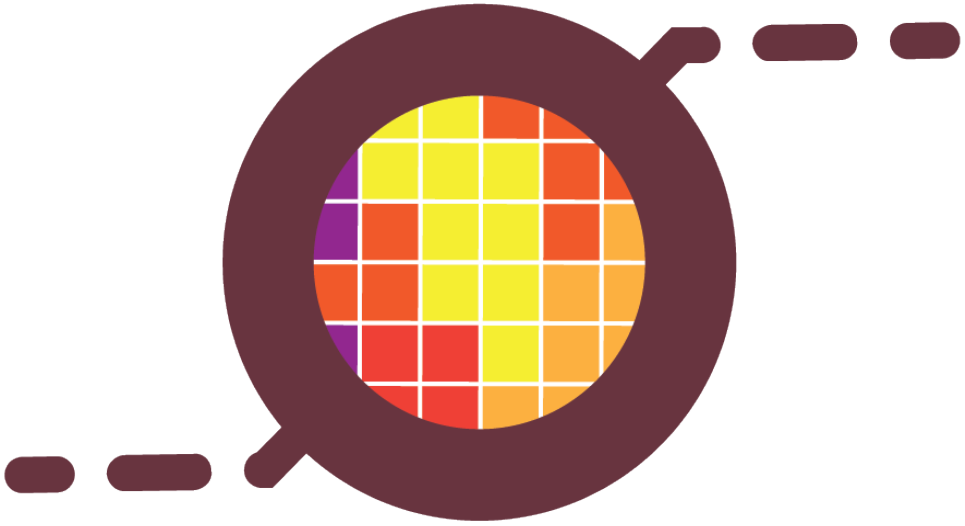

IN THE ZONE

THE DUNCANVILLE ZONING ORDINANCE

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Note that this copy of the zoning ordinance reflects the regulations as of March 2, 2021. For the most recent regulations, including any amendments following adoption, please visit www.municode.com.

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Article 1. General Provisions

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Section 1.02. Purpose

Section 1.03. Effective Date

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Section 1.05. Zoning District Map

Section 1.06. Zoning Upon Annexation

Section 1.07. Interpretation

Section 1.08. Penalties

Section 1.09. Fees

Section 1.10. Severability

Section 1.01. Enacting Clause

This ordinance is hereby enacted and adopted as the Zoning Ordinance for the City of Duncanville, Texas.

Section 1.02. Purpose

A. Implementation of the Comprehensive Plan

The zoning regulations and districts established in this Zoning Ordinance have been made in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, and general welfare of the City. The zoning regulations and districts have been designed to achieve the following purposes:

1. Lessen congestion in the streets;
2. Secure safety from fire, panic and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent the overcrowding of land;
6. Avoid undue concentration of population; and
7. Facilitate the adequate provision of transportation, water, wastewater, schools, parks, and other public requirements.

B. Zoning Ordinance Considerations

The zoning regulations and districts have been made with reasonable consideration for, among other things, the character of the districts, a district's peculiar suitability for the particular uses specified, conserving the value of buildings and encourage the most appropriate use of land through the City consistent with the Comprehensive Plan.

Section 1.03. Effective Date

The effective date of this ordinance shall be March 2, 2021.

Section 1.04. Compliance Required

All land, buildings, structures or appurtenances thereon located within the City of Duncanville, which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the Zoning Ordinance prescribed for the zoning district in which such land or building is located.

A. Zoning Required for Platting

The Planning and Zoning Commission shall not approve any plat of any subdivision within the City limits until the area covered by the proposed plat shall have been zoned by the City Council.

B. Creation of a Building Site

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, tract, or lot has been created by compliance with one of the following conditions:

1. Approved Plat

The lot or tract is a part of a plat of record, properly approved by the Planning and Zoning Commission and filed in the plat records of Dallas County, Texas.

2. Existing Plots, Tract or Lots

   The plot, tract, or lot has frontage upon a dedicated street and was separately owned prior to the effective date of this Zoning Ordinance or prior to annexation into the City, whichever is applicable, in which event a building permit for only one main building may be issued on each such original separately owned parcel without first complying with the above clauses.

C. Certificate of Occupancy

1. No building hereafter erected, converted, or structurally altered shall be used, occupied, or changed in use and no land may be used or shall any basic change of use of land or structure be made until a Certificate of Occupancy shall have been issued by the Building Official stating that the building or proposed use of land or building complies with the provisions of this Zoning Ordinance and other building laws of the City.

2. A Certificate of Occupancy shall be applied for jointly with the application for a building permit and will be issued within 10 days after completion of the erection, alteration, or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this Zoning Ordinance.

3. A Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of this Zoning Ordinance. A record of all certificates shall be kept on file in the office of the Building Official, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.

Section 1.05. Zoning District Map

A. Original Map and Copies

Two original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and the attestation of the City Secretary and shall be filed and maintained as follows:

1. City Secretary

   One copy shall be filed with the City Secretary and retained as the original record and shall not be changed in any manner.

2. City Planner

   One copy shall be filed with the City Planner and shall be maintained up to date by posting thereon all changes and subsequent amendments for observation in issuing building permits, certificates of occupancy, and enforcing the Zoning Ordinance.

3. Reproductions or Electronic Versions

   Reproductions or electronic versions for information purposes may, from time to time, be made of the official Zoning District Map.

B. Boundaries

The boundaries of zoning districts set out herein are delineated upon a Zoning District Map. Said map being a part of this Zoning Ordinance as fully as if the same were set forth herein in detail. The district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts shown on the official Zoning District Map, the following rules shall apply:

1. Centerlines

   Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2. Lot Lines

   Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

3. City Limit Lines

   Boundaries indicated as approximately following City limits shall be construed to follow such City limits.

4. Parallel or Extension Lines

   Boundaries indicated as parallel to or extensions of centerlines, lot lines, or City limits as indicated above shall be so construed. Distances not specifically indicated on the original Zoning District Map shall be determined by the scale of the map.

5. Street Vacations

   Whenever any street, alley, or other public-way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the City Council shall take action to assign zoning to the vacated area.

6. Interpretation of Zoning District Boundaries

   Where physical features existing on the ground are in conflict with those shown on the Zoning District Map, or in other circumstances not covered by **1.** through **5.** above, the Zoning Board of Adjustment shall interpret the district boundaries and require its inclusion on the Zoning District Map.

Section 1.06. Zoning Upon Annexation

A. Zoning Upon Annexation Required

   The Planning and Zoning Commission and City Council shall assign permanent zoning to annexed land.

B. Concurrent but Separate Actions

   Proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.).

Section 1.07. Interpretation

A. Restrictiveness

   Where the regulations in this Zoning Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and impose higher standards shall govern.

B. Abrogation of Private Agreement

   These Zoning Ordinance regulations do not abrogate any easement, covenant or other private agreement.

