used for single-family residences providing they conform to all other applicable requirements of this division. Such lots may not be subdivided into more than one additional lot for single-family residential use.

c. New Residences

New residential structures within the O-A 1 district must achieve an outdoor to indoor noise level reduction of at least 25 dB.

d. Reconstruction

The provisions of **4.1.3 Nonconformities** apply to all nonconforming uses and structures within the O-A district.

G. Variance and Appeal

1. Variances

The Board of Adjustment is the board responsible for hearing and deciding requests for variances under this section (see **4.2.11D Zoning Variances**).

2. Appeals

a. The Building Official is responsible for determining compliance with this section.

b. Any person aggrieved by any decision of the building official made in administration of this sectoin may appeal to the Board of Adjustment (see **4.2.11B.3 Appeal of an Administrative Decision**).

ARTICLE 5. SUPPLEMENTAL REGULATIONS

Article Contents

5.1 Tree Preservation

5.2 Open Space and Trail Standards

5.3 Signs

5.4 Sight Visibility Triangle

5.5 Flood Damage Prevention

5.6 Stormwater Management

5.7 Nuisances

5.1 TREE PRESERVATION

5.1.1 PURPOSE

The purpose of this section is to conserve, protect, and enhance existing healthy trees and the natural landscape.

5.1.2 APPLICABILITY AND EXEMPTIONS

A. The provisions of this section are applicable to the following:

1. All new residential and nonresidential development within the City limits and ETJ.
2. Redevelopment of any residential or nonresidential property in the City Limits or ETJ that results in an increase in the building footprint or the total destruction and reconstruction.

B. The following situations and tree types are exempt from these regulations:

1. Trees located within the area of a proposed on-site sewage facility (OSSF) that has been authorized by the City Engineer are subject to the Tree Mitigation requirements (**5.1.4 Tree Mitigation**), but are exempt from the Tree Removal Permit requirement (**5.1.7 Tree Removal Permit and Tree Preservation Plan**);
2. Trees located within a right-of-way, or within a right-of-way to be dedicated to and maintained by the City are exempt from all Tree Preservation requirements;
3. The clearing of understory necessary to perform boundary surveying of real property or to conduct tree surveys or inventories. Clearing for surveying may not exceed a width of two (2) feet for general survey (i.e., of easement boundary, etc.) and eight (8) feet for survey of property boundary lines. Except for surveys done in connection with residential development, no tree twelve (12) caliper inches or larger may be removed in any manner during such boundary or general surveying;
4. A dead or diseased tree, which is deemed beyond the point of recovery and at risk of spreading the disease, as determined by a certified arborist;

5. Any Protected Tree (5.1.3A below), Heritage Tree (5.1.3B below), or areas of tree canopy the City Forester determines to be hazardous to life or property as a result of a natural event such as tornado, storm, flood or other act of God that endangers the public health, welfare or safety and requires immediate removal;
6. Trees planted and growing on the premises for sale at a nursery; or
7. The following tree species:
   a. Hackberry (Celtis occidentalis)
   b. Eastern Red Cedar (Juniperus virginiana)
   c. Common Ashe Juniper (Juniperis ashei)
   d. Chinaberry (Melia azedarach)
   e. Mesquite (Prosopis spp.)
   f. Ligustrum (Ligustrum spp.)
   g. Chinese Pistache (Pistacia chinesis)
   h. Chinese Tallow (Sapium subiferum)
   i. Tree of Heaven (Ailanthus altissima)
   j. Salt Cedar (Tamerix species)
   k. Nandina (Nandina domestica)
   l. Paper Mulberry (Broussonetia papyrifera)
   m. Red Oak (Quercus texana)

5.1.3 CATEGORIES OF PRESERVED TREES

A. Protected Tree

1. Trees between twelve (12) and twenty-four (24) caliper inches not otherwise exempted are designated as “Protected Trees”.
2. A Protected Tree may be removed upon approval of a Tree Removal Permit by the Planning Director. Any decision of the Planning Director regarding a Tree Removal Permit may be appealed to the Board of Adjustment.

B. Heritage Tree

1. Trees of twenty-four (24) caliper inches or greater not otherwise exempted are designated as “Heritage Trees”.
2. A Heritage Tree may only be removed upon approval of a Tree Removal Permit by the City Commission.

5.1.4 TREE MITIGATION

A. Protected Tree

Protected Trees shall be mitigated at a one-to-one (1:1) caliper inch ratio at the time of planting for every tree removed. Replacement trees shall have a minimum caliper of three (3) inches.

B. Heritage Tree

Heritage Trees shall be mitigated at a three-to-one (3:1) caliper inch ratio at the time of planting for every tree removed. Replacement trees shall have a minimum caliper of three (3) inches.

C. Location Requirements

1. Tree mitigation shall occur on the same site as the proposed development, in addition to landscape requirements.
2. Standards for planting shall conform to current Texas Forest Service standards.
3. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities, or provide a fee in lieu of tree mitigation in accordance with **D Fee In Lieu of Tree Mitigation** below.

D. Fee In Lieu of Tree Mitigation

1. The City may establish a fee in lieu of replacement trees. The fee shall be equal to the cost of the replacement trees and shall include the installation or planting cost. The applicant shall submit a written estimate from a nursery as verification of the cost.
2. The fee in lieu option is available in the following cases:
   a. If the proposed subdivision or site is heavily treed and the existing tree canopy would prohibit the growth of the replacement trees, or
   b. If the required replacement trees were to be installed, then the replacement trees would be planted under the canopy of an existing tree.
3. The fees shall be used to plant trees at public parks, schools, or other approved public facilities.

5.1.5 CRITICAL ROOT ZONE PROTECTION

A. Each Protected Tree or Heritage Tree shall have a Critical Root Zone surrounding the tree, measured at the drip line.

B. The following activities are prohibited in the Critical Root Zone:

1. Storage of building materials, refuse, or excavated spoils, parking of vehicles or equipment, or dumping of poisonous or hazardous materials on or around tree and roots.
   a. Poisonous or hazardous materials include, but are not limited to, paint, petroleum products, concrete or stucco mix, dirty water, or any other material which may be harmful to tree health.
2. The use of tree trunks as a winch support, anchorage, temporary power pole, sign posts, or other similar function;
3. Cutting of tree roots by utility trenching, foundation digging, placement of curbs and trenches, and other miscellaneous excavation without prior approval of the City;
4. Soil disturbance or grade change;
5. Impervious paving;
6. Vehicular traffic; and
7. Drainage changes.

C. The following restrictions apply during construction near the Critical Root Zone:

1. All trees shall be protected by a fence, frame, or box constructed around the drip line of the preserved tree.
2. A minimum of three (3) inches of mulch or compost shall be spread beneath the drip line of the preserved tree.
3. No person shall excavate any ditches, tunnels or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Tree or Heritage Tree without prior written approval of the City at the time of Site Plan approval.
4. No person shall attach any rope, wire, nails, advertising posters, or other contrivance to any Protected Tree or Heritage Tree.

5.1.6 TREE PRESERVATION CREDITS

Protected Trees and Heritage Trees may be counted toward landscape requirements contained in this Ordinance.

A. A Protected Tree may be counted as three (3) trees required under **4.6.3 Landscaping**.

B. A Heritage Tree may be counted as eight (8) trees required under **4.6.3 Landscaping**.

5.1.7 TREE REMOVAL PERMIT AND TREE PRESERVATION PLAN

A. A Tree Removal Permit is required for the removal of any tree not explicitly exempted within **5.1.2 Applicability and Exemptions** above.

B. An application for a Tree Removal Permit shall be submitted with any Site Plan application that proposes the removal of any trees, and may be integrated into the Site Plan.

C. The application shall contain a Tree Preservation Plan showing the following:

1. Existing/proposed topography
2. Location of property lines, easement, rights of ways, setbacks, parking areas, and sidewalks
3. Location, species, size (in caliper inches), and Critical Root Zone of each Protected Tree and Heritage Tree, except those trees exempted by this Section
4. A tree inventory that summaries the following:
   a. Total number of caliper inches on the site, with subtotals for Protected Trees and Heritage Trees
   b. Total number of caliper inches to be removed, with subtotals for Protected Trees and Heritage Trees
   c. Total number of caliper inches to be preserved, with subtotals for Protected Trees and Heritage Trees
5. Total inches of mitigation required, with subtotals for Protected Trees and Heritage Trees
6. Location of any proposed tree mitigation
7. Any proposed tree preservation credits
8. A summary of the tree protection methods to be utilized

5.1.8 REMOVAL OF A PROTECTED TREE WITHOUT A TREE REMOVAL PERMIT

Any Protected Tree, Signature Tree, or Heritage Tree that is damaged or removed without a Tree Removal Permit, including those damaged during construction or within two (2) years following issuance of a Certificate of Occupancy, shall be subject to the following penalties:

A. $75.00 per caliper inch of Protected Tree that is damaged or removed;

B. $100.00 per caliper inch of Heritage Tree that is damaged or removed;

C. $50.00 per trunk foot of Sabal texana or $10.00 per trunk foot of other palms that are damaged or removed.

5.1.9 ADDITIONAL PROVISIONS FOR ARBOR DISEASE CENTERS

If project location is within one-half (1/2) mile of a documented arbor disease center according to the Texas Forest Service, then the City is authorized to prescribe and restrict tree species use in landscaping or mitigation. Red Oak is prohibited as a mitigation tree or landscape tree.

5.2 OPEN SPACE AND TRAIL STANDARDS

5.2.1 PURPOSE

The purpose of this section is to ensure that new development allocates resources for accessible and useable parks, open space, and recreational facilities proportional to the impact of the development and its contribution to increased demand for such facilities. The City Commission adopts this section in furtherance of the goals and recommendations of the Parks, Trails, and Open Space Master Plan and the Comprehensive Plan.

5.2.2 APPLICABILITY

A. This section applies to any development other than those exempted in **B** below.

B. The following development is exempt from the requirements of this section:

1. Property less than two (2) net acres.
2. Property in the Extraterritorial Jurisdiction.
3. Property platted prior to the adoption of this UDC that has already satisfied parkland dedication requirements.
4. Replats of property if no increase in dwelling units will occur.
5. Property zoned AG Agriculture District.
6. Property to be used as a public building or use, a school, or a place of worship.

5.2.3 DEDICATION REQUIREMENTS

A. If parkland dedication requirements for a development are one (1) acre or greater but less than five (5) acres, the City Commission may elect to accept the dedication or refuse the dedication and require payment in lieu of dedication. All dedications that are less than one (1) acre or five (5) or more acres must be satisfied by payment in lieu.

B. Development in properties zoned RE, R-1, R-2, R-3, or TN must dedicate public parkland at the rate of one (1) acre of parkland per one hundred (100) dwelling units or prorated portion thereof as depicted on the approved Preliminary Plat.

C. Development of multi-family residential or mixed-use must dedicate parkland at the rate of one (1) acre of parkland per one hundred (100) dwelling units or prorated portion thereof based on the number of units approved at the recording of the Final Plat in the RC or CC districts or the highest density allowed within the zoning district, for all other districts.

D. Development exempted from a Preliminary Plat must dedicate public parkland at the time of Final Plat. Development with an existing Final Plat must dedicate public parkland at the time of application for the first building permit.

E. Any residential or mixed-use development that is required to make payment in lieu of dedication must pay into the park dedication fund a fee of five hundred dollars ($500) per dwelling unit consistent with **B** and **C** above.

F. Future increases to the number of dwelling units will increase the dedication required in accordance with the rate in place at the time of the amendment unless the previous dedication or payment in lieu made under this section was based upon the highest density allowed for the district rather than number of units.

G. Unless subject to a Development Agreement that supersedes this section, nonresidential development must pay into the park dedication fund a fee of six thousand dollars ($6,000) per acre of development.

5.2.4 STANDARDS FOR PARKLAND PROPERTY

A. Land dedicated for park, open space, and recreation purposes must, at a minimum, comply with the following area and location standards:

1. The land must be one (1) to five (5) contiguous acres in size. Land may be considered contiguous if it abuts both sides of a street with a Local classification and the separate areas are joined by a marked pedestrian crossing;
2. The land must provide a minimum of two hundred (200) feet of street frontage;
3. The land must have a minimum width of fifty (50) feet;
4. The land must be centrally-located to the population of the neighborhood, community, or phase of development it will serve;
5. The land must be situated to allow convenient pedestrian and bicycle access in addition to facilities for vehicle parking;
6. Drainage areas or areas with undulating topography or slopes exceeding five percent (5%) are acceptable if the areas are to remain in their natural state and will preserve one or more significant features such as creeks, watersheds, viewsheds, native clusters of trees, or habitat for native or migratory species;
7. Land within a Resaca or subject to inundation by a 100 year flood will not be accepted as parkland for the purposes of satisfying dedication requirements.

B. In addition to the specific standards listed in **A** above, land dedicated should conform to the principles and recommendations of the Parks, Trails, and Open Space Master Plan and the Comprehensive Plan.

C. Land dedicated must be shown as dedicated on a Final Plat and be free from any of the following:

1. Human inhabitants;
2. Hazards, including scrap material, junk, vehicles or equipment, above-ground or below-ground environmental contaminants or holding tanks;
3. Encumbrances of any kind, including deed restrictions, liens, or easements, unless they confer to the benefit of the City or will not interfere with use of the property as a park;
4. Other undesirable objects or features that may accrue to the liability of the City based upon an inspection the City conducts at its discretion prior to accepting the land for dedication.

D. Land dedicated must be preserved in its pre-developed state and may not be used for construction activities or storage of materials or equipment during construction of the subdivision or development, unless otherwise specified in a Development Agreement.

E. The City Commission may, at its sole discretion, modify these standards for land dedication that furthers the City's goals of protecting areas of environmental sensitivity and linking multiple properties outside of the subdivision or development requiring the dedication, or to provide natural area parks or preserves or special use parks where identified in the Parks & Open Space Master Plan.

5.2.5 REQUIRED IMPROVEMENTS TO PARKLAND PROPERTY

A. The following are the minimum designed elements to be included in dedicated parkland and must be reflected on associated Construction Plans for the subdivision or development at the time of Construction Plan approval (see **3.3.5 Construction Release**:

1. Curb and gutter along all streets abutting the boundary of the parkland.
2. The same level of utilities provided within the abutting subdivision or development must extend to the boundary of the parkland or as approved by the City Engineer (utilities include, but are not limited to, water, wastewater, electricity, and fiber optic communication lines).
3. Above-ground survey markers installed at the corners of all property lines.
4. Any improvements required under a Development Agreement, Planned Development Master Plan, or otherwise agreed to in writing between the developer and the City (see **3.3.8**).

B. Construction of the improvements must be completed within three (3) years of the City's approval of the first Final Plat of the subdivision or development.

C. Where the Subdivider or Developer is to provide improvements within parkland or abutting the parkland, the Subdivider or Developer must provide financial security consistent with **3.3.9**.

5.2.6 ALTERNATIVES TO PARKLAND DEDICATION

A. If suitable land for parkland dedication is not available, the subdivider or developer may propose one or more of the following payments in lieu of dedication:

1. A fee set by the City Commission based on the market value of the required acreage;
2. Improvements the developer or subdivider pledges to perform or provide in existing City parks;
3. Providing private park space or amenities up to fifty percent (50%) of the required public parkland dedication, provided that the private park conforms to the following:
   a. The property is deed restricted for use as a park;
   b. The property is shown on the Final Plat as parkland or common area;
   c. The park is built to the standards of a public park and conforms to the intent of the Parks & Open Space Master Plan and the Comprehensive Plan; and
   d. The park is owned and maintained by a homeowners' association.

B. The City shall determine the amount of the fee at the time of Preliminary Plat approval and the developer or subdivider must pay all fees before recording a Final Plat.

C. The City will reserve the contributed fees for the purpose of land acquisition, construction of improvements associated with parkland, and purchase of equipment to the most direct benefit possible to the residents of the subdivision or development.

D. If the City fails to expend all of the contributed funds on parks or improvements to parks within eight (8) years from the recording date of the most recent Final Plat, the property owner, subdivider, or developer may request in writing that the City refund any remaining funds.

5.2.7 TRAILS

Sufficient land shall be dedicated and trails constructed to conform to the City's Parks & Open Space Master Plan, including construction of any trails specifically identified in that Plan, as follows:

A. Extensions of the trail network, other than as shown in the Parks & Open Space Master Plan, shall be included in the calculation of the amount of dedicated park and recreational area.