C. Cumulative Effect

   These Zoning Ordinance regulations are cumulative and may impose additional limitations upon all other laws and ordinances previously passed or that may be passed in the future on any subject matter set forth in these regulations.

Section 1.08. Penalties

In accordance with Texas Local Government Code Chapter 54. Enforcement of Municipal Ordinances, the City is authorized enforce these regulations and may issue a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, that may not exceed two thousand dollars ($2,000).

Section 1.09. Fees

All application fees shall be paid in accordance with the City's Fee Schedule, as adopted and may be amended by the City Council.

Section 1.10. Severability

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of the Zoning Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Zoning Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional.

Article 2. Zoning Districts

Article Table of Contents:

Section 2.01. Zoning Districts Established
Section 2.02. Zoning District Equivalency
Section 2.03. Residential Zoning Districts
Section 2.04. Nonresidential Zoning Districts
Section 2.05. Special Zoning Districts

Section 2.01. Zoning Districts Established

A. Purpose

The purpose of this section is to create zoning districts, to specify the nature and components of the permitted development and uses within them, and to establish regulations regarding the physical character and intensity of development to protect the public health, safety, and welfare.

B. Zoning Districts Established

The City of Duncanville is hereby divided into zoning districts. The use, height, and area regulations are uniform within each district. All land within the City limits shall be classified into one of the zoning districts listed in **Table 2.01.1. Zoning Districts**.

Table 2.01.1. Zoning Districts

Residential Zoning Districts	Nonresidential Zoning Districts
SF-43 Estate Single-Family Residential District	NOR Neighborhood Office/Retail District
SF-13 Single-Family Residential District	LOR Local Office/Retail District
SF-10 Single-Family Residential District	GOR General Office/Retail District
SF-7 Single-Family Residential District	C Commercial District
TF-7 Duplex Residential District	I Industrial District
MF-14 Multi-Family Residential District	**Special Zoning Districts**
MF-21 Multi-Family Residential District	DD, Downtown Duncanville District
	PD, Planned Development District

Section 2.02. Zoning District Equivalency

Table 2.02.1 identifies zoning districts adopted in previous ordinances and the regulations that now apply to those districts.

Table 2.02.1. Zoning District Equivalency

Previous Zoning District	Current Zoning District
"R-3.0 Estate" Single-Family Dwelling District	SF-43 Estate Single-Family Residential District
"R-3.0" Single-Family Dwelling District	SF-13 Single-Family Residential District
"R-2.6" Single-Family Dwelling District	
"R-2.2" Single-Family Dwelling District	SF-10 Single-Family Residential District
"R-1.8" Single-Family Dwelling District	
"R-1.4" Single-Family Dwelling District	SF-7 Single-Family Residential District
"D" Duplex Dwelling District	TF-7 Duplex Residential District
"D-I A" Duplex Dwelling District	
"D-1B" Duplex Dwelling District	
"A-2" Apartment-2 District	MF-14 Multi-Family Residential District
"A" Apartment Dwelling District	MF-21 Multi-Family Residential District
"NO" Neighborhood Office District	NOR Neighborhood Office/Retail District
"NR" Neighborhood Retail District	
"LR-2" Local Retail-2 District	LOR Local Office/Retail District
"GO" General Office District	GOR General Office/Retail District
"GR" General Retail District	
"C-1" Light Commercial District	C Commercial District
"C-2" Heavy Commercial District	
"I-1" Light Industrial District	I Industrial District
"1-2" Heavy Industrial District	
"MU-1" Mixed Use District	LOR Local Office/Retail District
"MU-2" Mixed Use District	
“DD” Downtown Duncanville District	DD, Downtown Duncanville District
"PD" Planned Development	PD, Planned Development District
"PD-2" Planned Development-2	

Section 2.03. Residential Zoning Districts

A. SF-43 Estate Single-Family Residential District

1. Purpose

The SF-43 Estate Single-Family Residential District is intended for residential areas with more rural settings and larger lots. This district is also intended to protect areas that may be unsuitable for development because of physical constraints, or potential health or safety hazards such as flooding, as well as providing preservation of natural open space areas.

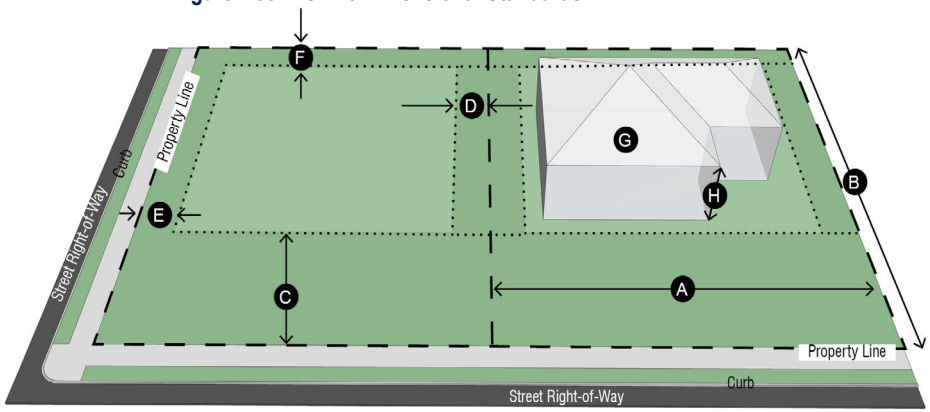
2. Regulations

a. **Figure 2.03.1. SF-43 Dimensional Standards**

b. **Table 2.03.1. SF-43 Other Applicable Standards**

Table 2.03.1. SF-43 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.1. SF-43 Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
1 acre	200’	100’	50’	30’	50’	50’	20%	3 stories	2,500 SF

B. SF-13 Single-Family Residential District

1. Purpose

The SF-13 Single-Family Residential District is intended primarily for suburban style single-family dwellings and related recreational and educational facilities normally required to provide an orderly and attractive residential area. Civic institutions may be appropriate if compatible in size and operation with the surrounding residential area. This district is intended to be defined and protected from the encroachment of uses that are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

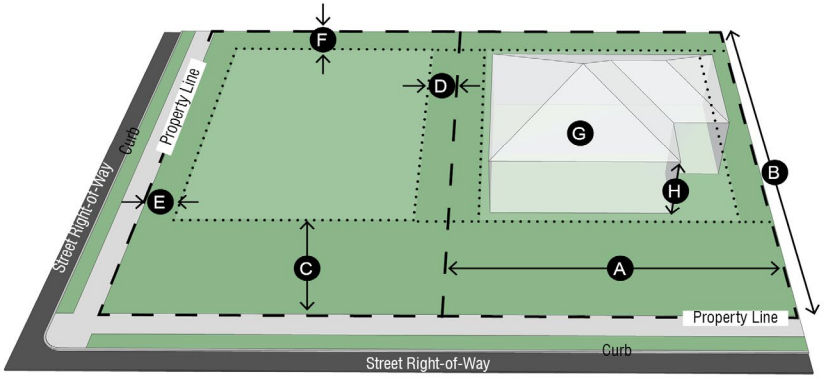
2. Regulations

a. **Figure 2.03.2. SF-13 Dimensional Standards**

b. **Table 2.03.2. SF-13 Other Applicable Standards**

Table 2.03.2. SF-13 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.2. SF-13 Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
13,000 SF	90’	120’	30’	7.5’	10’	10’	50%	3 stories	2,000 SF

C. SF-10 Single-Family Residential District

1. Purpose

The SF-10 Single-Family Residential District is intended primarily for suburban style single-family dwellings and related recreational and educational facilities normally required to provide an orderly and attractive residential area. Civic institutions may be appropriate if compatible in size and operation with the surrounding residential area. This district is intended to be defined and protected from the encroachment of uses that are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

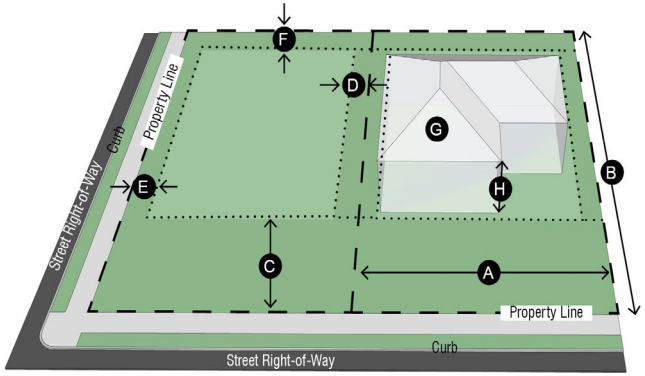
2. Regulations

a. **Figure 2.03.3. SF-10 Dimensional Standards**

b. **Table 2.03.3. SF-10 Other Applicable Standards**

Table 2.03.3. SF-10 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.3. SF-10 Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
10,000 SF	75’	100’	25’	7.5’	10’	10’	50%	2½ stories	1,800 SF

D. SF-7 Single-Family Residential District

1. Purpose

The SF-7 Single-Family Residential District is intended primarily for urban style single-family dwellings and related recreational and educational facilities normally required to provide an orderly and attractive residential area. Civic institutions may be appropriate if compatible in size and operation with the surrounding residential area. This district is intended to be defined and protected from the encroachment of uses that are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

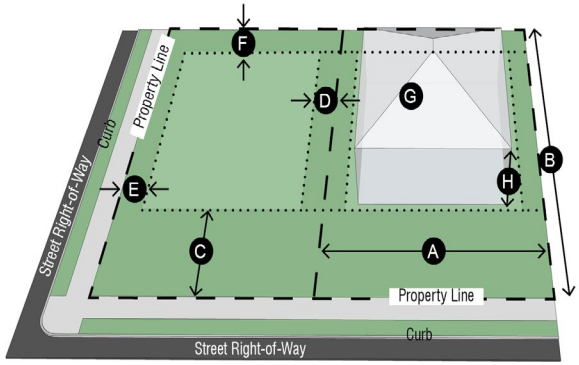
2. Regulations

a. **Figure 2.03.4. SF-7 Dimensional Standards**

b. **Table 2.03.4. SF-7 Other Applicable Standards**

Table 2.03.4. SF-7 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.4. SF-7 Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
7,000 SF	65’	100’	25’	5’	10’	10’	50%	2½ stories	1,400 SF

E. TF-7 Duplex Residential District

1. Purpose

The TF-7 Duplex Residential District is intended to promote quality duplex and townhome residential development. Individual ownership of the two family or duplex unit is encouraged. This district may include neighborhoods consisting entirely of duplexes, or, when in accordance with the intent of the Comprehensive Plan, may provide a transition district between lower density residential areas and more intense residential, nonresidential areas, or major roadways.

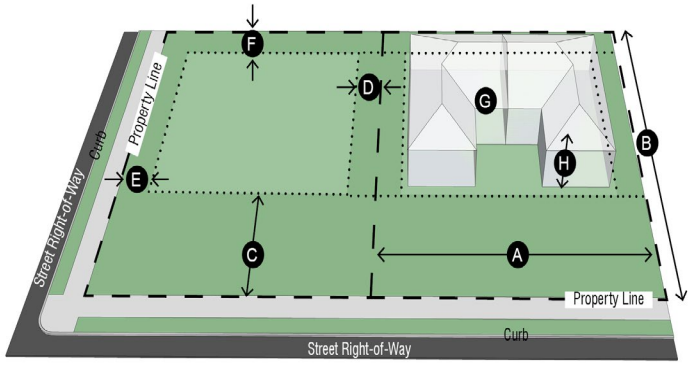
2. Regulations

a. **Figure 2.03.5. TF-7 Dimensional Standards**

b. **Table 2.03.5. TF-7 Other Applicable Standards**

Table 2.03.5. TF-7 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.5. TF-7 Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
7,000 SF	60’	100’	25’	5’	10’	10’	50%	2½ stories	1,000 SF for single-family 1,600 SF for combined duplex

F. MF-14 Multi-Family Residential District

1. Purpose

The MF-14 Multi-Family Residential District is intended to meet the needs for medium and high density residential areas where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community.

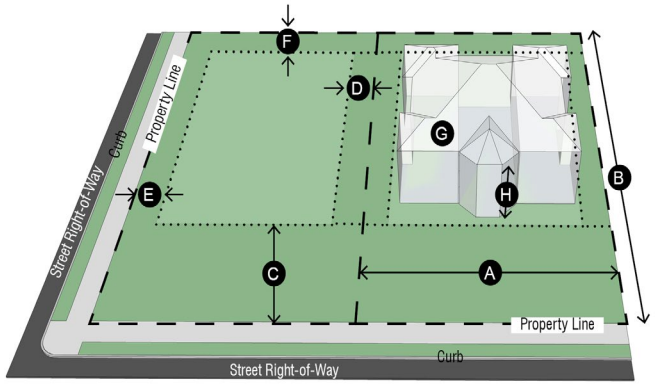
2. Regulations

a. **Figure 2.03.6. MF-14 Dimensional Standards**

b. **Table 2.03.6. MF-14 Other Applicable Standards**

Table 2.03.6. MF-14 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Figure 2.03.6. MF-14 Dimensional Standards



Max. Dwelling Units Per Acre (DUA)	Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area (Avg.)
14 DUA	14,000 SF for multi-family	60’	100’	30’	10’	15’	30’	60%	2 stories	800 SF avg 450 SF smallest unit

G. MF-21 Multi-Family Residential District

1. Purpose

The MF-21 Multi-Family Residential District is intended to meet the needs for the highest density residential areas where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community.