B. Trail Standards

All trails shall conform to the following standards:

1. General

Unless specified otherwise, all trails shall be constructed to City specifications and shall conform to the requirements of the Americans with Disabilities Act, as may be amended. Specifications for trail surfaces, bollards, and signs shall be provided by the City.

2. Shared Use Paths

a. A shared use path is designed to accommodate multiple lanes or modes of transportation, such as walking and biking, and may run through a natural area or park.

b. Trails designated as shared use paths in the Bicycle and Trail Master Plan shall be a minimum of ten (10) feet in width.

c. See **Figure 5.2-1. Shared Use Path** for an example of this type.

Figure 5.2-1. Shared Use Path



3. Sidepath

a. A sidepath is wider than a typical sidewalk section and is intended to provide linkages to the overall network.

b. Trails designated as sidepaths in the Bicycle and Trail Master Plan shall be a minimum of ten (10) feet in width.

c. See **Figure 5.2-2. Sidepath** for an example of this type.

Figure 5.2-2. Sidepath



4. Auxiliary Trails

a. An auxiliary trail is a trail/walkway located within an open space area that is not linked to a multipurpose trail.

b. Auxiliary trails shall be a minimum of six (6) feet in width.

5. Access Walkways

a. An access walkway is any trail/walkway that links to a multipurpose trail.

b. All access walkways shall be a minimum of six (6) feet in width.

6. Trail Rights of Way or Easements

a. Trails shall be placed in a right of way or pedestrian access easement.

b. Pedestrian access easements shall be a minimum of twelve (12) feet in width. This may be a shared easement with public utilities as approved by the City Engineer.

5.3 SIGNS

5.3.1 PURPOSE AND OBJECTIVE

A. The purpose of this section is to create a clear and uniform set of sign regulations that promote the following objectives:

1. Protect the health, safety, and welfare of the City;
2. Preserve the free speech rights of citizens and businesses in the City;
3. Strengthen the economic stability and tax base of the City;
4. Avoid visual clutter that is potentially harmful to automobile and pedestrian safety, property values, the appearance of the City and the effectiveness of signs as a visual medium;
5. Preserve the function of signs as devices that are intended and located for maximum exposure to drivers, cyclists, and pedestrians and balance the need for exposure with the government's interest in regulating the number and size of signs;
6. Promote efficient traffic movement by using signs to identify commercial and residential developments in a way that informs without causing distraction to the public;
7. Implement the standards and intent of **4.6.7 Lighting** and preserve Brownsville's commitment to reducing Light Pollution; and
8. Require that signs integrate with and do not become primary features of their environment by requiring or regulating the size and scale of signs, the materials used to construct signs, and the landscaping used to beautify signs.

Figure 5.3-1. Sign Content Terms Used in this Section

Character: An individual letter, number, icon, punctuation or accent mark.

Text: A series of Characters intended to form one or more terms, words, or sentences.

Symbol: A proprietary picture, image, or logo other than a character, but which may contain one or more characters. Symbols include, but are not exclusive to, registered trademarks.

Message: The total name, phrase, or identification communicated by the combination of all Characters, Text, and Symbols on the sign.

B. The City pursues these objectives in applying the standards of this section. This section is not intended to restrict speech based on content, viewpoint, speaker, or message. Any classification of signs in this section that permits commercial speech will be interpreted to also allow noncommercial speech.

C. To the extent that any provision or term in this section is ambiguous, the City will interpret the provision or term in a way that does not regulate the content or the speaker.

D. The City adopts these regulations under the authority granted to regulate signage by the State of Texas (**TLGC Chapter 216.901**.)

5.3.2 APPLICABILITY

A. The regulations in this section are not intended to regulate religious or political speech or to impose restrictions on seasonal or religious decorations, or symbols, or any legal events or expressions protected by the First Amendment to the Constitution of the United States.

B. This section applies to all advertising displays in the City Limits as authorized in **TLGC Chapter 216**, including any text, character, picture, or symbol used to inform the public of a product or service for sale.

C. Any sign made nonconforming by adoption of this section may continue in use until it is completely or partially removed, destroyed, dilapidated, abandoned, or expands in size (see **4.1.3 Nonconformities**).

5.3.3 EXEMPT SIGNAGE

A. The following signs are considered public signs exempt from permitting or regulation under this section:

1. An official permanent sign authorized or erected by a department or agency of the City of Brownsville, Cameron County, or the State of Texas (see **Figure 5.3-2. Example of Traffic Control Signs**).
2. Temporary signs on public or private property or in a public right-of-way that are authorized or required by an ordinance or resolution of the City, statute of the State of Texas, other government agency with jurisdiction to erect a sign, election board, or independent school district (example: a sign advertising a town festival or homecoming parade.)
3. Signs erected by a public utility (example: a sign identifying a gas line).
4. Signs that are not visible from a public right-of-way.

Figure 5.3-2. Example of Traffic Control Signs



Source: Texas Manual on Uniform Traffic Control Devices, Revision 2, October 2014

B. The following signs are exempt from permitting if they conform to the regulations of this section:

1. Signs listed in **A** above**;**
2. Temporary Signs listed in **5.3.4B**;
3. Changing a panel on an existing sign if no new electrical components or wall penetrations are necessary;
4. Window Signs;
5. Bench Signs;
6. Ancillary Signs listed in **5.3.4C.3.m**, unless an electrical permit is required.

C. The following signs are exempt from regulation or permitting when erected, engraved, or applied to public or private property:

1. Signs other than Electronic Message Boards placed on a registered vehicle capable of movement under its own power;
2. A banner attached to a permanent light pole or standard within a parking lot, a drive aisle, or an internal or private street, provided the pole or standard includes permanent mounting points that secure the banner on at least two (2) sides (see **Figure 5.3-3. Banner on Light Pole**);
3. Grave markers or tombstones;
4. Permanent characters engraved into marble, limestone, or granite used as a building face;
5. Residential or commercial address sign.

Figure 5.3-3. Banner on Light Pole



5.3.4 SIGN TYPES AND DEFINITIONS

A. Prohibited Signs

The following signs are prohibited within the City Limits or the ETJ of Brownsville.

1. Abandoned Sign

A sign or sign structure that is not used for twelve (12) months or more, either because it has no sign face or cabinet, or no characters, text, or symbols on its face, or because the building on the same property is vacant, or there is no building on the same property.




2. Animated Sign

Temporary signs, objects, or devices intended to attract the attention of the public, that are installed on or in the ground, to a light pole or fence, or on the side or roof of a building, and that move, flicker, flap, flash, gyrate, or make noise using compressed air, wind, electrification, or other means. Attention-attracting devices include air dancers, temporary flags, signs with a revolving beam, beacon, or searchlight, signs with a light or lights resembling an emergency vehicle or traffic control signal, or as determined by the Planning Director. The Building Official may issue a temporary permit for the use of Animated Signs in accordance with B.2 below.






3. Balloon or Inflatable Sign

A non-porous envelope either tethered to the ground or to a building or structure, inflated with air that has been compressed, pressurized, or exhausted into the envelope, causing it to expand.



4. Bandit Sign and Snipe Sign

Any unauthorized sign placed in the ground or posted on a utility pole, official sign or support structure, traffic signal or support structure, signal box, fence, wall, barricade, tree, or other fixture in the public right-of-way or on public property. Any sign erected or painted on a tree, rock, or natural feature, or sign placed on a vehicle without the consent of the vehicle owner is considered a Bandit Sign. Temporary Signs, including signs made of corrugated plastic, that do not meet the requirements of 5.3.4B below may also be considered Bandit or Snipe Signs.



5. Billboard

a. A sign typically erected in view of a major thoroughfare or highway and with one or more individual support poles and a sign face consisting of an opaque vinyl or fabric sign face stretched over a support structure or an Electronic Message Board.

b. Relocation of an existing Billboard is allowed under the following conditions:

(i) One (1) relocation permit will be issued for every three (3) Billboards removed.

(ii) The maximum size of the sign face area of a relocated Billboard shall not exceed the average of the three removed signs as viewed from one direction.



(iii) The proposed relocation shall not include areas prohibiting Billboards, including the HP Overlay.

(iv) The sign must meet setback requirements of other ground signs from street right-of-way and other signs. In the event of a conflict between applicable regulations, the strictest applies.

c. Upon receipt of a completed application for relocation meeting these requirements, the Planning Director will present the application for relocation to the City Commission. If approval is granted by a majority vote of the City Commission, appropriate permits will be issued by the Building Official.

6. Dilapidated Sign

A sign, either in use or abandoned, that is in an unmaintained condition evidenced by rust, peeling or missing paint, chipped or missing masonry or mortar, one or more non-functional Lighting elements, leaning or sagging footings or footings in need of repair, damaged or exposed wiring, missing characters, or overgrown vegetation.





7. Portable Sign

A sign mounted on a device that can be moved by a vehicle or by hand. Exceptions: Sidewalk Signs and signs that are mounted on a registered vehicle capable of moving under its own power or a trailer being actively towed by a registered vehicle.



8. Reflective Sign

A sign other than a Traffic Control Sign or Official Sign with a coating, film, or other element that reflects light from an external source back toward the viewer. Exception: Temporary Signs that are eight (8) square feet in size or less may utilize a reflective face (see **5.3.4B** below.)

9. Graffiti

A painted message, text, characters, symbols or art applied to a building, wall, vehicle, or other surface without the approval of the property owner.



B. Temporary Signs

1. Temporary Banner Signs

In the R-3 district and in all Nonresidential and Mixed-Use districts, each building or tenant space within a building may install one (1) banner meeting the following:

a. No banner may exceed sixty (60) square feet in size or 15% of the building façade or tenant space, whichever is greater;

b. The property owner or business must securely affix the banner to the side of the building. The property owner or business must remove or replace any torn or frayed banner, or any banner that is detached from the side of the building;

c. Banners are prohibited in the public Right-of-Way, on the side of a temporary building, trailer, fence, freestanding wall, or retaining wall;

d. Each building or tenant space is allowed no more than two (2) banners during any 12-month time period;

e. The property owner or business must remove or replace any banner no later than ninety (90) days after installation.

2. Temporary Special Event Signage

In Nonresidential and Mixed-Use districts, the Building Official may issue a temporary permit to allow the display of Animated Signs for up to thirty (30) days if the display conforms with the following:

a. The display is associated with a temporary special event such as a business grand opening or seasonal sale;

b. A temporary permit has not been issued for the same tenant or occupant in the last six (6) months;

c. The property is not in the DC district or HP Overlay district;

d. All signage is situated outside of the public right-of-way and any easements;

e. Signage does not reduce the width of any sidewalk or impede pedestrian or vehicle circulation;

f. The signage is maintained in good condition with no rips, tears, or loose fragments;

g. No more than one (1) Animated Sign is installed per one hundred (100) feet of street frontage. If the display is associated with a single tenant in a multi-tenant building, one (1) Animated Sign is allowed per tenant street frontage.

3. Temporary Ground Signs

a. A business or property owner may not use a temporary sign as a substitute for a permanent sign.

b. All temporary ground signs must have a solid, durable backing that resists folding or twisting, and be anchored or fastened to the ground (see **5.3.4B.1** for Temporary Banner Signs attached to a building.)

c. The property owner or business must replace or re-set a temporary ground sign that twists or deflects more than three (3) degrees off center.

d. The property owner or business must remove any temporary ground sign remaining on a property for longer than six (6) months.

e. One temporary ground sign is allowed per 300 feet of street frontage.

f. The property owner or business may cluster temporary ground signs if the overall number does not exceed the maximum allowed under e above.

g. Temporary ground signs are prohibited in the public Right-of-Way or on private property without the consent of the property owner.

h. The regulations of this subsection B apply to all uses equally. They are not intended to regulate or make any distinction regarding religious or political speech, or to impose restrictions on seasonal or religious decorations or symbols.

i. A reflective surface is prohibited on any temporary ground sign over 8 square feet.

j. The size of a temporary ground sign may not exceed the maximum square footage in Table 5.3-1.

Table 5.3-1. Maximum Size of Temporary Ground Sign

Property Acreage	Maximum Size in RE, R-1, R-2, R-3, or TN district	Maximum Size in All Other Zoning Districts
One (1) Acre or Smaller	8 square feet	24 square feet
Larger Than One (1) Acre	24 square feet	64 square feet

C. Permitted Signs

1. General Provisions

a. The signs allowed under **3** below are permanent signs that require secure attachment to the structure of a building or a concrete footing to withstand wind loads (see **5.3.5 Application and Appeal Procedure**.)

b. Where a conflict exists between this **C Permitted Signs** and a land use regulation or structural requirement or specification in this UDC or another regulation adopted by the City, such as the Building Code or Fire Code, the most restrictive requirement applies.

c. Accent Lighting does not count against allowable signage; however, the illuminated area may not exceed 100% of the maximum allowed area for signage.

d. Exposed neon is prohibited except on an Open Sign or as otherwise specified in this **C Permitted Signs** (see **3.n Ancillary Signs**).

e. Signage is not permitted to flash, blink, move, or change in color.

f. The property owner or business must maintain any landscaping required for a sign under this **C Permitted Signs** to the same standard as other required site landscaping (See **4.6.3 Landscaping**).

g. The pole supporting a permanent flag must be set into a concrete footing or mounted permanently to the side of a building, and may not exceed fifteen (15) feet higher than the highest point of the tallest building on the same lot or property.

h. Photo examples used in this **C Permitted Signs** are for illustrative purposes only and should not be solely relied upon for determining whether a proposed sign meets all requirements for that sign type. The photo examples used in **C Permitted Signs** depict signs outside of Brownsville and the City cannot certify that they conform in every respect to this **5.3 Signs**.

i. If **5.3.3 Exempt Signage** and **5.3.4 Sign Types and Definitions** are silent regarding a type of sign, the sign in question is prohibited.

Figure 5.3-4. Building and Permitted Sign Technical Terms Used in this Section

Building Elevation: The entire side of a building from one corner to the other or that can be seen at one time by an observer standing on the property or an abutting property or right-of-way.

Building Facade: An individual architectural element of a Building Elevation characterized by vertical breaks in the surface such as pilasters, insets, articulation, or change of color or material.

Building Face: The exterior finished surface of the Building Elevation or Façade.

Building Frontage: The part of a Building or Building Elevation that faces or parallels a street.

Sign Face: The external part of the sign designed to be viewed by the public and containing the message of the sign.

Tenant Space: A physical space within a larger building designed for occupation by a tenant.

2. Alternative Compliance

Certain types of signs in this **C Permitted Signs** contain alternative compliance measures that may be administratively approved. Other requests for variance must be approved through a Master Sign Plan (see **5.3.5B Master Sign Plan**) or Variance (see **5.3.5D Variances to Sign Code**).

3. Permitted Sign Types

a. Wall Sign

Definition

A permanent sign professionally constructed and installed, made of a durable, weather-resistant product such as metal or acrylic. Wall signs are structurally attached to a building along a plane that is parallel to the building face to which it is attached.

Permitted Districts

AG, R-3, TN, TN-MU, TN-C, DT-E, DT-G, DT-C, CC, RC, LI, HI

Figure 5.3-5. Acceptable

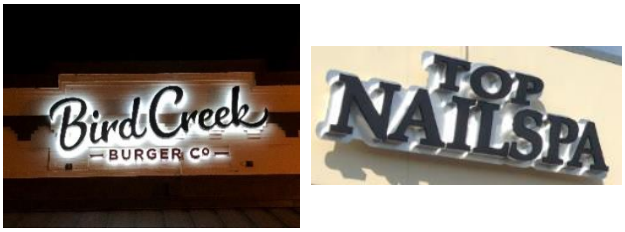




Figure 5.3-6. Sign Centered on Building Facade

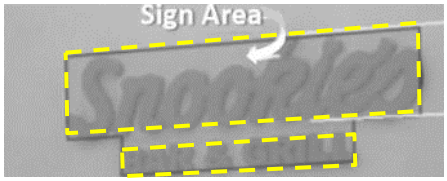


Figure 5.3-7. Sign Not Centered on Building Facade



Method of Measurement

The area contained by the smallest possible square, circle, or rectangle containing all text and symbols



Maximum Sign Area

30% of the gross area of the same façade or tenant space

Each façade or tenant space is allowed at least 32 square feet

Up to 50% of the sign may project above roof parapet to a height not exceeding 20% of the height of the building

Projecting Signs, Awning Signs, Hanging Signs, Blade Signs, and Canopy Signs mounted to the same façade or tenant space count against the area allowed for a wall sign in an amount equal to the combined area of all existing signs

Required Spacing

Must be installed within middle 75% of building façade, tenant space, or single façade plane (see **Figure 5.3-6**).

The maximum distance between the building façade and the nearest visible part of the sign is 24 inches.

Supplemental Standards

The Planning Director may issue a permit for a Wall Sign in a RE, R-1, or R-2 district for a Religious Assembly, School, or Public Building.

Acceptable Illumination and Sign Materials

Materials are limited to applied vinyl or rustproof or painted metal or plastic channel letters. Use of exposed or untreated wood is prohibited (see **Figure 5.3-8** for example of acceptable wood sign).

Figure 5.3-8. Wooden Sign



b. Monument Sign

Definition

A permanent sign with one tenant panel per face, professionally constructed and installed, made of a durable, weather-resistant product such as brick, stone, metal, acrylic. Monument signs are freestanding with a concrete footing and base that extends across the entire width of the sign.

Permitted Districts

All zoning districts

Figure 5.3-9. Acceptable









Supplemental Standards

The entire sign must sit a minimum of 10 feet from any public Right-of-Way and outside any easement.

Monument signs in RE, R-1, and R-2 districts are allowed only on a platted lot maintained by an HOA.

Alternative Compliance 1: A single piece of natural stone with 40 square feet of surface area or less may substitute for the separate sign elements listed in 2.k.

Alternative Compliance 2: V-shaped Monument Sign may be approved if the two faces are within 90 degrees or less and measure 40 square feet or less.

Alternative Compliance 3: A sign may be incorporated into a retaining wall may substitute for a monument sign if the message fits into an area of 40 square feet or less.

Method of Measurement



Maximum Sign Area per Side

40 square feet

Maximum Sign Height

Eight (8) feet from the nearest paved surface.

The maximum height includes the sign base and cap.

Maximum Sign Width

No maximum

Maximum Number of Signs

One (1) sign per lot or arterial street access drive.

Required Spacing

Between signs on the same property: A distance equal to the minimum required spacing between driveways.

From monument sign or pole sign on abutting property: Minimum thirty (30) feet between each sign base.

Acceptable Sign Materials

The cabinet must be constructed of painted or rustproofed metal or concealed by a border of at least three (3) inches of stone, brick, or plaster stucco.

The sign must include at least one (1) of the following:

1. A masonry or decorative rustproof or painted bronze or wrought iron cap at least 3 inches in height; or
2. A masonry base at least twelve (12) inches high.

Required Landscaping

Minimum landscaped area of 2 square feet per 1 square feet of sign area abutting the sign base, to include at least one shrub per 20 square feet of required landscape area.

Changeable Copy

An electronic message board or changeable message board may be incorporated into a Monument Sign that is at least two hundred (200) feet from a RE, R-1, or R-2 district in accordance with **4.6.7 Lighting**.

c. Multi-Tenant Monument Sign

Definition

A permanent sign with multiple tenant panels per face, professionally constructed and installed, made of a durable, weather-resistant product such as brick, stone, metal, acrylic. Monument signs are freestanding structures with a concrete footing and base extending across the entire width of the sign.

Permitted Districts

TN-MU, TN-C, DT-E, DT-G, CC, RC, LI, HI

Figure 5.3-10. Acceptable





Figure 5.3-11. Not Acceptable



More than eight panels

Supplemental Standards

The sign must display the address or address range of each building on the lot or development

The Sign may include no more than eight (8) panels

The entire sign must sit ten (10) feet from any public Right-of-Way and outside any easement.

Development on multiple lots requires approval of a Master Sign Plan (see **5.3.5B**).

Changeable Copy

An electronic message board or changeable message board may be incorporated into a Monument Sign that is at least two hundred (200) feet from a RE, R-1, or R-2 district in accordance with **4.6.7 Lighting** and with Texas Department of Transportation regulations.

Method of Measurement

Sum the area contained by the smallest possible square, circle, or rectangle containing all text and symbols of each individual tenant sign.



Maximum Sign Area per Side (max two sides)

3 square feet for each linear foot of street frontage

Each property is allowed a minimum of 100 square feet total sign area and a maximum of 630 square feet total sign area

Maximum Sign Height	Maximum Sign Width
50 feet on a major arterial 85 feet on a highway or interstate frontage	No Maximum

Maximum Number of Signs

One sign per 300 feet of street frontage.

Required Spacing

Between signs on the same property: One half (1/2) the length of the longest straight-line diagonal distance between two corners of the property.

From multi-tenant monument sign on abutting property: Minimum 200 feet between each sign base.

Acceptable Illumination and Sign Materials

The cabinet must be made of metal with a brick, stone, or stucco accent.

The top of the sign must be finished with a cap made of masonry or decorative rustproof or painted bronze or wrought iron.

The base must be completely wrapped in masonry up to a height of at least 10% of the overall height of the sign.

Required Landscaping

Minimum landscaped area of 2 square feet per 1 square foot of sign area must be planted with shrubs or native grasses.

d. Pole or Pylon Sign

Definition

A sign placed on one or more individual poles or pylons for support which, when combined, are narrower than the sign.

Permitted Districts

RC

Figure 5.3-12. Acceptable



Sign support wrapped in metal



Sign support wrapped in masonry

Figure 5.3-13. Not Acceptable





Supplemental Standards

The sign must display the address or address range of each building on the lot or development

The entire sign, including any portion that overhangs the ground, must sit 10 feet from any public Right-of-Way and outside any easement.

Development on multiple lots requires approval of a Master Sign Plan (see **5.3.5B below**).

Changeable Copy

An electronic message board or changeable message board may be incorporated into a Monument Sign that is at least two hundred (200) feet from a RE, R-1, or R-2 district in accordance with **4.6.7 Lighting** and with Texas Department of Transportation regulations.

Method of Measurement

Sum the area contained by the smallest possible square, circle, or rectangle containing all text and symbols of each individual tenant sign.



Maximum Sign Area per Side (max two sides)

3 square feet per foot of property frontage

Each property is allowed is allowed a minimum 300 square foot sign but no sign shall exceed 630 square feet

Maximum Sign Height	Maximum Sign Width
50 feet on major arterial	No Maximum
85 feet on interstate highway	

Maximum Number of Signs

One sign per frontage on a highway or major arterial.

Required Spacing

Between signs on the same property: A distance equal to the minimum driveway separation on the same frontage.

From pole or pylon sign or multi-tenant monument sign on abutting property: Minimum 200 feet

Acceptable Illumination and Sign Materials

The sign cabinet must be painted or rustproof metal construction.

The poles or pylons shall be completely wrapped by one or a combination of the following methods:

1. Masonry material consisting of brick, stone, or stucco from grade to a height that is not less than 25% of the overall height of the sign;
2. Painted or rustproofed metal panel with decorative patterns or reveals

External illumination is prohibited

The entire top of the sign must be finished in masonry or painted decorative rustproof or painted metal.

e. Projecting Sign

Definition

A permanent sign professionally constructed and installed, made of a durable, weather-resistant product such as metal or acrylic attached to the side of a building and extending outward from the façade so as to be visible from the street.

Permitted Districts

R-3, TN, TN-MU, TN-C, DT-E, DT-G, DT-C, CC, RC, LI, HI

Figure 5.3-14. Acceptable







Sign Projecting Above Parapet (right)

Supplemental Standards

The sign must allow a minimum vertical clearance of 10 feet.

Signs that project into the right-of-way are subject to approval of an encroachment or license agreement with the owner of the right-of-way.

Acceptable Illumination and Sign Materials

Reverse projection illumination, internal illumination, or exposed neon (in the DT-G) is allowed. Direct external illumination is prohibited.

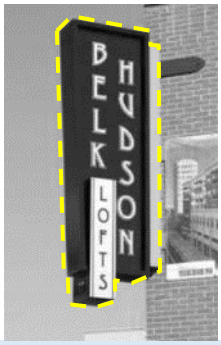
The sign and support structure must be made of rustproof metal or painted.

Changeable Copy

Changeable copy is not allowed on a projecting sign.

Method of Measurement

Calculate the entire area of the sign panel and cabinet that is visible from the street, not including support structure.



Maximum Sign Area

One story building: 48 square feet total surface area visible from the street, not including support structure.

Two or more stories: 96 square feet total surface area visible from the street, not including support structure.

Maximum Sign Height

There is no maximum projecting sign height; however, the highest point of the sign must not extend above the parapet or eave more than half the distance of the overall sign height.

Maximum Sign Width

Half the width of the sidewalk directly below the sign, or four (4) feet if no sidewalk exists. The support structure is included in calculating sign width.

Maximum Number of Signs

Two per street block. If the building owner or tenant places the sign on the corner of the building, it counts as a projecting sign on both facades; however, the maximum allowable area of a corner sign may be increased by 100% if the sign meets all other requirements of this Subsection.

Required Spacing

Minimum 15 feet from a Wall Sign or Canopy Sign and 40 feet from another Projecting Sign.

f. Awning Sign

Definition

An awning sign is printed on a covering stretched over a lightweight, nonstructural frame generally used for weather protection over a window or entryway (note: Awning Signs are not Canopy Signs)

Permitted Districts

R-3, TN, TN-MU, TN-C, DT-E, DT-G, DT-C, CC, RC, LI, HI

Figure 5.3-15. Acceptable



Supplemental Standards

Awning signs are permitted only on the first floor of a building.

Text or symbols may be placed on any part of the exterior surface of the canopy.

The canopy must allow a minimum vertical clearance of 10 feet.

Changeable Copy

Changeable copy is not allowed on an awning sign

Method of Measurement

The area contained by the smallest possible square, circle, or rectangle containing each sign.



Maximum Sign Area

30% of the gross area of the same façade or tenant space.

Each façade or tenant space is allowed at least 32 square feet.

Other permanent signs mounted to the same façade or tenant space count against the area allowed for a wall sign by amount equal to the combined area of all existing signs.

Maximum Number of Signs

No Maximum.

Required Spacing

Must be installed within middle 75% of building façade, tenant space, or single façade plane (see **Figure 5.3-6**)

Acceptable Illumination and Sign Materials

Internal or external illumination is not allowed.

An Awning Sign may not be reflective.

All characters, text, and symbols must be printed directly onto the exterior surface of the awning with a durable, weather resistant material that resists flaking or fading.

g. Hanging Sign and Blade Sign

Definition

A permanent, two-sided sign professionally constructed and installed, made of a durable, weather-resistant product such as metal or acrylic, primarily intended for pedestrian traffic and typically hung from the underside of a canopy or breezeway or on the side of a building at a main entrance.

Permitted Districts

AG, R-3, TN, TN-MU, TN-C, DT-E, DT-G, DT-C, CC, RC, LI, HI

Figure 5.3-16. Acceptable

Blade Signs with Wall Signs



Hanging Sign



Post-Hanging Sign



Supplemental Standards

The furthest edge of a Hanging Side must be at least one (1) foot from the edge of the canopy or awning.

Hanging Signs and Blade Signs are intended for pedestrian traffic and may not be installed above the first floor of a building.

Hanging Signs and Blade Signs must allow a minimum vertical clearance of 7 feet.

A hanging sign may be hung from a post within fifty (50) of a building entrance if the sign is no larger than three (3) square feet and the post does not exceed eight (8) feet.

Method of Measurement

The area contained within the entire sign panel.



Maximum Sign Area per Side (max two sides)

6 square feet

Maximum Sign Height

No Maximum

Maximum Sign Width

If hung from a canopy or awning: Half the width of the sidewalk directly under the Hanging Sign.

If hung from the side of a building: 24 inches from the building face.

The maximum thickness of the sign between the sign faces is six (6) inches.

Maximum Number of Signs

One Hanging Sign or Blade Sign per building or tenant space.

Required Spacing

Minimum ten (10) feet from another Hanging Sign or Blade Sign.

Acceptable Illumination and Sign Materials

Internal or external illumination is not allowed.

A Hanging Sign may not be reflective.

All characters, text, and symbols must be printed, applied, or engraved directly onto the exterior surface of the sign with a durable, weather resistant material that resists flaking or fading.

Changeable Copy

Changeable copy is not allowed on a hanging sign or blade sign

h. Canopy Sign

Definition

A permanent sign professionally constructed and installed, made of a durable, weather-resistant product such as metal or acrylic attached to a canopy that is attached to a building or freestanding.

Permitted Districts

TN-MU, TN-C, DT-E, DT-G, DT-C, CC, RC, LI, HI

Figure 5.3-17. Acceptable





Marquee Sign



Supplemental Standards

Maximum Horizontal Clearance from Canopy: The maximum distance between the face of the canopy and the nearest part of the sign visible from a street or sidewalk is 18 inches.

Maximum Vertical Clearance from Canopy: The maximum distance between the top of the canopy and the nearest visible part of the sign visible from a street or sidewalk is 6 inches.

Method of Measurement

The area contained by the smallest possible square, circle, or rectangle containing each sign.



Maximum Sign Area

30% of the gross area of the same façade or tenant space

Each façade or tenant space is allowed at least 32 square feet

Other permanent signs mounted to the same façade or tenant space count against the area allowed for a wall sign by amount equal to the combined area of all existing signs

Maximum Number of Signs

Single-Tenant Building: One per canopy side

Multi-Tenant Building: One per individual tenant façade

Required Spacing

Must be installed within middle 75% of building façade, tenant space, or single façade plane (see **Figure 5.3-6**)

Acceptable Illumination and Sign Materials

Materials are limited to vinyl directly applied to the face of the canopy or rustproof or painted metal or plastic channel letters. Use of exposed or untreated wood is prohibited.

Marquee Sign

The Planning Director may issue a permit for a marquee sign with changeable copy. Both the area of the message and the area used for changeable copy will be applied to the allowed maximum sign area.

i. Window Sign

Definition

A non-permanent, non-structural sign placed behind a building window but visible to a person outside the building and designed to be changed frequently.

Permitted Districts

TN-MU, TN-C, DT-E, DT-G, DT-C, CC, RC

Figure 5.3-18. Acceptable





Figure 5.3-19. Not Acceptable



Window Signs covering more than 30% of Window Area

Supplemental Standards

If placed on the outside surface of the window, the Window Sign must be made of weather-resistant vinyl designed for outdoor use.

No Window Sign or combination of Window Signs may obscure visibility through an individual window by more than 30%.

A building or tenant space with an active Building Permit may apply or place window signs covering up to 100% of the windows of the building or tenant space for up to six (6) months.

Signs etched into window glass are permanent signs and count against the area allowed for a Wall Sign on the same building elevation or tenant space.

A non-permanent Window Sign may be used as a substitute for a Wall Sign on the same Building Elevation subject to maximum size limitations (see **a** above).

For Open Signs, Hours of Operation, Directory Signs, or Neon Signs, see **n** below.

Method of Measurement

Sum the area of all window signs within the total window area of the same building face.

Maximum Sign Area

The total of all windows signs displayed on a single building elevation or tenant space may not exceed 10% of the total window area on the same building elevation or tenant space.

Maximum Sign Height

An individual window sign may not exceed 30% of the height of the window (including the frame, sash, and mullions) through which the face of the sign can be seen.

Maximum Sign Width

An individual window sign may not exceed 30% of the width of the window (including the frame, sash, and mullions) through which the face of the sign can be seen.

Maximum Number of Signs

No Maximum

Required Spacing

Minimum six (6) inches from another window sign.

Acceptable Illumination and Sign Materials

No direct illumination or reverse Lighting of a window sign is allowed.

Window signs must be made of a durable material that resists warping, creasing, or fading, such as vinyl, wood, canvas, corrugated or reinforced plastic, or foamboard.

Changeable Copy

Changeable copy, including an electronic message board (EMB), may be installed inside a window. Each one (1) square foot area of the changeable copy or EMB shall count as three (3) square feet of window sign allowed under this Subsection.

j. Order Board and Menu Board

Definition

A professionally constructed and installed sign made of a durable, weather-resistant product such as brick, stone, metal, acrylic. Order Boards are typically freestanding or mounted to the side of a building near the order point of a walk-up restaurant or drive-thru lane; Menu Boards are typically mounted near the sidewalk entrance to a restaurant. Order Boards and Menu Boards are designed to change frequently and often feature a changeable face within a permanent frame or cabinet.

Permitted Districts

TN, TN-MU, TN-C, DT-E, DT-G, DT-C, CC, RC

Figure 5.3-20. Acceptable



Menu Board



Order Board



Order Board protected by bollards (left)

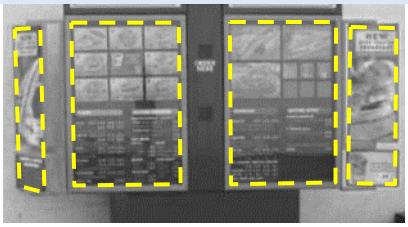
Supplemental Standards

An Order Board that uses an EMB must be oriented or screened so that the surface of the EMB is not visible from a street or a Single-Family Residential property.