2. Regulations

a. **Figure 2.03.7. MF-21 Dimensional Standards**

b. **Table 2.03.7. MF-21 Other Applicable Standards**

Table 2.03.7. MF-21 Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
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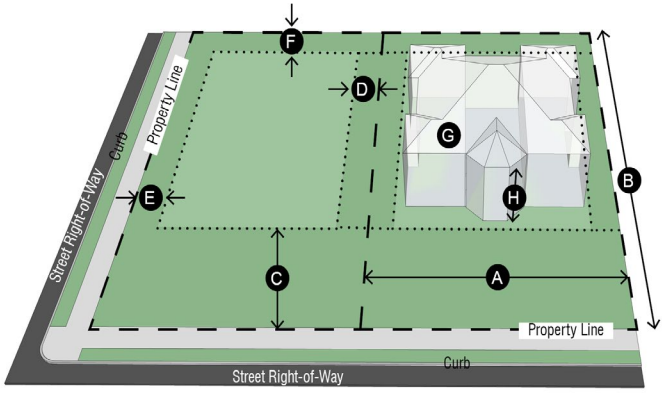
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.03.7. MF-21 Dimensional Standards



Max. Dwelling Units Per Acre (DUA)	Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Min. Living Area
21 DUA	16,000 SF	60’	110’	30’	10’	15’	30’	60%	3 stories	800 SF avg 450 SF smallest unit

Section 2.04. Nonresidential Zoning Districts

A. NOR Neighborhood Office/Retail District

1. Purpose

The NOR Neighborhood Office/Retail District is established to create a flexible district for low intensity office and professional uses, and also to serve as a limited retail category intended for the use of nearby neighborhood areas for the purpose of supplying day-to-day needs and personal services. Establishments should include small, freestanding structures, and neighborhood oriented personal service establishments. Permitted uses should be compatible with adjacent residential areas. This district can be used as a transition district between residential uses and more intense uses.

2. Regulations

a. **Figure 2.04.1. NOR Dimensional Standards**

b. **Table 2.04.1. NOR Other Applicable Standards**

Table 2.04.1. NOR Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
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Section 4.01. Additional Regulations in the Code of Ordinances
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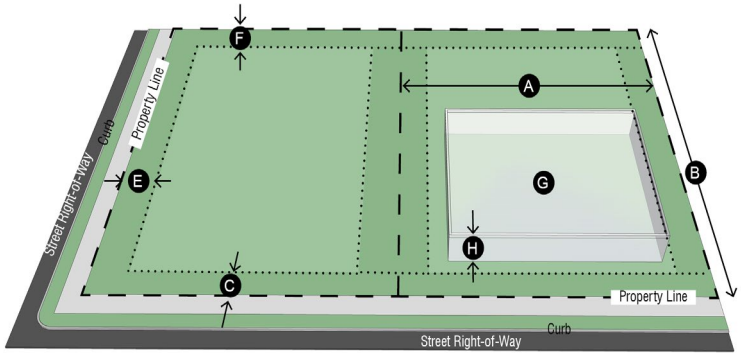
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.04.1. NOR Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Max. Floor Area
6,000 SF	60’	100’	30’	10’	30’	25’	50%	1 story	5,000 SF

B. LOR Local Office/Retail District

1. Purpose

The LOR Local Office/Retail District is established to provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. Pad site development is also allowed in this zoning district. These areas shall utilize landscape and screening requirements. This district should be located along or at the intersections of major collectors or thoroughfares to accommodate higher traffic volumes.

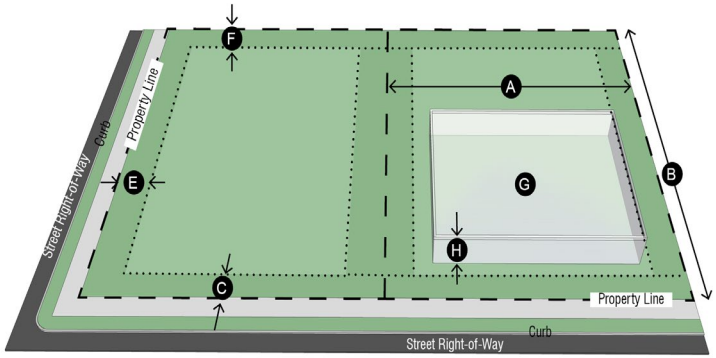
2. Regulations

a. **Figure 2.04.2. LOR Dimensional Standards**

b. **Table 2.04.2. LOR Other Applicable Standards**

Table 2.04.2. LOR Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.04.2. LOR Dimensional Standards



Min. Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Max. Floor Area
10,000 SF	70’	100’	25’	25’ 0’ when adjacent to other retail and other nonres. uses	25’	25’	40%	2 stories	40,000 SF

C. GOR General Office/Retail District

1. Purpose

The GOR General Office/Retail District is established to provide for the development of regional-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. Pad site development is also allowed in this zoning district. These areas shall utilize landscape and screening requirements. This district should be located along or at the intersections of major collectors or thoroughfares to accommodate higher traffic volumes.

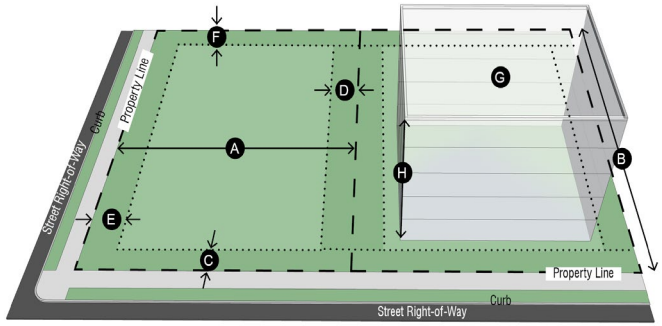
2. Regulations

a. **Figure 2.04.3. GOR Dimensional Standards**

b. **Table 2.04.3. GOR Other Applicable Standards**

Table 2.04.3. GOR Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.04.3. GOR Dimensional Standards



Min Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Max. Floor Area
10,000 SF	70’	100’	25'	0'	25'	25’	50%	4 stories	-

D. C Commercial District

1. Purpose

The C Commercial District is intended to provide a centrally located and convenient location for service and commercial related establishments, and other heavy commercial uses. The uses envisioned for the district typically utilize larger sites and/or have operational characteristics that are incompatible with residential zoning or uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

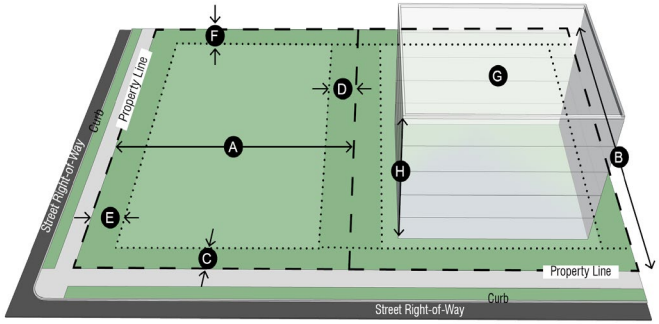
2. Regulations

a. **Figure 2.04.4. C Dimensional Standards**

b. **Table 2.04.4. C Other Applicable Standards**

Table 2.04.4. C Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.04.4. C Dimensional Standards



Min Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Max. Floor Area
7,000 SF	60’	100’	20’	15’	20’	15’	60%	Determined by Res Proximity Slope	-

E. I Industrial District

1. Purpose

The I Industrial District is intended to provide for heavy industrial manufacturing uses with accompanying open storage and supporting commercial uses. The uses permitted in the district should not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located and should produce no noise exceeding the average intensity of noise of street traffic, as stated in performance standards, at that point and provided that such use does not create fire hazards on surrounding property.