Up to ten (10) square feet of temporary or permanent ancillary signage may be placed on or within ten (10) feet of an Order Board.

Method of Measurement

Sum the area of each panel.



Maximum Sign Area

The total of all Order Boards and Menu Boards on a single platted lot may not exceed seventy-two (72) square feet.

Maximum Sign Height

Eight (8) feet from the elevation of the nearest paved surface to the highest point of the Order Board or Menu Board, including Ancillary Signage.

Maximum Sign Width

No maximum; however, each Order Board or Menu Board used for a drive-thru lane must sit entirely within the required building setback.

Maximum Number of Signs

No maximum

Required Spacing

No minimum spacing is required between signs.

No Menu Board is allowed more than (10) feet from a public sidewalk entrance.

An Order Board must provide no more than (10) feet and no less than twelve (12) inches of separation from the edge of the driveway the order board faces or include protection such as a curb, bollards, or wheel stops.

Acceptable Illumination and Sign Materials

Menu Boards and Order Boards may utilize internal illumination; Order Boards may utilize EMB (see b.(i)).

The cabinet must, at a minimum, be made of painted or rustproofed metal or painted or treated wood.

k. Wayfinding Sign and Directional Sign

Definition

One or more permanent signs constructed of a durable material such as metal, stone, acrylic, or other engineered product. Directional signs are one or more signs on a single property or development with similar size, shape, characters, and symbols that are each placed near access points and driveways in retail and mixed-use centers, campuses, and other areas with a high volume of vehicle traffic.

Permitted Districts

Allowed in all districts (see Supplemental Standards below for exceptions)

Figure 5.3-21. Acceptable





Figure 5.3-22. Not Acceptable





Exposed Junction Box



Changeable Copy

Changeable copy is not allowed on a Wayfinding Sign or Directional Sign

Method of Measurement

The area contained by the smallest possible square, circle, or rectangle containing all symbols and lines or blocks of text.



Maximum Sign Area	Maximum Sign Height
50,000 sq ft of gross floor area or fewer: 6 square feet More than 50,000 sq ft of gross floor area: 18 sq ft	50,000 sq ft of gross floor area or fewer: 36 inches More than 50,000 sq ft of gross floor area: 6 feet
Maximum Sign Width	**Maximum Number of Signs**
50,000 sq ft of gross floor area or fewer: 36 inches More than 50,000 sq ft of gross floor area: No Maximum	50,000 sq ft of gross floor area or fewer: 3 per public street or private drive ingress point More than 50,000 sq ft of gross floor area: 2 per public street ingress point and 1 per internal drive intersection

Required Spacing

None

Acceptable Illumination and Sign Materials

Direct external illumination is prohibited.

Unpainted, untreated, or exposed wood is prohibited.

Supplemental Standards

Pedestrian Wayfinding Signs and Directional Signs are exempt from these requirements if they are not visible from any public street or private access drive.

Each Wayfinding Sign or Direction Sign must be protected from impact by a street curb or bollard.

Conduit and junction boxes must be placed within the sign or sign base.

Directional Signs and Wayfinding Signs are prohibited residential subdivisions in the RE, R-1, R-2, and R-3 districts except in a lot owned and maintained by an HOA.

I. Sidewalk Sign

Definition

A pedestrian-oriented, self-supporting temporary sign with a lightweight frame that is capable of being moved by an average adult person, with an erasable or changeable surface too small to be readable from a public street.

Permitted Districts

AG, R-3, TN, TN-MU, TN-C, DT-E, DT-G, DT-C, CC, RC

Figure 5.3-23. Acceptable







Figure 5.3-24. Not Acceptable



Too Far From Building



Oversized characters

Method of Measurement

Sum the area of all changeable surfaces.



Maximum Sign Area per Side (Max Two Sides)

Eight (8) square feet.

Maximum Sign Height	Maximum Sign Width
Five (5) feet.	Three (3) feet.

Maximum Number of Signs	Required Spacing
One (1) per public sidewalk entrance.	Maximum Ten (10) feet from the nearest public sidewalk entrance to a building.

Supplemental Standards

A Sandwich Board may be placed on a public sidewalk if it does not reduce the clear area of the sidewalk to less than five (5) feet.

The Sandwich Board sign may not be placed outside the building unless the building is open to the public.

Individual characters and symbols must be six (6) inches in height or less.

m. Kiosk Sign

Definition

A permanent, self-supporting permanent sign without a permanent sign face, with the sign message often mounted within a cabinet and visible through a transparent medium or an electronic message board.

Permitted Districts

CC, RC

Figure 5.3-25. Acceptable



Supplemental Standards

The sign may not reduce the width of any public sidewalk or trail below the minimum width required in this UDC.

A kiosk sign must be mounted using a concrete footing in accordance with all applicable standards of the Building Code.

A Kiosk Sign is allowed only within a platted lot.

Movement of the sign structure, such as spinning or revolving, is prohibited.

Method of Measurement

Sum the area of all changeable surfaces.

Maximum Sign Area

Five Hundred (500) square feet

Maximum Sign Height	Maximum Sign Width
Eight (8) feet.	No maximum

Maximum Number of Signs	Required Spacing
One (1) per acre or one (1) per block if situated within fifty (50) feet of a public right of way.	Minimum fifty (50) feet from any Monument Sign, Pole or Pylon Sign, or other Kiosk Sign.

Acceptable Illumination and Sign Materials

Internal illumination is allowed. Direct external illumination is prohibited.

Unpainted, untreated, or exposed wood construction is prohibited

n. Ancillary Signs

Definition
Ancillary Signs are permanent signage secondary to the signage listed above and should not be readily noticeable to the driver of a vehicle or other viewer not directly looking at the sign. Ancillary Signs do not require permits but must comply with the requirements of this Section 5.3.4.

Pedestrian Directory Signs	Open Signs
A permanent sign maintained by the owner of a multi-tenant building or development and situated on the side of a building or along a sidewalk for the purpose of directing pedestrian traffic to tenants within the building or development.	A semi-permanent sign measuring 72 square inches or less that is hung on the interior face of a window or behind a window and that indicates whether a tenant or building is open or closed. An Open Sign may use electrification or neon.
 	 

Hours of Operation	Service Entrance Sign
A listing of specific hours of operation of a building or tenant that is applied to a window. All characters and symbols must be white or black in color. A multi-tenant building may display only the hours of operation for the building itself or use a Directory Sign to display hours of operation for individual tenants. Use of a Changeable Message Board is prohibited. An Hours of Operation Sign may be combined with an Open Sign if the total size of the sign does not exceed 72 square inches.	A sign on a door that is intended only for employees, deliveries, service, or other use not open to the public.
 	

Private Traffic Control Signs	Pavement Markings
Signs on private property that have the same function as Traffic Control Signs on public property. Private Traffic Control Signs must be unified in design throughout the property or development.	Pavement markings are used to supplement or substitute for Traffic control Signs.
 Source: Texas Manual on Uniform Traffic Control Devices, Revision 2, October 2014	
Hazard or Warning Signs	**Bench Signs**
Signs with Characters or Symbols used to notify the public of hazards or to indicate that an action or behavior is prohibited on the property.	Signs applied or mounted to and fully supported by a bench or bench shelter, such as those found at a bus stop or on private property in a commercial center.

5.3.5 APPLICATION AND APPEAL PROCEDURE

A. Administrative Sign Permits

1. Permit Applicability

a. An applicant for a Sign Permit must submit the application to the Planning Director.

b. All signs erected or installed in the City of Brownsville or its ETJ require a Sign Permit, other than those exempted in **5.3.3**.

c. A Sign Permit may be used to authorize multiple signs on a single property; however, each of the signs must comply fully with the requirements of this **5.3 Signs** and the City's requirements for detail drawings and technical specifications.

2. Complete Permit and Fee Required

a. All signs that require a permit in **5.3.4** are subject to a Permit Fee. The amount of the fee is shown on the City's Fee Schedule.

b. The applicant must submit a complete permit application before the City will issue a Sign Permit.

c. Incomplete permit applications will not be accepted or issued a permit.

d. No Sign Permit may be issued for an existing or proposed sign unless the sign complies with the requirements of this **5.3 Signs**.

3. Process to Issue Sign Permit

a. Within ten (10) calendar days of receiving an application for a Sign Permit or a Master Sign Plan, the Planning Director will review the application for completeness.

b. If the Planning Director finds that the application is incomplete, the Planning Director will send to the applicant a notice of the specific issues or deficiencies that prevent the Planning Director from issuing the permit, with citations to applicable portions of this **5.3 Signs**.

(i) The application will remain valid for 45 calendar days. If the applicant does not submit all required information within 45 days of the original submittal date of the permit, the permit is void and a new permit is required.

c. If the Planning Director finds that the application is complete, the Planning Director will:

(i) Approve the Sign Permit if the proposed sign(s) conform to the requirements of this **5.3 Signs**;

(ii) Deny the sign permit if the proposed sign(s) do not conform to the requirements of this **5.3 Signs**, with citations to applicable portions of this **5.3 Signs**;

(iii) If a Sign Permit is denied, the applicant may appeal the decision in writing no later than ten (10) calendar days after the Planning Director issues notice of denial.

d. Once the Planning Director has approved a Sign Permit, the applicant must erect or install the sign within 180 calendar days in accordance with the approved permit. If construction has not begun within 180 calendar days, the permit is void and a new permit is required.

4. Inspection Required

a. The Planning Director may inspect the sign at any time during construction with prior notice.

b. At least one inspection is required before the Permit can be closed.

(i) If construction is complete and the sign is in full compliance with the requirements of this **5.3 Signs**, the Planning Director will issue a Certificate of Inspection and Compliance.

(ii) If construction is complete but the sign is not in full compliance with the requirements of this **5.3 Signs**, the Planning Director will notify the applicant within ten (10) calendar days of the specific issues or deficiencies that prevent the Planning Director from issuing a Certificate of Inspection and Compliance.

(iii) The applicant must address each deficiency no later than thirty (30) calendar days after the Planning Director issues notice. If any deficiencies remain after 30 days, the City will hold the applicant and property owner in violation and the sign will be subject to abatement proceedings, including removal of the sign at the expense of the property owner (see **5.3.6A**.)

(iv) For a Sign Permit authorizing multiple signs, the Planning Director may withhold the Certificate of Inspection and Compliance until construction of all signs authorized under the permit is complete.

5. Permit Extension

a. The applicant may apply for an extension of an unexpired permit if the applicant is unable to begin construction of the sign, subject to the following:

(i) The City may apply an additional fee to a permit extension.

(ii) An extension may not exceed 180 calendar days.

b. If an extension is denied, the applicant may appeal the decision in writing no later than ten (10) calendar days after the Planning Director issues notice of denial.

B. Master Sign Plan

1. The purpose of a Master Sign Plan is to allow for creative applications of signage and the coordinated use and deployment of signage in larger or unique developments where such coordination will reduce driver and pedestrian confusion and create a sense of character and aesthetic appeal.

2. Applicability

a. A Master Sign Plan is required before signage is permitted or installed in the following developments or scenarios:

(i) A multi-lot Development;

(ii) A single lot with multiple buildings; or

(iii) Any request for variance from the requirements of this **5.3 Signs** that encompasses multiple signs permitted under **5.3.4C Permitted Signs**.

3. Master Sign Plan Encouraged

A Master Sign Plan is encouraged for adjacent lots sharing a single street frontage to provide consistency and efficiency in the use of signage and to reduce sign clutter.

4. Information Required for Master Sign Plan

a. A Plot Plan or Site Plan of the entire Development;

b. Location of buildings, parking lots, driveways, landscaped areas, and other information the Planning Director requests;

c. Calculation of the maximum total sign area, the maximum area for individual signs, the maximum height of signs and the maximum number of signs allowed on the lots under **5.3.4C.3.b Monument Sign**, **5.3.4C.3.c Multi-Tenant Monument Sign**, and **5.3.4C.3.d Pole or Pylon Sign**;

d. The proposed location on the Plot Plan or Site Plan of each existing or proposed sign on the subject property and abutting properties; and

e. Elevations drawings of proposed signs and materials along with written regulations specifying standards for consistency among all signs to be authorized under the Master Sign Plan. These standards must include, but not be limited to, the following:

(i) Color scheme;

(ii) Text and graphic style;

(iii) Lighting style;

(iv) Sign structure and sign face materials;

(v) Location of Wall Signs, Canopy Signs, Awnings Signs, Projecting Signs, Blade Signs, and Hanging Signs;

(vi) Creative deployment of signage incorporating landscaping, retaining walls, entry features, water features, or other amenities that:

(1) Are consistent with the intent of this **5.3 Signs** and the Comprehensive Plan, especially with regard to safety of motorists, cyclists, and pedestrians; and

(2) The architecture and scale of the use.

(vii) Concept images or drawings showing the location and proportion of proposed signs relative to proposed buildings.

f. The Planning Director may approve a twenty percent (20%) increase in maximum sign area for signs included in a Master Sign Plan.

g. No sign listed as a Prohibited Sign in **5.3.4A** or sign that creates a violation of **4.6.7 Lighting** may be authorized by a Master Sign Plan.

5. Master Sign Plan for Existing Developments

a. If any new or amended Master Sign Plan is filed for a property with existing signage, the application must include the following in addition to the requirements of **5.3.5B.4**:

b. A schedule for bringing all signage on the property into compliance with the Master Sign Plan within eighteen (18) months of approval;

c. Written consent of all owners of property within the Development subject to the Master Sign Plan.

6. Process to Approve Master Sign Plan

a. For new a Development, the applicant must include and process the Master Sign Plan simultaneously with the request for a Site Plan or Planned Development.

b. The Planning Director will review and comment on the Master Sign Plan while the associated application listed in **a** above is under review; however, the Planning Director will not make a final decision on the Master Sign Plan before the associated application is approved.

c. Denial of the associated application listed in **a** above automatically voids the Master Sign Plan application.

d. After approval of the associated application, the Planning Director will take the following action:

(i) Approve the Master Sign Plan if it meets all the requirements of this 5.3.5B; or

(ii) Approve with conditions; or

(iii) Deny the Master Sign Plan if it does not meet the requirements of this 5.3.5B.

e. If the Master Sign Plan is denied, the applicant may appeal the decision in writing no later than ten (10) calendar days after the Planning Director issues notice the application is denied by submitting written appeal to the City Secretary.

f. The City Commission must act upon the appeal no later than thirty (30) calendar days after the applicant files the appeal.

g. The City Commission may approve, modify, or deny the application on appeal.

h. If the City Commission does not act within thirty (30) days after the applicant files the appeal, the application is considered denied.

7. Effect of Approval

a. Every sign erected or installed on a property subject to a Master Sign Plan must conform to the Master Sign Plan.

b. The City will enforce a violation of the Master Sign Plan in the same way as a violation of the UDC.

C. Signage in HP Overlay District

1. No sign may be installed within the HP Overlay district until the Historic Preservation Commission or Historic Preservation Officer issues a Certificate of Appropriateness.

2. The following signs are prohibited within the HP Overlay district:

a. Billboards;

b. Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, or conceal any window opening, door, or significant architectural feature or detail of any building;

c. Any non-contributing sign which is abandoned or damaged beyond 50 percent of its replacement value, including parts of old or unused signs. All remnants such as supports, brackets and braces must also be removed;

d. Pole or pylon signs;

e. Electronic Message Boards

3. In addition to meeting the standards of 5.3.4, signs proposed for the HP Overlay district must contribute the character of the HP Overlay by using similar design, proportions, materials, and Lighting to existing contributing signs.

4. The Historic Preservation Officer is the Responsible Official for reviewing and deciding any application for new signage, other than a variance, within the HP Overlay district.

a. The Historic Preservation Officer may approve a Master Sign Plan for a property in accordance with 5.3.5B above.

b. If the new signage does not meet the standards and conditions of the Master Sign Plan, the applicant must modify the signage to meet the standards and conditions, or the Historic

Preservation Officer must approve a modification to the Master Sign Plan before issuing the Certificate of Appropriateness.

5. The applicant may appeal the denial of a Master Sign Plan in the HP Overlay to the Historic Preservation Commission in writing within ten (10) calendar days of the decision.
   a. The Historic Preservation Commission must act upon the appeal no later than thirty (30) calendar days after the applicant files the appeal.
   b. The Historic Preservation Commission may approve, modify, or deny the application on appeal.
   c. If the Historic Preservation Commission does not act within thirty (30) days after the applicant files the appeal, the application is considered denied.
6. Before the Planning and Zoning Commission may hear a variance request related to an individual sign in the HP Overlay district, the Historic Preservation Commission must hold a public hearing and make a recommendation regarding the request (see **D** below).