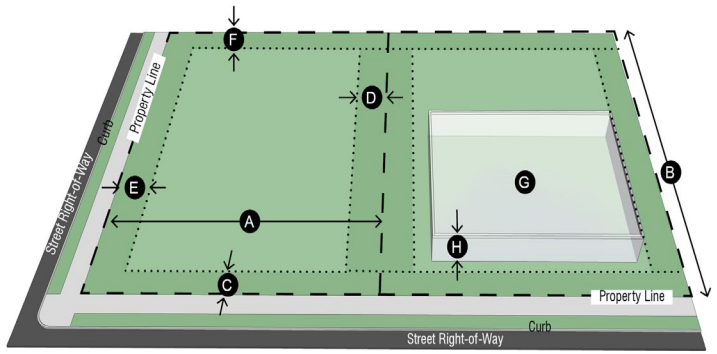
2. Regulations

a. **Figure 2.04.5. I Dimensional Standards**

b. **Table 2.04.5. I Other Applicable Standards**

Table 2.04.5. I Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle

Figure 2.04.5. I Dimensional Standards



Min Lot Area	A Min. Lot Width	B Min. Lot Depth	C Min. Front Setback	D Min. Interior Side Setback	E Min. Exterior Side Setback	F Min. Rear Setback	G Max. Building Coverage	H Max. Height	Max. Floor Area
7,000 SF	60’	100’	25’	15’	25’	20’	70%	Determined by Res Proximity Slope	-

Section 2.05. Special Zoning Districts

A. DD, Downtown Duncanville District

1. Purpose

The purpose of the DD, Downtown Duncanville District is to support a pedestrian-oriented, mixed-use urban development environment, with convenient access to rail transit, shopping, employment, housing, and neighborhood retail services. The intent is to revitalize Duncanville's Main Street to be the center of life in the community. Therefore, an efficient, compact land use pattern; encouraging pedestrian activity; reducing the reliance on private automobiles; promoting a more functional and attractive community through the use of recognized principles of urban design; and allowing property owners flexibility in land use, while prescribing a high level of detail in building design and form are encouraged by the Downtown Duncanville District. This district is intended to implement the vision laid out in the Downtown Duncanville Master Plan including maximizing development opportunities in the vicinity of the future rail transit stop at Center Street. Specifically, the zoning district will guide the private development decisions on a market-based approach with flexibility in use and density.

2. Regulations

Table 2.05.1. DD Other Applicable Standards

Table 2.05.1. DD Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements
Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle
Section 4.11. DD, Downtown Duncanville District Requirements

B. PD, Planned Development District

1. Purpose

The PD, Planned Development District is intended to permit new or innovative concepts in land utilization not permitted by other zoning districts in these regulations. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, the PD district procedures are established herein to ensure against misuse of increased flexibility.

2. Regulations

Unless specifically modified by the PD ordinance, the PD shall comply with all standards of this Zoning Ordinance.

a. **Section 6.06. Planned Developments**

b. **Table 2.05.2. PD Other Applicable Standards**

Table 2.05.2. PD Other Applicable Standards
Article 3. Land Uses
Section 3.03. Permitted Use Chart
Section 3.04. Additional Use Regulations
Article 4. Development Standards
Section 4.01. Additional Regulations in the Code of Ordinances
Section 4.02. Modified Dimensional Standards
Section 4.03. Design Standards
Section 4.04. Off-Street Parking and Loading Requirements
Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
Section 4.08. Landscape Requirements

Article 3. Land Uses

Article Table of Contents:

Section 3.01. Uses Permitted by District

Section 3.02. Classification of New and Unlisted Uses

Section 3.03. Permitted Use Chart

Section 3.04. Additional Use Regulations

Section 3.01. Uses Permitted by District

A. Land and buildings in each of the zoning districts may be used for any of the specified uses in Section 3.03. Permitted Use Chart.

B. See Section 7.02. Land Use Terms for definitions of land use classifications.

Legend for Permitted Use Chart	
●	Use is permitted in district indicated
○	Use is permitted in district upon approval of a Specific Use Permit (SUP)
	Use is prohibited in district indicated

Section 3.02. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop, and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted use shall be made as follows:

A. City Planner Classification as a Similar Use

The new or unlisted use will be referred to the City Planner to determine whether the new or unlisted use should be classified as a similar existing use.

B. Zoning Text Amendment for New or Unlisted Use

If the City Planner is unable to classify the new or unlisted use as similar to an existing use, the use shall be processed as a Zoning Text Amendment, which requires a recommendation from the Planning and Zoning Commission and approval from the City Council to amend the Permitted Use Chart.

C. Factors for Consideration

The determination shall be based on findings in relation to the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, amount of noise, odor, fumes, light, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities.

Section 3.03. Permitted Use Chart

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Residential Uses																	
Assisted Living Facility						●	●			●							1 : 2 beds
Boarding House						○	○	○	○	○	○	○	○	○		Section 3.04.A.1	1 : 1 bedroom
Child Care Home (≤6 Children)	●	●	●	●	●	●	●										Based on dwelling
Child Care Home (≥7 Children)	○	○	○	○	○	○	○										Based on dwelling
Community Home for Persons with Disabilities	●	●	●	●	●	●	●									Section 3.04.A.2	1 : bedroom
Halfway House						○	○				○						1 : bedroom
HUD-Code Manufactured Home	○																See Section 4.04.B.3
Industrialized Home	●	●	●	●	●											Section 3.04.A.3	See Section 4.04.B.3
Live-Work Unit						●	●	●	●	●			●	●	●		See Section 4.04.B.3
Mixed-Use Development						○	○		●	●			●	●	●	Section 3.04.A.4	Based on individual uses
Multiple-Family Dwelling						●	●								●	Section 3.04.A.5	Studio | 1 : unit 1-2 BR | 2 : unit 3+ BR | 0.5 : add'l BR over 2 + Guest | 1 : 10 units
Patio Home/Zero Lot Line Home				●	●										○	Section 3.04.A.6	See Section 4.04.B.3
Single Family Detached	●	●	●	●	●										●		See Section 4.04.B.3
Townhome					●	●	●								●	Section 3.04.A.6	See Section 4.04.B.3
Two-Family Dwelling					●	●									●	Section 3.04.A.6	See Section 4.04.B.4
Accessory and Incidental Uses																	
Accessory Dwelling Unit	●	●	●	●											●	Section 3.04.B.1	1 : dwelling
Basketball or Tennis Court	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○		Site analysis required