D. Variances to Sign Code

1. The Planning and Zoning Commission may approve a variance request that affects a single proposed sign outside of the HP Overlay district if the sign is a type authorized in **5.3.4C Permitted Signs** and if the request and the proposed sign meet the following conditions:
   a. The request is due to a hardship related to the shape or natural topography of the property the sign sit on, or related to the topography of an abutting property, if these features cause a conforming sign authorized in **5.3.4C Permitted Signs** to be obscured from view of a public street; and
   b. Granting the request will not authorize a sign that exceeds 25% of the maximum letter size, area, height, width, or spacing allowed for a conforming sign in **5.3.4C Permitted Signs**; and
   c. Granting the request will not authorize a sign within a public or private right-of-way or easement or that creates a hazard to vehicles or pedestrians; and
   d. Granting the request does not authorize a type of sign prohibited in **5.3.4A** or not authorized in **5.3.4C Permitted Signs**.
2. No later than thirty (30) calendar days after the applicant submits the variance application, the Planning Director will place the request on the agenda of a regular meeting of the Planning and Zoning Commission.
3. The Planning and Zoning Commission will consider the request and take one of the following actions:
   a. Approve the request based on the following findings:
      (i) There are special circumstances applying to the land that cause a substantially detrimental effect on the visibility of signage authorized in **5.3.4A**, and that such conditions are unique to the property and not commonly found in other properties in the same zoning district; and
      (ii) That the special circumstances exist through no fault of the applicant; and
      (iii) That granting the variance will be in harmony with the purpose of this **5.3 Signs** and the UDC; and
      (iv) That granting the variance will not infringe on the right of other property owners; and
      (v) That the variance is the minimum necessary to provide the applicant relief from the requirements of this **5.3 Signs**; and

(vi) That granting the variance will not authorize a sign that is prohibited under this **5.3 Signs**.

b. Deny the request based on one or more findings listed in **a** above not being met.

4. The minimum variance necessary is the smallest degree of variance that will provide the applicant relief. For example, if a 5% area variance will eliminate the hardship to the applicant, the applicant may not request, or the Planning and Zoning Commission may not grant, a 25% variance.

5. Before making its decision, the Planning and Zoning Commission must allow the applicant to present evidence in favor of the request.

6. In making its decision, the Planning and Zoning Commission may impose any conditions necessary to secure the public interest and welfare.

7. A variance request that affects more than one sign requires approval of a Master Sign Plan (see **5.3.5B** above).

8. The Planning and Zoning Commission may not grant a variance related to a Temporary Sign.

9. The applicant may appeal the decision of the Planning and Zoning Commission to the City Commission no later than ten (10) calendar days after the decision.

   a. The applicant must deliver the appeal in writing to the Planning Director.

   b. The City Commission may uphold, reverse, or modify the Planning and Zoning Commission's decision.

   c. Failure of the City Commission to act on the appeal within thirty (30) days means that the appeal is denied and the Planning and Zoning Commission's decision is upheld.

5.3.6 MISCELLANEOUS

A. Violation and Enforcement

1. Violations

a. Failure to comply with the regulations and requirements of this **5.3 Signs** is a violation of the UDC.

b. It is a violation to erect or maintain a sign that has been illegally constructed or that does not conform to the regulations and requirements of this **5.3 Signs** (for existing signs made nonconforming by the adoption of this UDC, see **4.1.3 Nonconformities**.)

c. Each day an illegal sign remains after notice is served constitutes a separate violation.

2. Enforcement

a. If the Planning Director, Building Official, or their designee determines any sign is unpermitted, prohibited, dilapidated, abandoned as provided for in **TLGC Section 216.003**, or a hazard to the public, the Planning Director or Building Official will provide written notice to the property owner and business owner, if applicable, declaring the following:

b. The nature of the violation, including citation of specific sections of this **5.3 Signs** to which the sign is nonconforming in its current condition;

c. That the violation is to be corrected no later than the date specified on the notice, and specifying the means for correction;

d. That if the property owner or business does not correct the violation by the date specified in the notice, the City will begin abatement proceedings to have the sign repaired or removed at the property owner's expense; and

e. If the Building Official determines the sign is an immediate hazard to the public, the City may remove and impound the sign at the property owner's expense.

B. Nonconforming Signs

1. These regulations apply to all nonconforming signs, including signs that were conforming at the time of construction but are made nonconforming by the adoption of one or more requirements of this **5.3 Signs**.

2. Signs erected on a property prior to the property being annexed into the City, and that are not in compliance with this **5.3 Signs**, are considered nonconforming signs until they are brought into compliance with this **5.3 Signs**.

3. Nonconforming signs that do not comply with City's current adopted Building Code are subject to enforcement under the most current adopted Building Code and this **5.3 Signs**.

a. A sign that is replaced, moved, or enlarged must conform to the current adopted Building Code.

b. If the City requires repair, replacement, or moving of an existing nonconforming sign under the current adopted Building Code, the process will conform to **TLGC Section 216.003**.

4. All nonconforming signs are subject to the following provisions:

a. When a land use changes on a property with one or more nonconforming signs, each sign must be modified upon written notice to be in full compliance with this **5.3 Signs**.

b. Any nonconforming sign that has been damaged to such an extent that the cost of repairing the sign is more than sixty (60) percent of the cost of erecting a new equivalent sign is considered to

be destroyed, and the damaged sign must be removed and any replacement sign must comply with this **5.3 Signs**.

c. A nonconforming sign that is damaged to an extent not exceeding sixty (60) percent of the cost of erecting a new equivalent sign may be repaired instead of replaced or made conforming with this **5.3 Signs**; however, the sign must be repaired and not remain in a damaged condition for longer than six (6) months or allowed to become dilapidated.

C. Signs Requiring Right-of-Way License Agreement

1. The City in its sole judgement may issue a license agreement to allow a permanent sign to encroach into a public Right-of-Way or a notice revoking a license agreement for a sign.
2. Upon receiving a notice of revocation, the property owner or business must remove the sign within the time specified on the notice.
3. Failure to remove the sign is a violation of this section subject to fines and abatement procedures, including removal of the sign by the City at the property owner's expense (see **5.3.6A**)

D. Severability

It is the intention of the City Commission that the subsections, phrases, clauses, sentences, and paragraphs in this Article are severable. If any part of this section is held unconstitutional or invalid by a court of competent jurisdiction, the ruling of unconstitutionality or invalidity will affect only the subsection, phrase, clause, sentence, or paragraph declared unconstitutional or invalid and will not affect the remainder of this **5.3 Signs**, and all parts of this section not declared unconstitutional or invalid will remain in full effect.

E. Savings Clause

The City of Brownsville retains and expressly saves all rights and remedies as to all violations of the provisions of ordinances regulating signage in the City of Brownsville before the adoption of this UDC. All accrued violations and pending litigation, both civil and criminal, whether pending in court or not, under previous signage ordinances, are not affected by the adoption of this section but may be prosecuted until final disposition in court.

5.4 SIGHT VISIBILITY TRIANGLE

5.4.1 PURPOSE AND APPLICABILITY

A. The intent of this section is to promote safe roadways and to prevent accidents by ensuring adequate visibility at intersections.

B. These regulations are effective whenever any development is occurring or any objects are placed or modified within the Sight Visibility Triangle as defined in this section.

5.4.2 REGULATIONS

A. The Sight Visibility Triangle shall remain open and completely unobstructed at a height between thirty (30) inches and eight (8) feet above the top of the adjacent curb. This includes signage, plantings, fences, or any other items.

B. No development requiring a permit shall occur within the Sight Visibility Triangle at any height.

C. Sight Visibility Triangle shall be indicated as an easement on Plats and identified on Site Plans.

D. Sight Visibility Triangle minimum leg dimensions shall be determined according to the following:

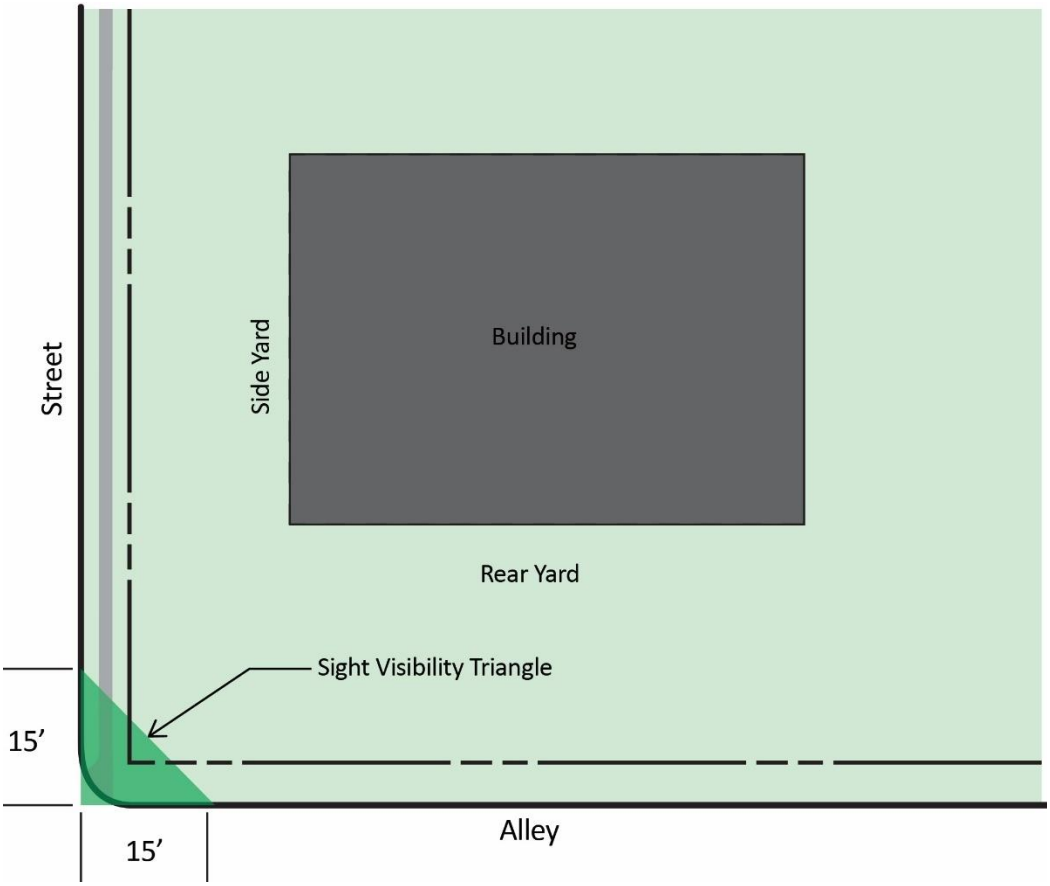
1. Street/Street Intersection: Twenty-five (25) feet (see **Figure 5.4-1. Sight Visibility Triangle for Street/Street Intersection**).

Figure 5.4-1. Sight Visibility Triangle for Street/Street Intersection



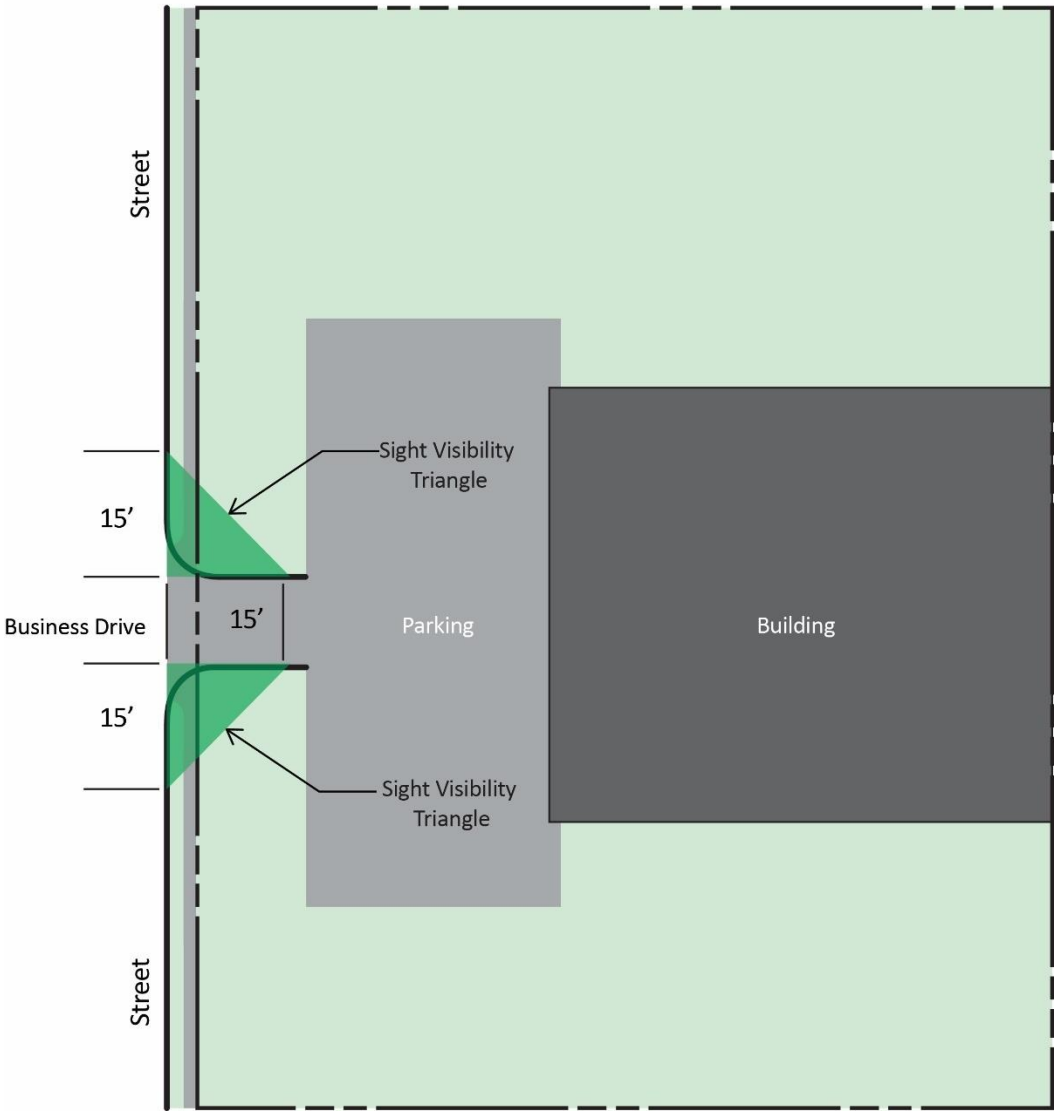
2. Street/Alley Intersection: Fifteen (15) feet (see **Figure 5.4-2. Sight Visibility Triangle for Street/Alley Intersection**)

Figure 5.4-2. Sight Visibility Triangle for Street/Alley Intersection



3. Driveway/Street Intersection: Fifteen (15) feet (see **Figure 5.4-3. Sight Visibility Triangle for Driveway/Street Intersection**)

Figure 5.4-3. Sight Visibility Triangle for Driveway/Street Intersection



E. Modified Dimensions

1. Reduction

The City Engineer may reduce the required dimensions in **5.4.2**. above if the reduction is necessary due to site-specific constraints and does not negatively impact the safety of the intersection.

2. Increase

The City Engineer may increase the required dimensions in **5.4.2**. above if the increase is necessary due to site-specific constraints and roadway speeds to ensure the safety at the intersection.

a. Increased sight distances shall be calculated in accordance with the latest edition of the AASHTO "A Policy on Geometric Design of Highways and Streets."

b. If a field inspection indicates that driveway sight distance may be insufficient, the applicant or property owner must submit vertical and horizontal information prepared by a registered professional engineer that verifies adequate sight distance is available for the proposed driveway location under this **5.4. Sight Visibility Triangle**.

3. Intersection Sight Distance

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner so as to materially impair the Intersections Sight Distance (ISD) as defined in the current edition of the American Association of State Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets; without approval of a variance by the City, except that fences, walls, or hedges may be permitted provided that such fences, walls, or hedges do not impair vision from three (3) feet to six (6) feet above the curb line elevation.

5.5 FLOOD DAMAGE PREVENTION

5.5.1 AUTHORITY

The Legislature of the State of Texas has in the Flood Control Insurance Act, **Texas Water Code, Section 16.315**, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

5.5.2 PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodway;

F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flooding in blight areas; and

G. Ensure that potential buyers are aware when a property is in the floodway.

5.5.3 METHODS OF REDUCING FLOOD LOSS

The flood damage prevention regulations use the following methods to accomplish its purpose:

A. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodways, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

D. Control filling, grading, dredging and other development, which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers, which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

5.5.4 APPLICABILITY

The regulations shall apply to all areas of special flood hazard with the City of Brownsville.

5.5.5 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study (FIS) for Cameron County Texas and Incorporated Areas Volume 1 of 3," dated February 16, 2018, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated February 16, 2018. and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

5.5.6 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions for flood damage prevention.

5.5.7 COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of these regulations and other applicable regulations.

5.5.8 ABROGATION AND GREATER RESTRICTIONS

The standards contained in this section are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations conflict or overlap with another easement, covenant, or deed restriction, whichever imposes the more stringent restrictions shall prevail.

5.5.9 INTERPRETATION

The interpretation and application of the regulation contained in this section shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under State statutes.

5.5.10 WARNING AND DISCLAIMER LIABILITY

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

5.5.11 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate Sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

5.5.12 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

A. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

B. Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

C. Review, approve or deny all floodplain development permit applications.

D. Ensure that the necessary permits from any Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) have been obtained prior to the issuance of a floodplain development permit.

E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

F. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

H. When base flood elevation data has not been provided in accordance with **5.5.5 Basis for Establishing the Areas of Special Flood Hazard**, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of **5.5.15 Provisions for Flood Hazard Reduction**.

I. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

J. Under the provisions of **44 CFR Chapter 1, Section 65.12**, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM that increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by **Section 65.12**.

5.5.13 PERMIT PROCEDURES

A. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of **5.5.15B.2 Nonresidential Construction**;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated because of the proposed development;
5. Maintain a record of all such information in accordance with **5.5.12A**;

B. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all the provisions of this section and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable; and
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

5.5.14 VARIANCE PROCEDURES

A. Administrative Review Procedures

1. The Board of Adjustment shall hear and render judgment on requests for variances from the requirements of these regulations.
2. The Board of Adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these regulations.
3. Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (0.5) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in **5.5.13B** have been fully considered. As the lot size increases beyond the one-half (0.5) acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of these regulations, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of **5.5.2 Purpose**.
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

B. Variance Approval Criteria

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:
    a. Showing a good and enough cause;
    b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create Nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
4. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
    a. The criteria outlined in 5.5.14A.1-A.9 are met, and
    b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

5.5.15 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in 5.5.5 Basis for Establishing the Areas of Special Flood Hazard or 5.5.15C.3, the following provisions are required:

1. Residential Construction

   New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to two (2) feet above the base flood elevation. All residential structures that are constructed outside of a designated Special Flood Hazard Area shall be elevated two (2) feet above the highest adjacent grade. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in **5.5.13A.1**, is satisfied.

2. Nonresidential Construction

   New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to two (2) feet above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight to a minimum level of two (2) feet above the base flood elevation with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

3. Enclosures

   New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

   a. A minimum of two (2) openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

   b. The bottom of all openings shall be no higher than one (1) foot above grade.

   c. Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters.

4. Manufactured Home

   a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

   b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on the following sites:

      (i) Outside of a manufactured home park or subdivision,

      (ii) In a new manufactured home park or subdivision,

      (iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing **Manufactured Home Parks** and **Manufactured Home Subdivisions** on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a minimum of two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Require that **Manufactured Homes** be placed or substantially improved on sites in an existing **Manufactured Home Parks** and **Manufactured Home Subdivisions** with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this section be elevated so that either:

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles

Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

a. Be on the site for fewer than one hundred and eighty (180) consecutive days, or

b. Be fully licensed and ready for highway use, or

c. Meet the permit requirements of **5.5.13A**, and the elevation and anchoring requirements for "manufactured homes". A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

6. Use of Fill to Elevate Structures

If fill material is to be used to elevate any structure in Zones A, A1-30, AE, AO, AH, AR, or A99, the following will apply:

a. Fill material must be compacted to at least ninety five percent (95%) of Standard Laboratory Maximum Density (Standard Proctor) according to ASTM Standard D-698;

b. Fill soils must be fine grained soils of low permeability, such as those classified as CH, CL, SC, or ML according to ASTM Standard D-2487, “Classification of Soils for Engineering Purposes.” See also the current building code.

c. The fill material must be homogenous and isotropic; that is the soil must be all of one material, and the engineering properties must be the same in all directions.

C. Standards for Subdivision Proposal

1. All subdivision proposals including the placement of **Manufactured Home Parks** and **Manufactured Home Subdivisions** shall be consistent with **5.5.2 Purpose** and **5.5.3 Methods of Reducing Flood Loss** of these regulations.

2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of the following sections **5.5.6 Establishment of Development Permit**, **5.5.13 Permit Procedures**, and **5.5.15 Provisions for Flood Hazard Reduction**.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to **5.5.5 Basis for Establishing the Areas of Special Flood Hazard** or **5.5.12H** of these regulations.

4. All subdivision proposals including the placement of **Manufactured Home Parks** and **Manufactured Home Subdivisions** shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals including the placement of **Manufactured Home Parks** and **Manufactured Home Subdivisions** shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for Areas of Shallow Flooding (A0/AH Zones)

Located within the areas of special flood hazard established in **5.5.5 Basis for Establishing the Areas of Special Flood Hazard**, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow, therefore the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to a minimum of two (2) feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

2. All new construction and substantial improvements of nonresidential structures;

   a. Have the lowest floor (including basement) elevated to a minimum of two (2) feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

   b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is is watertight to a minimum level of two (2) feet above the base flood elevation with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in **5.5.13 Permit Procedures** are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

E. Floodways

Floodways located within areas of special flood hazard established in **5.5.5 Basis for Establishing the Areas of Special Flood Hazard**, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that

the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If **5.5.15E.1** above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of **5.5.15 Provisions for Flood Hazard Reduction**.

3. Under the provisions of **44 CFR Chapter 1, Section 65.12**, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by **Section 65.12**.

5.6 STORMWATER MANAGEMENT

5.6.1 PURPOSE

The purpose of this section is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds. This section seeks to:

A. Minimize increases in stormwater runoff from any development to reduce flooding, siltation, increases in stream temperature, and streambank erosion to maintain the integrity of stream channels;

B. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;

C. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution through stormwater management controls; and

D. Ensure that these management controls are properly maintained and pose no threat to public safety.

5.6.2 APPLICABILITY

A. These stormwater management requirements will apply to all subdivision and site plan applications for property within the City limits and City's extraterritorial jurisdiction, unless eligible for an exemption or granted a waiver by the City Engineer or the designated approval authority.

B. All stormwater management plans will be reviewed by local environmental protection officials to ensure that established water quality standards are maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

5.6.3 EXEMPTIONS

The following activities are exempt from the following stormwater performance criteria:

A. Any logging and agricultural activity;

B. Additions or modifications to existing single family structures; and

C. Any site development that does not disturb more than one (1) acre land, provided that it is not a part of a larger common development plan;

5.6.4 COMPATIBILITY WITH OTHER PERMITS AND ORDINANCES

These stormwater management requirements are not intended to interfere with, abrogate, or annul any other ordinance, regulation, statute, or other law provision. These requirements are minimum requirements, and where any provision of these requirements pose a conflict with another ordinance, statute, or other law provision, the more restrictive provision that imposes a higher protective standard for human health or the environment shall take precedence.

5.6.5 LOW IMPACT DEVELOPMENT (LID)

The City has adopted by reference the "*Guidance for Sustainable Stormwater Drainage on the Texas Coast for Nonpoint Source Pollution & Flood Management*," 2nd Edition to incorporate low impact development best management practices for reducing runoff and mimicking a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, filtering, storing, evaporating, and detaining stormwater runoff close to its source. Low impact development practices include measures such as preserving undeveloped open space, biofiltration, reducing impervious cover and using porous pavement. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be

presumed to meet the minimum water quality performance standards 80% removal of total suspended solids (TSS).

5.6.6 STORMWATER DESIGN CRITERIA

The design of stormwater facilities and their respective plans and reports will comply with the standards in the City of Brownsville "*Minimum Requirements for Drainage Reports and Plans*," and "*Criteria for Design of Drainage Improvements and Subdivision*." The standards contained in these manuals may be updated and expanded from time to time, at the discretion of the City, based on improvements in engineering, science, monitoring and local maintenance experience.

5.6.7 PERMIT REQUIRED

A. No land owner or developer will receive a building, grading or other land development permit required for any land disturbance activity without first meeting these stormwater management requirements prior to commencing the proposed activity.

B. Unless exempted by these provisions (refer to **5.6.3 Exemption**), any land disturbance or development activity will receive approval of a stormwater management plan that is either submitted with a building or construction plan application.

C. A stormwater management plan will be submitted in accordance with **5.6.8 General Performance Criteria for Stormwater Management** to show compliance with these requirements.

5.6.8 GENERAL PERFORMANCE CRITERIA FOR STORMWATER MANAGEMENT

A. Minimum Standards

1. All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

2. All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the City. In no case shall the impact on functional values be any less than allowed by the Army Corps of Engineers (ACE) or the Texas Commission on Environmental Quality.

B. Stormwater Management Plan Requirements

1. No application for development will be approved unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. The stormwater management plan will indicate the location and stormwater practice that will be used to control and manage on-site and off-site stormwater.

2. The stormwater management plan(s) shall be referred for comment to all other interested agencies, and all comments must be addressed in a final stormwater management plan. The final plan must be prepared and signed by an engineer licensed in the state of Texas, who will verify that the design of all stormwater management practices complies with these requirements.

3. The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all necessary maintenance easements (refer to **5.6.9A Maintenance Easements**).

C. Performance Bond and Security

1. The City may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.
2. The amount of the installation performance security shall be the total construction cost estimate of the stormwater management practices approved under the permit, plus twenty-five (25) percent. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.
3. The performance security for the installation shall be released upon submission of "as-built plans" and written certification by a licensed professional engineer to confirm stormwater improvements were installed in accordance with these requirements. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the City.

5.6.9 MAINTENANCE AND REPAIR REQUIREMENTS

A. Maintenance Easements

1. The applicant or property owner will dedicate a maintenance easement before receiving a permit to commence the construction or development of a property requiring the construction of a stormwater management improvement or facility.
2. The easement will provide the City and the property owner access to the site to conduct periodic inspections within reasonable times to ensure the stormwater facility is working and maintained properly. The maintenance easement will automatically bind all subsequent land owners to the terms and conditions of the easement. The maintenance easement will be recorded with the County Clerk either by plat or separate instrument prior to the issuance of a permit.

B. Maintenance Covenants

1. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded with the County Clerk prior to final approval of the stormwater management plan. The maintenance covenant will include a maintenance schedule to document when and how often maintenance will occur on the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.
    a. All stormwater management facilities will at a minimum undergo an annual inspection to document any maintenance and repair needs. Maintenance needs may include the removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting, vegetation removal and the necessary replacement of landscape vegetation.
    b. The maintenance schedule will document the time frame in which maintenance needs will be addressed.
    c. The number of routine inspection and maintenance checks may be revised to occur more frequently than an annual basis to ensure proper function and maintenance of a stormwater management facility.
2. The City, in lieu of a maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of

this section and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

C. Inspection of Stormwater Facilities

Inspection programs may be established on any reasonable basis, including routine and random inspections based on complaints or other notice of possible violations. Inspections may include but are not limited to: reviewing maintenance and repair records, sampling discharges, surface waters, groundwater and material or water in drainage control facilities, and evaluating the condition of drainage control facilities, and other stormwater treatment practice.

D. Right-of-Entry for Inspection

When any new drainage control facility is installed on private propety, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes, but is not limited to, the right to enter a property when it has a reasonable basis to believe that a violation of these requirements is occuring or has occurred, and to enter when necessary for abatement of a public nuissance or correction of a violation of these regulations.

E. Failure to Maintain Practices

1. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. The City may require the property owner to pay the cost to correct the violation (refer to **1.9 Violations and Enforcement**).
2. If the stormwater management facility becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have sixty (60) days to perform the appropriate maintenance or repair measures to the stormwater management facility.

5.7 NUISANCES

5.7.1 PURPOSE AND APPLICABILITY

A. Purpose

The purpose of this section is to maximize the enjoyment and use of property by providing reasonable restrictions on the transmission of noise, vibration, odor, and harmful substances and emissions.

B. Applicability

1. The following regulations related to Nuisances shall apply in addition to any other Nuisance regulations and ordinances adopted by the City.
2. This section applies to all properties in the City unless otherwise specified.
3. In the event that this section conflicts with any other section of this UDC or the Code of Ordinances of the City of Brownsville, the most restrictive standard will govern.

C. Noise

1. At no point at the bounding property line of any use in any district shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band groups designated:

Table 5.7-1. Decibel Limits

Octave Band Hz	**Decibel Band Limit** (db re 0.0002 microbar)
37 – 75	86
75 – 150	76
150 – 300	70
300 – 600	65
600 – 1,200	63
1,200 – 2,400	58
2,400 – 4,800	55
4,800 – 9,600	53
A Scale*	65
* "A Scale" levels are provided for monitoring purposes only and are not applicable to detailed sound analysis	

2. The following corrections shall be made to the table of Octave Band-decibel limits above in determining compliance with these noise level standards:
    a. Subtract seven (7) db when noise is present at nighttime.
    b. Subtract seven (7) db when noise contains strong pure-tone components or is impulsive; that is, when meter changes at 10 decibels or more per second.
    c. Add ten (10) db when noise is present for not more than:
        (i) ½ minute in any ½ hour period;
        (ii) 1 minute in any 1 hour period;
        (iii) 10 minutes in any 2 hour period; or
        (iv) 20 minutes in any 4 hour period.
    d. Measurement of noise shall be made with a sound level meter or Octave Band analyzer meeting the standards prescribed by the American National Standards Institute.

D. Smoke and Particulate Matter

1. The following regulations shall apply to the extent allowed by municipal authority under State and Federal law.
2. No operation or use shall cause, create or allow the emission for more than three (3) minutes in any one (1) hour of air contaminants which at the emission point or within the property line are:
    a. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines Information Circular 7118.
    b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in a above except that, when the presence of uncombined water 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, the standards in a and this b shall not apply.
    c. The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one (1) hour.
    d. The 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 involves dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four (4) grains per one thousand (1,000) cubic feet of air.

E. Odorous Matter

1. 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 bounding property line or any point beyond the tract on which such use or operation is located.
2. The odor threshold as herein set forth shall be determined by observation by the enforcing officer. The method and procedures as specified by American Society for Testing Materials ASTM-D1391 entitled Standard Method for Measurement of Odor in Atmospheres shall be used and a copy of ASTM-D1391 is hereby incorporated by reference a part of this section.

F. Fire and Explosive Hazard Material

1. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the City's Fire Department.
2. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City's Fire Code.

G. Toxic and Noxious Matter

No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten (10) percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3 as amended, which is hereby incorporated by reference as a part of this section.

H. Vibration

No operation or use shall at any time create earthborn vibrations that, when measured at the bounding property line of the source of the operation, exceed the limits of displacement set forth in the following table in the frequency ranges specified:

Table 5.7-2. Vibration Limits

Frequency hZ	Displacement (inches)
0 – 10	0.0010
10 – 20	0.0008
20 – 30	0.0005
30 – 40	0.0004
40 and over	0.0003

I. Open Storage

No open storage of materials or commodities shall be permitted except as an accessory use to a main use and which is located in a building. No open storage operation shall be located in front of the main building and no storage use shall constitute a wrecking, junk, or salvage yard, except when such is approved with development and operation standards as a Specific Use Permit.

ARTICLE 6. DEFINITIONS

TERMS BEGINNING WITH "A" THROUGH "E"

1. **Accessory Dwelling Unit**

   An independent dwelling unit on a lot zoned for Single-Family Residential operated concurrently with a primary dwelling unit (see Section 4.4.4A.24).

2. **Adequate Public Facilities**

   Facilities capable of supporting and servicing the physical area and designated intensity of a proposed Subdivision or Development based upon specific levels of service identified in the UDC or as adopted by the City.

3. **Alley**

   A public right-of-way or private easement used for utility installation or secondary access to individual properties which have their primary access from an adjacent public or private street.

4. **Alteration**

   Any revision or change of any extent or type whatsoever, other than the addition of signatures, dates, seals, or similar fill-ins within existing certificates or acknowledgements.