● = Permitted ○ = SUP

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Carport	○	○	○	○	○	○	○										N/A
Drive-Thru									○	●	●					Section 3.04.B.2	N/A
Fuel Pumps									○	○	●	●				Section 3.04.B.3	N/A
Funeral Home, Crematory											○						N/A
Home Occupation	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	Section 3.04.B.4	N/A
Outdoor Display, Permanent										○	○	○				Section 3.04.B.5	N/A
Outdoor Display, Temporary								○	○	○	○	○	○	○	○	Section 3.04.B.6	N/A
Outside Storage											●	●				Section 3.04.B.7	N/A
Short-Term Rental	○	○	○	○	○	○	○	○	○	○			●	●	●	Section 3.04.B.8	N/A
Wind Energy Turbine	○	○	○	○	○	○	○									Section 3.04.B.9	N/A
Educational, Institutional, Public, and Special Uses																	
Adult Day Services						○	○	○	●	●							1 : 400 + 1 : employee
Art Gallery and Museum								○	●	●	●	●	○	○	○		1 : 300
Cemetery or Mausoleums	●	●	●														N/A
Chemical Dependency Facility							○				○						1 : 2 patients
Child Care Facility, Children's Home										○	○						1 : 7 children
Child Care Facility, Daycare						○	○	○	●	●						Section 3.04.C.1	1 : 400 + 1 : employee
Community Center, Public	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		N/A
Driving School									○	●	●						1 : 300
Library							●	●	●	●	●	●		●	●		1 : 500
Local Utility Distribution Lines	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		N/A
Lodge or Civic Club									○	○	○						1 : 200
Medical, Clinic or Office									●	●	●		●	●			1 : 400
Medical, Emergency Room										○	●						N/A

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Medical, Hospital										●	●	●		●	●		1.5 : bed
Medical, Rehab Care (without Live-in)								○	●	●	●						1 : 400
Medical, Urgent Care Facility							○	○	●	●	●		●	●	○		1 : 400
Place of Worship	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		Non-Fixed Seats | 1 : 150 or Fixed Seats | 1 : 4 seats
Public Facility, Use, or Utility	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		N/A
Radio or Television Broadcasting without Tower	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		1 : 400
Research and Development Laboratory (Life Sciences)										○	●	●					1 : 500
Research and Development Laboratory (Technology)								○	○	●	●	●	○	○			1 : 500
School, Business, Trade, or Vocational								●	●	●	●	●	○	○			1 : 3 students + 1 : classroom
School, College or University	○	○	○	○	○	○	○	●	●	●	●	●	○	○			1 : 3 students + 1 : classroom
School, Primary or Secondary (Private)	○	○	○	○	○	○	○	●	●	●	●	●	○	○		Section 3.04.C.2	Ele./Middle | 2 : classroom Senior High | 8 : classroom
School, Primary or Secondary (Public)	○	○	○	○	○	○	○	●	●	●	●	●	○	○		Section 3.04.C.2	Ele./Middle | 2 : classroom Senior High | 8 : classroom
Wireless Communication Tower	○	○	○	○	○	○	○	●	●	●	●	●	●	●	●	Section 3.04.C.3	1 space
Recreational and Entertainment Uses																	
Amusement, Indoor							○	○	●	●	●	●	●	●	○		1 : 300
Amusement, Outdoor (Permanent)										●	●	●	○	○			1 : 3 patrons
Amusement, Outdoor (Temporary)									○	○	○	○	○	○			1 : 3 patrons
Banquet or Event Center									○	○	●		○	○			Non-Fixed Seats | 1 : 150 or Fixed Seats | 1 : 4 seats
Country Club	○	○	○	○	○	○	○	●	●	●	●	●					9 : hole + 1 : 150 of clubhouse/rooms
Park, Private	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		N/A
Park, Public	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		N/A
Theater, Indoor Only								○	●	●	●	●	○	○	○		1 : 4 seats
Theater, Performing Arts									●	●	●	○	○	○	○		1 : 4 seats

● = Permitted ○ = SUP

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Retail and Service Uses																	
Adult-Oriented Uses												●				Section 3.04.E.1	1 : 300
Appliance Rental and Repair								○	○	●	●	○					1 : 400
Art Instruction Studio								○	●	●	●	○	●	●	○		1 : 300
Art Studio								○	●	●	●	○	●	●	○		1 : 400
Bail Bond Business										○	○						1 : 300
Bar (≥75% Alcohol Sales)								○	●	●			○	○	○	Section 3.04.E.2	1 : 200
Credit Access Business												●					1 : 300
Feed Store									○	○	○	●					1 : 300
Financial Institution								○	●	●	●		●	●	●		1 : 300
Food Truck Park								○	○	○	○	○	○	○		Section 3.04.E.3	Site analysis required
Funeral Home								○	○	●	●						1 : 50 sq. ft. of service or slumber rooms
Grocery, Local Scale								○	●	●			●	●	●		1 : 300
Grocery, Neighborhood Scale								●	●	●			●	●			1 : 300
Grocery, Regional Scale									○	●							1 : 400 1 : 500 if larger than 60,000 sq. ft.
Gym and Fitness Facilities									○	●	●	●	●	●	●		1 : 300
Hookah Lounge																Section 3.04.E.4	N/A
Nursery, Retail								●	●	●			●	●			1 : 5,000 of outdoor storage area + 1 : 200 of sales or office space
Nursery, Wholesale										○	○	●					1 : 5,000 of outdoor storage area + 1 : 200 of sales or office space
Pawn Shop										●	●						1 : 300
Personal Care Service Shop								●	●	●			●	●	●		1 : 200, minimum of 5 spaces
Plumbing Shop										●	●	●					1 : 400
Postal Mart								●	●	●	●		●	●	●		1 : 400