5. **Amenity Center**

   A building or facility owned or operated by a corporation, association, person, or persons for a place of meeting, social, cultural, educational, or recreational purposes, to which membership or residency requirements is required for participation.

6. **Applicant**

   Text

7. **Architect**

   An individual who is either licensed to practice architecture in the U.S. or associate architect as defined by the American Institute of Architecture.

8. **Archeologist**

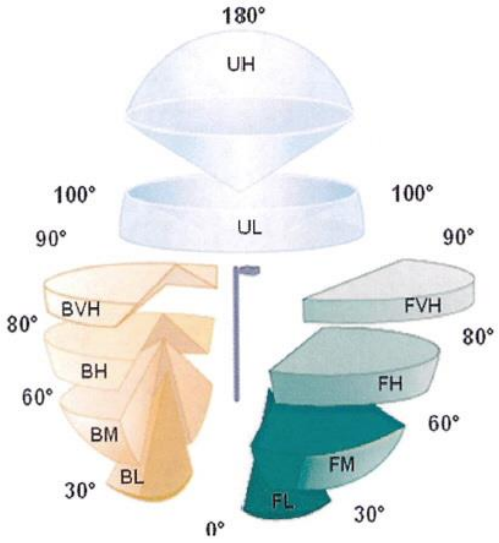
   A person having post-secondary education in archeology, anthropology, or a closely related field plus: one year of full-time experience or equivalent specialized training in archeological research, administration, or management.

9. **Architectural historian**

   An individual having a graduate degree in architectural history, art history, historic preservation, or a closely related field and having studied such at a post-secondary level. A satisfactory amount of experience may substitute for the required degree.

10. B-U-G Ratings

A luminaire classification system with ratings for Backlight (B), Uplight (U), and Glare (G). The backlight component of the rating system takes into account the amount of light in the BL, BM, BH and BVH zones depicted below. The uplight component takes into account the amount of light in the UH and UL zones. The Glare component takes into account the amount of light in the FH, FVH, BH and BVH zones.



11. Base Flood

A flood having a one percent chance of being equaled or exceeded in any given year based on a fully developed watershed. Also known as the 100-year flood.

12. Basement

A building story partially or completely underground. A basement shall be counted as a story in computing building height where any portion of a basement has more than one-half of its height above grade.

13. Board of Adjustment

See **2.1.3 Board of Adjustment**.

14. Building

Any permanent structure designed, used, or intended to be used for human occupancy or use or to support the human occupancy or use of land, including manufactured homes.

15. Building Height

Is the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:

- The highest point of the roof's surface, if a flat surface;
- The deck line of mansard roofs; or
- The mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevators, bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes and spires, and parapet walls not exceeding ten feet in height.

16. Building Coverage

The portion of the lot that is covered by the principal building and all accessory buildings. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site.

17. Building Permit

A document signed by the building official or their authorized representative as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, repair, remodeling, rehabilitation, alteration, conversion, demolition, moving, installment, or portion of a structure or building, which acknowledges that such use or building complies with the provisions of this chapter or an authorized variance or specific use permit there from.

18. Building, Principal

A building in which the principal use of the lot on which the building is located is conducted.

19. Certificate of Appropriateness (COA)

An order issued by the historic preservation officer (often with the approval of the historic preservation board) indicating approval of plans for alteration, construction, or removal affecting a designated landmark or property within a designated district.

20. Certificate of Occupancy

Certificate issued by the building official for the use of a building, structure or land, when it is determined by the building official that the building, structure or proposed land use complies with the provisions of all applicable codes of the City of Brownsville.

21. Certificate of Convenience and Necessity (CCN)

A Certificate of Convenience and Necessity (CCN) grants a CCN holder the exclusive right to provide retail water and/or sewer utility service to an identified geographic area. Chapter 13 of the Texas Water Code requires a CCN holder to provide continuous and adequate service to the area within its CCN boundary. Municipalities and districts normally are not required to have a CCN; however some municipalities and districts do have a CCN. A district or municipality may not provide services within an area for which another utility holds a CCN unless the district or municipality has a CCN itself for that area.

22. Chief Building Official

The department head of the building department or his appointed designee.

23. City

The City of Brownsville, Texas.

24. City Commission

See **2.1.1 City Commission**.

25. City Engineer

The Director of Engineering and Public Works or another licensed professional engineer designated by the Director or the City Manager.

26. Civil Engineering Plans

Plans, profiles, cross-sections, and other required technical drawings and details for the construction of public and private improvements prepared by a registered engineer.

27. City Manager

The chief executive officer and head of the administrative branch of the City government, the acting City manager; or any employee or administrative officer of the City to whom such chief executive officer or acting City manager shall have delegated certain authority, but only to the extent of such delegation.

28. City Code

The Code of Ordinances of the City including the City Charter.

29. Class 1 Building Materials

Includes the following exterior construction materials: fired brick, veneer brick, natural and manufactured stone, granite, and marble.

30. Class 2 Building Materials

Includes the following exterior construction materials: all Class 1 Building Materials and plaster stucco using a 3-step process.

31. Class 3 Building Materials

Includes the following exterior construction materials: all Class 1 Building Materials and Class 2 Building Materials and architectural concrete block with earth-tone integrated into the masonry material, cement fiberboard, board and batten, rustic wood, and concrete tilt-wall.

32. Contributing Building

A historic building that retains a significant amount of its physical integrity and character defining features including location, setting, design, construction, workmanship, or association with historical persons or events.

33. Contributing Element

An element of a building such as an architectural element, material, or style of construction that contributes to its historic integrity and character.

34. Contributing Object

An object within a historic district that contributes to the historic character of the district.

35. Contributing Site

A site within a historic district that contributes to the historic character of the district.

36. Contributing Structure

A structure within a historic district that contributes to the historic character of the district.

37. Comprehensive Plan

Text

38. Council

The City heritage council.

39. County

Cameron County, Texas.

40. Cross Access Easement

An easement shown on a Plat or other recorded instrument that assigns benefit and right of entry to the public at large or to an abutting property owner and allows passage to the beneficiary over and across the property on which the easement is located.

41. Criteria Manual

A manual pertaining to the technical and design requirements of this UDC.

42. Director, Engineering and Public Works

Text

43. Director, Planning and Redevelopment

See **Planning Director**.

44. Demolition by neglect

Is a situation in which a property owner or others having legal possession, custody or control of a property, allow the condition of property located to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of that structure.

45. Design Guidelines

Means guidelines of appropriateness or compatibility of building design within a community or historic district. The historic preservation and design review board has authority to administer design guidelines.

46. Design Review

Shall refer to the decision-making process conducted by the historic preservation and design review board or by the historic preservation officer of the City that is guided by established terms.

47. Developer

An individual, firm, partnership, or other organization proposing to subdivide, develop or make improvements to a property or tract of land.

48. Development

Any manmade change to improved or unimproved real estate, including buildings or other structures, paving, drainage, or utilities. Development activities include: subdivision of land; construction or alteration of structures, roads, parking, fences, pools, signs, temporary uses, utilities, and other facilities; installation of septic systems; grading; excavation, mining or drilling operations; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities as defined and as permitted). Routine repair and maintenance activities are exempted.

49. Development Review Committee

See **2.1.5 Development Review Committee**.

50. Drinking Water

All water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

51. Engineer

A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

52. Extraterritorial Jurisdiction (ETJ)

A geographic area identical to the extraterritorial plat jurisdiction defined by Texas Local Government Code (TLGC) 212.001 and 42.022.

53. Engineering Criteria Manual

Technical manual adopted by reference listed in **1.10 Technical Manuals**, which may be amended from time to time.

TERMS BEGINNING WITH "F" THROUGH "J"

54. Fire Marshal

Text

55. Fire Code

The most recently adopted International Fire Code as published by the International Code Congress.

56. Flood Area

The floor area is the gross horizontal area of the one or more floors of a structure, excluding interior parking spaces. Residential floor space shall be exclusive of carport, basement, attic, patios, and open porches. Same as Gross Leasable Floor Space.

57. Flood Hazard Boundary Map (FHBM)

An official map of a community, issued by the Federal Insurance Administration, where special flood hazard areas have been designated.

58. Flood Insurance Rate Map (FIRM)

An official community map showing special flood hazard areas and the risk premium zones applicable to the community as issued by the Federal Insurance Administration.

59. Floodplain

An area identified by the Federal Emergency Management Agency as possibly being flood-prone, or below the immediate flood line (100-year floodplain).

60. Floodway

Area regulated by federal, state, or local requirements to provide for discharge for the base flow, so that the cumulative increase in water surface elevation is no more than a designated amount within the 100-year floodplain. A river, channel or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Normally, the floodway will include the stream channel and that portion of the adjacent land areas required to pass the base flood (100-year flood) discharge without cumulatively increasing the water surface elevation at any point more than one foot above that of the pre-floodway condition, including those designated on the flood insurance rate map.

61. Footcandle

The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

62. Gated Community

A subdivision or housing development with two or more dwellings with private streets controlled with a vehicular or pedestrian gate.

63. Glare

Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

64. Heritage Tourism Professional

A person with a post-secondary education in cultural or heritage tourism or a closely related field, preferably a person who is currently employed in the field.

65. Historian

A person having a post-secondary education in history or a closely related field, preferably someone with experience in research and writing and or associated with an academic institution, historic organization, museum, or other professional institution.

66. Historic Property Owner

A person who owns a property that is either designated in the HD, a Texas Historical Landmark, or a National Registered Historic Place or Landmark and is an outstanding steward of historic preservation.

67. Historic Designation

Means an official recognition of the significance of a building, property, or district. Designation can occur on three different levels:

- Federal—The National Register of Historic Places (for both individual buildings and entire districts);
- State—Recorded Texas Historic landmarks (only for individual buildings) and State Archeological Landmarks; or
- Local designated under a municipal historic ordinance either individually as a landmark or as a locally designated district.

68. Historic District

A geographically and locally defined area approved by the City Commission that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the Brownsville. Historic sites within a local district need not be contiguous for an area to constitute a district. All sites, buildings, and structures within a local historic district, whether individually contributing or not are subject to the regulations of the district.

69. Historic Landmark

A building, structure, object, or site that has been designated by the City Commission as an historic resource or by the State of Texas or by the National Registry of Historic Places. "Historic Site" has been the term used in Brownsville prior to the adoption of the revisions of the ordinance in 2015 from which this article derives.

70. Historic Preservation

The protection, reconstruction, rehabilitation, repair, or restoration of landmarks of historical, architectural, or archeological significance.

71. Historic Preservation Commission

May also be referred to as “HPC”. See 2.1.4.

72. Historic Preservation Officer

The historic preservation officer for the City of Brownsville. May also be referred to as “HPO”.

73. Historic Resource

Any building, structure, object, or site that is 50 years or older or any resource that has been identified as a high or medium priority because of its unique history or architectural characteristics.

74. Historic Resources Survey

A systematic, detailed examination of an area designed to gather information about historic properties enough to evaluate them against predetermined criteria of significance.

75. Historic Rehabilitation

Means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property that are significant to its historic, architectural and cultural values.

76. Historic Resource

Means any building, structure, object or site that is 50 years or older, any resource that has been identified in the Historic Resources Survey of 2000, and any property that is referred to as an historic site (using the nomenclature preceding the adoption of the ordinance in 2015 from which this article derives).

77. Historic Resources Survey

Means a systematic, detailed examination of an area designed to gather information about historic properties enough to evaluate them against predetermined criteria of significance.

78. Historic Site

When used in this article refers to any or all the following:

- A federal site, state site, primary local site, secondary local site, or a site that contributes to the historic district individually or as part of a cluster of sites as determined by the historic preservation officer (HPO) and prevailing national standards;
- The location of a historically significant event, a prehistoric or historic occupation or activity;
- A building or structure, whether standing or ruined, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure;

79. Historic Resource

Refer to **Historic Site**.

80. Homeowners' or Property Owners' Association

A non-profit association whose dues are paid by property owners within a defined Subdivision or Condominium who have voluntarily subjected themselves to the regulations and covenants of the Association, and who also jointly own, manage, or oversee the management of common property and, through an elected or appointed board, manage and enforce the restrictive covenants applicable to the Subdivision or Condominium. Also known as an HOA or Condo Association.

81. Household

One or more persons who inhabit a single dwelling unit, as a single housekeeping unit, that is: (1) traditionally characterized by matrimonial or parent-child relationship, provided that all such persons are related by blood, marriage, adoption, fosterage, or guardianship and no more than 2 unrelated inhabitants are included in the housekeeping unit; or (2) predominantly characterized by voluntary associational, communal relationships, provided no more than 8 inhabitants are included in the housekeeping unit. The term "household" expressly includes community-based residential facilities licensed by or contracted with the Oklahoma Department of Human Services that provide care or supervision by a responsible adult for no more than 8 individuals with developmental or physical disabilities as a single housekeeping unit.

82. Integrity

Means the authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

83. Infill Development

Development on a vacant parcel or groupings of vacant lots within an existing block surrounded by existing development that is contiguous on at least two sides for corner lots and contiguous on at least three sides for interior lots (existing development located directly in front on the other side of the street may count as a side for interior lots only), no greater than two acres in size, and is served with all or most public services and facilities, including but not limited to water, wastewater and drainage. Annexed areas on the periphery of the City limits are not considered infill sites.

84. Infrastructure

The provision of systems that provide transportation, water, wastewater, solid waste, stormwater drainage, electrical and franchise facilities typically required to service development.

TERMS BEGINNING WITH "K" THROUGH "O"

85. Landscape Lighting

Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

86. Lamp

A generic term for a source of optical radiation (i.e. "light"), often called a "bulb" or "tube". Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

87. Light Pollution

Any adverse effect of artificial light including, but not limited to, Glare, Light Trespass, Sky Glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

88. Light Trespass

Light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky.

89. Lighting

Any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on- or off-premises advertising signs, and area-type lighting. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

90. Lighting Equipment

Equipment specifically intended to provide gas or electric illumination, including but not limited to, Lamp(s), Luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.

91. Lighting Repairs

For the purposes of Lighting, the reconstruction or renewal of any part of an existing luminaire for the purpose of its ongoing operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp and/or ballast technology is not considered a repair and for the purposes of this ordinance the luminaire shall be treated as if new. "Repair" does not include normal relamping or replacement of components including capacitor, ballast or photocell.

92. Local Site

Means an historic property that has been previously designated by the entity formally knowns as the heritage council and confirmed by the City Commission as historically significant but not designated by the State of Texas or the National Registry of Historic Places.

93. Local Health Department

Means only the City health department if a proposed subdivision is wholly inside the City's territorial jurisdiction, means only the County health department if such subdivision is wholly inside the City's extraterritorial jurisdiction, or means both the City health department and the County health department if such subdivision is partly inside the City's territorial jurisdiction.

94. Lot

The term "lot" shall include the terms "parcel," "piece," and "plot."

95. Lot Area

The total horizontal area within the lot lines of a lot, said area to be exclusive of street right-of-way.

96. Lot Depth

The horizontal distance from the midpoint of the rear of lot line to the midpoint of the front lot line.

97. Lot Frontage

That portion of a lot adjacent to a street.

98. Lot Line

A boundary of a lot. "Lot line" is synonymous with "property line."

99. Lot Line, Front

The lot line separating the lot from the street other than an alley. In the case of a corner lot, there shall only be one street line considered the front lot line. The front lot line adjoins the public or private rights-of-way where the entrance/address is located.

100. Lot Line, Rear

A lot line that is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

101. Lot Line, Side

Any lot line not a front or rear lot line.

102. Lot of Record

An individual lot or a lot that is a part of a subdivision, the map of which has been legally recorded in the office of the Cameron County Clerk; or a parcel of land the deed of which has been recorded in the office of the Cameron County Clerk.

103. Lot Width

The horizontal distance between the side lines, measured at the front property line adjacent to the public right-of-way. The lot width for a corner lot shall be measured along the right-of-way upon which the address is assigned. The flagpole portion of a flag lot shall be ignored in measuring lot width.

104. Lot, Corner

A lot abutting the intersection of two or more streets other than an alley

105. Lot, Double Frontage

A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

106. Lot, Flag

Any lot without standard legal access to a City street, and that is provided with access by a driveway parallel to the lot line of a lot having standard access to a public right-of-way.

107. Lot, Gross Area

An area under public or private property ownership, whose lot lines are described by plat or deed.

108. Lot, Interior

A lot other than a corner lot or a through lot.

109. Low Voltage Landscape Lighting

Landscape Lighting powered at less than 15 volts and limited to Luminaires having a rated initial Luminaire Lumen output of 525 lumens or less.