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Print Shop								○	○	○	○	●	○	○			1 : 400
Professional Office, Local Scale								○	●	●			●	●			1 : 400
Professional Office, Neighborhood Scale								●	●	●			●	●	●		1 : 300
Professional Office, Regional Scale									○	●							1 : 500 1 : 600 if larger than 40,000 sq. ft.
Recycle Collection Point											●	●					N/A
Restaurant, Limited Seating								●	●	●	●		●	●	●		1 : 400
Restaurant, Seated Service								●	●	●	●		●	●	●		1 : 200
Retail, Convenience Store								○	●	●	●		○	○	○		1 : 300
Retail, Convenience Store with Restaurant								○	●	●	●		○	○	○		1 : 300
Retail, Local Scale								○	●	●			●	●	○		1 : 300
Retail, Neighborhood Scale								●	●	●			●	●	●		1 : 200
Retail, Regional Scale									○	●				●			1 : 400 1 : 500 if larger than 50,000 sq. ft.
Retail, Sundry								○	○	○	○		○	○		Section 3.04.E.5	1 : 200
Seasonal Sales								○	○	○	○	○	○	○	○		Subject to City determination
Sign Printing									○	●	●	●					1 : 200 of customer floor area, minimum of 5 spaces
Tattoo or Piercing Studio											●						1 : 400
Tobacco, CBD, or Vape Shop											●					Section 3.04.E.6	1 : 300
Commercial and Industrial Uses																	
Alcohol Production, Macro												●					Office | 1 : 400 Production area | 1 : 1,000
Alcohol Production and Tasting/Tap Room, Micro with Food Sales								○	●	●	●	●	●	●			Office | 1 : 400 Production area | 1 : 1,000 Tasting/tap room | 1 : 200
Alcohol Production and Tasting/Tap Room, Micro without Food Sales									○	●	●	●	●	●			Office | 1 : 400 Production area | 1 : 1,000 Tasting/tap room | 1 : 200

● = Permitted ○ = SUP

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Animal Services, No Outside Pens								○	○	●	●		○	○			1 : 400
Animal Services with Outside Pens										○	○	●					1 : 400
Bed & Breakfast	○	○	○	○	○												1 : rented bedroom
Building Materials Sales										○	○	●					1 : 1,000 of site used for sales/storage
Cabinet Shop										○	●	●					1 : 300
Commercial, General										○	●	●					1: 350
Contractor & Storage Yard											○	●					1 : 1,000 of site used for sales/storage
Extermination Business										○	○	●					1:350
Furniture Repair Shop										●	●						1 : 400
Heavy Equipment Sales											○	●					Office | 1 : 400 Showroom | 1 : 500
Hotel, Full Service									○	○	●						1.1 : guest room + 1 : 8 seats for meeting room/restaurant
Hotel, Limited Service											○						1.1 : guest room
Hotel, Select Service										○	●						1.1 : guest room + 1 : 8 seats for meeting room/restaurant
Laundry, Commercial											○	●					1 : 800
Laundry, Dry Cleaning Drop-Off/Pick-Up								●	●	●	●		●	●	●		1 : 400
Laundromat									●	●	●						1 : 400
Machine and Welding Shop											○	●					1 : 2 employees or 1 : 1,000, whichever is greater
Manufactured/Mobile Homes Sales (On Site)											○						1 : 200 of office space
Manufacturing, Production, and Processing, Heavy												●					Office | 1 : 400 Warehouse | 1 : 1,000
Manufacturing, Production, and Processing, Light											●	●					Office | 1 : 400 Warehouse | 1 : 1,000
Sign Manufacturing										●	●	●					1 :1,000 with a minimum of 5 spaces
Storage of Topsoil, Earth, Clay, Stone Extraction	●										●	●					1 : employee, but no less than 1 : 1,000

Land Use	SF-43	SF-13	SF-10	SF-7	TF-7	MF-14	MF-21	NOR	LOR	GOR	C	I	DD CMS	DD GMS	DD UL	Add'l Regs. #	Parking
Warehouse, Self Storage										○	○	●					4 spaces located outside the security gates and accessible to the public
Warehouse, Storage or Sales											○	●					Office | 1 : 400 Warehouse | 1 : 1,000
Wholesale Center											○	●					Office | 1 : 400 Warehouse | 1 : 1,000
Automobile and Transportation Uses																	
Auto Dealership (Inside Only)									○	●	●	●					1 : 500
Auto Dealership, New and Used									○	○	●	●					1 : 500 for indoor uses 1 : 1,000 for outdoor uses
Auto Dealership, Used Only											○	●					1 : 500 for indoor uses 1 : 1,000 for outdoor uses
Auto Repair and Services, Major											○	●				Section 3.04.G.1	1 : 375
Auto Repair and Services, Minor (No Outside Storage)									○	●	●	●					1 : 375
Auto Storage and Rental										○	○	●					1 : 1,000
Boats, Campers, & Recreation Vehicles Sales											○	●					1 : 500 for indoor uses 1 : 1,000 for outdoor uses
Bus and Truck Storage and Rental											○	●					1 : 1,000 + Storage for all vehicles
Car Wash											●					Section 3.04.G.2	Wash bays + 5 queue spaces
Car Wash, Inside Only										●	●						1 : 200
Fuel Station, Standalone									○	●	●	●				Section 3.04.G.3	N/A
Hauling Services											○	●					1 : 300
Parking Lot										●	●	●	○	○	○		N/A
Passenger Pick-Up and Drop-Off Point								○	○	○	○	○	○	○	○		N/A
Passenger Terminal								○	○	○	○	○	○	○	○		Subject to City determination
Truck Dealership											○	●					1 : 500 for indoor uses 1 : 1,000 for outdoor uses
Truck Repair											○	●					1 : 2 employees or 1 : 1,000, whichever is greater

● = Permitted ○ = SUP

Section 3.04. Additional Use Regulations

The following requirements correspond to each use as designated within the “Additional Regulations” column of **Section 3.03. Permitted Use Chart**.

A. Residential Uses

1. Boarding House Standards

a. Application Information

Specific Use Permit applications shall include, but not limited to, the following information:

(1) Number of permanent occupants

(2) Maximum number of temporary occupants

(3) Total square feet of dwelling unit

(4) Number of bedrooms

(5) Total square feet of sleeping rooms

(6) Number of restrooms

(7) Total square feet of kitchen

(8) Total square feet of living and/or dining areas

(9) Maximum number of vehicles, and

(10) On-site responsible party and contact information.

b. Living Area

(1) Each bedroom in a dwelling unit occupied by one person shall contain 70 square feet of floor area, and that each bedroom occupied by more than one person shall contain at least 60 square feet of floor area for each occupant thereof.

(2) Bedrooms shall be proportional to bathrooms and living areas in single family residential structures such that for every two rooms used in the structure as a bedroom there shall be at least: (A) one full bathroom (containing a commode, a sink and a shower or bathtub); and (B) one living area. As used in this section, the term "living area" means a room of at least 120 square feet in size, other than:

(a) An unfinished garage or basement; or,

(b) A room used as bedroom, bathroom or kitchen.

c. Spacing

No Boarding House shall locate within one thousand six hundred (1,600) feet of another Boarding House. The measurement is taken in a straight, direct line from one property to another.

d. Parking

The amount of on-site parking shall not exceed the parking required by **Section 3.03. Permitted Use Chart** by more than three (3) spaces.

e. Inspections

All Boarding Houses 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.