110. Lumen

The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt", a measure of power consumption).

111. Luminaire

The complete Lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

112. Luminaire Lumen

For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

113. Lux

The Standard International Unit of Illuminance. One lux is one lumen per square meter. 1 Lux is a unit of incident illuminance approximately equal to 1/10 Footcandle.

114. Manual on Uniform Traffic Control Devices (MUTCD)

The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private streets open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

115. Manufactured Home

- Is a HUD Code manufactured home that is:
  - Constructed on or after June 15, 1976, according to the rules of the united states department of housing and urban development;
  - Built on a permanent chassis;
  - Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
  - Transportable in one or more sections; and
  - In the traveling mode, at least eight (8) body feet in width or at least forty (40) body feet in length or, when erected on site, at least 320 square feet;
- Includes the plumbing, heating, air conditioning, and electrical systems of the home; and
- Does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

116. Manufactured Home Development

Can constitute either a **Manufactured Home Park** or a **Manufactured Home Subdivision**.

117. Manufactured Home Park

A parcel of land that is under a single ownerhip which has been planned and improved to rent individual spaces for the placement of a **Manufactured Home** in accordance with **4.6.10 Manufactured Home Development**. Manufacturactured home parks are typically platted as one lot.

118. Manufactured Home Lot

Associated with a **Manufactured Home Subdivision** in which the space in which the **Manufactured Home** resides is a legally platted lot owned by the occupant of the **Manufactured Home**.

119. Manufactured Home Rental Space

Associated with a **Manufactured Home Park** in which is the space in which the **Manufactured Home** resides is leased to the occupant of the **Manufactured Home**.

120. Manufactured Home Subdivision

A parcel of land that has multiple owners and each lot is owned by the occupant of the **Manufactured Home**.

121. Model Subdivision Rules

The Model Subdivision Rules (MSRs) were developed by the Texas Water Development Board to safeguard residents by ensuring safe, sanitary water and sewer. The Model Subdivision Rules and regulations are adopted by the Texas Commission on Environmental Quality in the Texas Administrative Code (TAC), Title 30, Part 10, Chapter 364.

122. National Register of Historic Places

Means the nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission. Restrictions on these properties exist only when there is an undertaking that uses federal funds or that requires a federal permit or license.

123. Narrow Parcel

Means any parcel whose front width is narrower than 100 feet on a non-curbed public street.

124. Net Area

Means the total horizontal area within the boundaries of a parcel, excluding from such parcel all public rights-of-way, private street rights-of-way, private street right-of-way easements, waterway rights-of-way, waterway easements, and driveway easements.

125. Non-Public Water Systems

Any water system supplying water for domestic purposes that is not a public water system.

126. Notarizing Officer

Means any person qualified to take acknowledgments or proofs of written instruments for record pursuant to Vernon's Ann. Civ. St. art. 6602, including but not limited to a notary public, a clerk of a state district court, or a judge or clerk of a County court in the state.

127. Nuisance

A use or operation that produces noise, vibration, glare , emissions, or other harmful effect upon neighboring properties in excess of the limits allowed under Section **5.7**.

128. Occupied

The term "used" or "occupied" shall include the term "arranged," "designed," "intended," "maintained," "occupied," or "used."

129. Off-Site

Located outside the boundary of a development.

130. Official Vesting Date

Pursuant to Texas Local Government Code Chapter 245, an application or plan for development is considered filed on the date the applicant delivers the application or plan to the City or deposits the application or plan with the united states postal service by certified mail addressed to the City . A certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application or plan was deposited with the united states postal service. Every application or plan is subject to a determination of completeness by the Planning Director in accordance with **2.3.4 Determination of Application Completeness**.

131. On-Site

Located within the boundary of a development.

132. On-Site Sewage Facility (OSSF)

On-site sewage facilities as that term is defined in rules and regulations adopted by the TCEQ, including, but not limited to, Texas Administrative Code, Title 30, Part 1, Chapter 285.

133. Owner

The owner of a tract of land as recorded in the Cameron County Deed Records. An owner may include: a person, firm, corporation, partnership or agent, attorney-in-fact, manager or Director, or developer. Such term as used in this chapter always includes one or more of the persons enumerated in this section who own all or any part of the land that is contemplated to be developed.

134. Owner-Occupied

A lot or structure that is occupied by the legal owner of record or, where there is a recorded land sales contract in effect, the purchaser thereunder.

TERMS BEGINNING WITH "P" THROUGH "T"

135. Parcel

Means a lot, undivided block, or reserve area.

136. Pedestrian Path

A graded, cleared way for individuals who travel on foot. When located along any improved street or parking area, these paths shall be adjacent to the curb at curb level.

137. Pedestrian Way

A right-of-way for pedestrian traffic.

138. Permitted Use

That use of a lot that is among the uses allowed as a matter of right, and subject to the restrictions of the zoning district.

139. Person

The term "person" shall include a natural person; a firm, association, organization, partnership, trust, foundation, company, or corporation; a nonprofit group; or an elected or appointed body; his, its, or their successors, assigns, heirs, executors, or administrators; or the agent of any of such.

140. Person with pecuniary interest

Means a fee owner, contract owner, lienholder, lessee, or tenant.

141. Potable water retailer

Means a public or private entity that:

- For remuneration provides running water for drinking purposes directly to at least 15 permanent connections for final users on land not owned by such retailer;
- Is on the list of water supply systems to be routinely inspected by the state department of health; and
- Is the subject of neither a compliance schedule nor a recommendation for litigation issued by such department.

142. Planned Development

Is a zoning district designed for the unified and coordinated development that utilizes unique development standards including to but not limited to enhanced landscaping standards, creative site or architectural design that cannot be accomplished or developed through the City's standard development regulations and its unique qualities ensure a level of exceptional quality or innovation that warrant the use of a planned development district. A planned development district requires the approval of the City Commission.

143. Planning & Zoning Commission

The Planning & Zoning Commission of the City.

144. Planning Director

The Director of the Planning & Redevelopment Department or designee.

145. Plat, Amending

A plat that is intended to modify or correct a previously recorded final plat in accordance with **3.2.5 Amending Plat**.

146. Plat, Final

A plat containing all engineering and legal data, dedications, and certificates necessary to establish the legal configuration of a property or properties in accordance with **3.2.2 Final Plat**.

147. Plat, Minor

A plat containing all engineering and legal data, dedications, and certificates necessary to establish the legal configuration of a property or properties in accordance **3.2.3 Minor Plat**.

148. Plat, Preliminary

A plat that shows the proposed arrangement of streets, lots, easements, common areas and other dedications of land for public use in accordance with **3.2.1 Preliminary Plat**. A preliminary plat is not recorded with the County Clerk's office.

149. Plat, Replat

A plat intended to modify a previously recorded plat in accordance with **3.2.4 Replat**.

150. Plat, Vacation

A plat intended to vacate a previously recorded plat in accordance with **3.2.7 Plat Vacation**.

151. Preservation

Means the stabilization of an historic building, its materials, and features, in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time, (protection and stabilization are included here.)

152. Private Street

A street built to the specifications of the City, but privately owned and maintained by either a single property owner or a property or homeowners association.

153. Professional engineer

An individual with a post-secondary degree in engineering and is a certified professional engineer by the Texas Board of Professional Engineers.

154. Progress Toward Completion

Any of the following activities that, individually or in combination, may extend the validity of a Plat or Permit associated with a property if the owner of the property or the Subdivider produces demonstrable evidence that the activity has or is taking place:

- An Application for a Final Plat or Plan is submitted to the City;
- A good-faith attempt is made to file with the City an Application for a Permit necessary to begin or continue towards completion of the project;
- The property owner or Subdivider incurs costs for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project or Subdivision (exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project or Subdivision is located;
- Financial Surety is posted with the City to ensure performance of an obligation required by the City; or
- Utility connection fees or impact fees for the project have been paid to the City.

155. Project

Per the TLGC Section 245.0001(3) a project means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

156. Public Improvements

A public improvement will consist of an improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a Letter of Final Acceptance being issued, for maintenance, operation, or ownership.

157. Public Right-of-Way

Any designated public street, sidewalk, or alley.

158. Public Street

A street that is owned or maintained by the City.

159. Public Utilities

The term Public Utilities means:

- Entities franchised by the City to use public rights-of-way for the conduct of their business;
- Entities that are "public utilities" under pertinent provisions of the Texas Utilities Code or Texas Water Code but are specifically exempted by state law from the requirement that they receive a franchise from the City for the use of public rights-of-way;
- Public sanitary sewers;
- Public water mains;
- Public streets;
- Public storm sewers;
- Public detention ponds;
- Municipally owned electric utilities; and
- Any contractor hired by these entities.

160. Public Water System

A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

161. Recorded Texas Historical Landmark (RTHL)

Means a state designation for buildings important for their historical associations and that have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance.

162. Replat

A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

163. Redevelopment

Development on a tract of land with existing structures where all or most of the existing structures would be razed, and a new structure or structures built.

164. Retail Public Utility

Any person, corporation, public utility, water supply or sewer service corporation, municipality, political subdivision or agency operating, maintaining, or controlling in this state facilities for providing potable water service or sewer service, or both, for compensation.

165. Secretary of the Interior Standards for Rehabilitation

Means the standards established by the Secretary of the Interior for advising federal agencies on the preservation/rehabilitation of historic properties listed or eligible for listing on the National Register of Historic Places.

166. Setback

The minimum distance between by which any building or structure must be separated from a street right-of-way or lot line.

167. Setback, Front Yard

The minimum distance between the structure and the front property line. A “front” property line is any lot line along along a street frontage. A corner lot will comply with the minimum front yard setback of the governing zoning district along each street frontage.

168. Setback, Rear Yard

The minimum distance between the primary structure and the rear property line. The rear property line will correspond with the back or rear façade of the primary structure.

169. Setback, Side Yard

The minimum distance between the primary structure and the side property line. The side property line will correspond with the façade or wall plane on the side or sides of the primary structure.

170. Sewerage Facilities

The devices and systems that transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in the Texas Administrative Code, Title 30, Part 10, Chapter 364.

171. Sky Glow

The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

172. Specific Use Permit

A use that is not automatically permitted by right, but that may be permitted within a zoning district subject to meeting specific conditions contained in this UDC.

173. Stream

Linear geographic feature that conveys flowing waters. Headwater streams are the uppermost, low-order streams of a watershed and comprise most streams in the United States, both in terms of number and length. Streams can be perennial, intermittent, or ephemeral.

174. Street

A public right-of-way for roadway, sidewalk, and utility installation including the terms "road," "highway," "land," "place," "avenue," "alley," or other similar designations. The entire width between the right-of-way lines of every way that provides for public use for the purpose of vehicular and pedestrian traffic.

175. Structure

An edifice of any kind or any piece of work artificially built up or composed of parts joined together that requires location on, in, or above the ground or that is attached to something having a location on, in or above the ground. Flatwork or in-ground swimming pools are excluded.

176. Structure Accessory

Any structure on the same lot with and that is incidental and subordinate to the principal structure. Flatwork, in-ground swimming pools and fences or walls used as fences are excluded.

177. Structure, Principal

The structure in that the principal permitted use of the lot on which the structure is located is conducted.

178. Street, Private

Means a vehicular accessway, under private ownership and maintenance, providing:

- Adequate access by police, fire and other emergency vehicles to all buildings and facilities as well as parcels with different ownerships having no direct frontage on a public street right-of-way; and
- The safe movement of all vehicles from a private street to the public street system. Parking lots and private driveways within shopping centers, commercial areas and industrial developments are not considered private streets.

179. Street, Public

Means a public right-of-way, dedicated, or acquired, which provides vehicular access to adjacent properties.

180. Subdivision

The division or redivision of land into two or more lots, tracts, sites, or parcels that are either improved or unimproved and can be separately conveyed by sale or lease.

181. Subdivision Waiver

Text

182. Texas Administrative Code (TAC)

Texas Administrative Code, as compiled by the Texas Secretary of State.

183. Tax Collector

Means an officer or employee who bears the ultimate responsibility for mailing the tax statements or notices of delinquency for one or more taxing units.

184. Taxes Owed

Means:

- All current ad valorem taxes for which tax statements have been issued;
- All delinquent ad valorem taxes; and
- All penalties and interest that have accrued.

185. Taxing Unit

Means the county, an incorporated city or town including a home-rule city, a school district, a special district or authority, or any other political unit of this state, whether created by or pursuant to the constitution or a local, special, or general law, that is authorized to impose and is imposing ad valorem taxes on property.

186. Title Transfer

Means documents such that:

- The documents entitle the grantee to immediate occupancy of the subject property;
- The documents provide that the grantee shall automatically become the owner of record for the subject property at such time as the grantee shall have satisfied all the terms of the documents and satisfied the recording requirements of the County Clerk; and
- At the time of execution or within 30 days thereafter, the documents or copies thereof are given by the grantor to either the grantee or the County Clerk.

187. Transportation Plan

The transportation component of the Mobility Plan, the official map depicting the City's existing and future street system and roadway network, together with explanatory text.

188. Topography

The physical land surface relief describing the terrain elevation, position of land features and slope. Topography includes landforms, water and other drainage features, and features such as gravel pits. A single feature such as a hillside or valley is called a topographic feature.

189. Total Outdoor Light Output

The total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The lumen value to be used in the calculation is the lumen value as defined in this UDC. To get the total, add the lumen output attributed to each light fixture.

190. Tower, Electric Transmission

A self-supporting structure more than 50 feet (15 meters) in height designed to support high voltage electric lines. This does not include local utility or distribution poles (with or without transformers) designed to provide electric service to individual customers.

TERMS BEGINNING WITH "U" THROUGH "Z"

191. Utility District

Means any political subdivision of the state or county that:

- Is currently listed in the Texas Register of Water Districts, published by the state department of water resources;
- Has conditional or unconditional authority to impose ad valorem taxes on property;
- Schedules at least one regular meeting of its governing body per month;
- Currently provides stormwater or groundwater drainage, irrigation water, drinking water, sanitary sewage collection, or similar remunerative services directly to at least 15 private customers on land not owned by such district; and
- Is not a navigation district.

192. Undeveloped Floodplain

Areas within the FEMA one-percent Annual Chance Floodplain (a.k.a. 100-year floodplain), that are undeveloped and in their natural state.

193. United State Secretary of Interior Standards for the Treatment of Historic Properties

A document that includes guidelines for preserving, rehabilitating, restoring, and reconstructing historic buildings.

194. Variance

A deviation from the specific terms of this DDC that will not be contrary to public interest and is justified because, owing to special conditions, a literal enforcement of this DDC's provisions will result in practical difficulties or hardship.

195. Water Facilities

Any devices and systems that are used in the supply, collection, development, protection, storage, transmission, treatment, or retail distribution of water for safe human use and consumption.

196. Yard

A required open space located on the same lot as the principal structure, unoccupied and unobstructed except for accessory uses and landscaping.

197. Yard, Front

A yard extended across the full width of and situated between the front lot line and the principal structure extending to the side lot lines. In the case of a corner lot, the front yard adjoins the public or private rights-of-way where the entrance/address is located.

198. Yard, Rear

A yard extended across the full width of and situated between the rear lot line and the principal structure extending to the side lot lines. In the case of a corner lot, the rear yard shall not extend past the corner side yard.

199. Yard, Side

A yard extended across the full width of and situated between the side lot line and the principal structure extending from the front yard to the rear yard. In the case of a corner lot, the corner side yard shall extend from the front yard to the rear lot line.

APPENDIX

AMENDMENT INVENTORY

No.	Description of Amendment	Section Number(s)	Ordinance Number	Effective Date
1	Original adoption of the Unified Development Code (UDC)	All		
2				
3				
4				
5				
6				
7				

ARTICLE 7. HEADING 1

7.1 HEADING 2

Heading 2 Text

DO NOT EDIT THIS PAGE!

7.1.1 HEADING 3

Heading 3 Text

A. Heading 4

Heading 4 Character Style – A heading that is a title or short statement uses the Character 4 heading style / if it is a sentence then it does not use the character style

Heading 4 text

1. Heading 5

Heading 5 Text

a. Heading 6

Heading 6 Text

(i) Heading 7

Heading 7 Text

(1) Heading 8

Heading 8 Text

(a) Heading 9

Heading 9 Text

CAPTIONS

Figure 1.11 → Heading 2. – Figure No.

Table 1.1-1 → Heading 2 – Table No.

Map 1.1-1 → Heading 2 – Map No.

COLOR PALETTE

Saved in colors color/design palette – called "Brownsville UDC"