2. Community Home for Persons with Disabilities Standards

a. Application Information

Applications for a Community Home for Persons with Disabilities shall include, but not limited to, the following information:

(1) Current State license information, and

(2) On-site responsible party and contact information.

b. Spacing

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. Parking

The amount of on-site parking shall not exceed the parking required by **Section 3.03. Permitted Use Chart** by more than three (3) spaces.

d. Inspections

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.

3. Industrialized Home Standards

a. The industrialized home meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.

b. The industrialized home conforms to all applicable zoning standards for the respective zoning district.

c. The industrialized home has a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent County certified tax appraisal roll;

d. The industrialized home has exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located;

e. The industrialized home complies with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and

f. The industrialized home is securely fixed to a permanent foundation.

4. Mixed-Use Development Standards

a. Build-To Zone

(1) At least seventy-five (75) percent of the front façade shall be located within five (5) feet from the required front yard setback.

(2) For corner lots, at least seventy-five (75) percent of the exterior side façade shall be located within five (5) feet from the required side yard setback.

b. Building Articulation

See requirements in **Section 4.03. Design Standards**.

c. Required Fenestration

(1) Ground floor shall be fifty (50) percent to seventy-five (75) percent doors and/or windows.

(2) Upper floors shall be twenty-five (25) percent to fifty (50) percent doors and/or windows (measured between 3' to 9' above each finished floor).

d. Building Entrance

(1) The primary entrance shall front a public street with a walkway connecting to a front sidewalk.

(2) Architectural elements shall indicate a clear entry point.

e. Parking

(1) Off-street parking shall be calculated based on the uses within the development. Shared parking provisions may be utilized to reduce the number of required spaces.

(2) No off-street parking shall be located in front of the building façade.

f. Uses

(1) At least seventy-five (75) percent of the first story of the structure shall be used for nonresidential use(s). The remaining portion of the structure above the first story may be used for either residential or nonresidential uses, or a combination of both.

(a) If a one-story structure exists on the property, one hundred (100) percent of the structure shall be occupied for nonresidential use(s) only.

(2) Drive-through features for the transaction of business are prohibited.

5. Multiple-Family Dwelling Standards

   a. Building Articulation

      See requirements in **Section 4.03. Design Standards**.

   b. Recreation Space

      (1) All multiple-family developments with twenty (20) dwelling units or more shall devote not less than eight (8) percent of the gross development area to recreational facilities, generally in a central location. In large developments (two acres or larger), these may be decentralized.

      (2) Recreation areas include space for community buildings and community uses, such as adult recreation, child play areas, dog parks, picnic areas, and swimming pools, but do not include vehicle parking, commercial, maintenance, and utilities areas.

6. Patio Home/Zero Lot Line Home, Townhome, and Two-Family Dwelling Standards

   See **Section 4.02. Modified Dimensional Standards** for exceptions to the dimensional standards.

B. Accessory and Incidental Uses

1. Accessory Dwelling Unit Standards

   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. The homeowner must live on the property.

2. Drive-Thru Standards

   a. 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.

   b. See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

3. Fuel Pumps Standards

   See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

4. Home Occupation Standards

   a. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such Home Occupation. No sign, advertisement or display may be used to indicate the presence of a Home Occupation in the structure.

   b. The Home Occupation shall be clearly incidental and subordinate to the home's use for residential purposes. Not more than five hundred (500) square feet or ten (10) percent of the square footage of the dwelling area, whichever is greater, shall be used in the conduct of the Home Occupation.

   c. The address of the dwelling may not appear in any advertisement.

   d. Any persons employed must be a member of the occupant's immediate family and reside on the premises where the home occupation takes place.

   e. No Home Occupation may utilize equipment other than that designed for residential use or which would be detrimental to or distract from the use of the premises as a residence.

   f. The Home Occupation will not cause an increase in traffic volume in the neighborhood. No more than five (5) patrons may be on the premises at one time.

   g. No equipment shall be used that creates offensive noises, vibration, sound, smoke, dust, odors, heat, glare, x-rays, or electrical disturbances to radio or television instruments.

   h. Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post, United Parcel Service or similar delivery trucks.

   i. No traffic shall be generated by a Home Occupation in greater volume than normally expected in a residential neighborhood, and any need for parking must be accommodated within the required off-street parking for the residence or along the street frontage for the lot.

   j. No Outside Storage shall be permitted in conjunction with a Home Occupation.

5. Outdoor Display, Permanent Standards

   a. Outdoor Display, Permanent areas shall not be located more than thirty feet (30') from the main building and shall not exceed fifty (50) percent of the linear frontage of the building.

   b. Outdoor Display, Permanent 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.

   c. Outdoor Display, Permanent areas must be contained within the property and shall not extend into the right-of-way.

   d. Outdoor Display, Permanent items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

   e. Outdoor Display, Permanent is permitted only as an accessory use and is not a permitted principal use.

6. Outdoor Display, Temporary Standards

   a. Outdoor Display, Temporary areas shall not be located more than thirty feet (30') from the main building and shall not exceed fifty (50) percent of the linear frontage of the building.

   b. Outdoor Display, Temporary shall not occupy any of the parking spaces that are required by this Zoning Ordinance for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 45 days per display and a maximum of two (2) displays per calendar year.

   c. Outdoor Display, Temporary 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.

   d. Outdoor Display, Temporary must be contained within the property. Outdoor Display, Temporary areas shall not extend into the right-of-way without written permission from the City.

   e. Outdoor Display, Temporary items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

   f. Outdoor Display, Temporary is permitted only as an accessory use and is not a permitted principal use.

7. Outside Storage Standards

   a. Outside Storage shall not be located in the front yard.

   b. See **Section 4.07.C.6 Outside Storage Screening** for screening requirements.

8. Short-Term Rental Standards

   a. The applicant must obtain a Short-Term Rental permit from the City and provide proof of ownership of the residence.

   b. The applicant must demonstrate to the satisfaction of the City Planner that the unit and property do not have any outstanding issues related to taxes or building, electrical, plumbing, fire, health, housing, police, planning, noise, or code enforcement provisions.

   c. The applicant must submit a report to the City Planner each January that indicates the following:

      (1) The number of nights the unit was rented as a Short-Term Rental in the previous year;

      (2) Proof of payment of Hotel Occupancy Tax is submitted to the City in accordance with Chapter 18 Article II of the City's Code of Ordinances; and

      (3) Proof of current property insurance.

      (4) If the applicant has failed to meet one of these requirements, the City shall provide ten (10) calendar days of notice to comply.

   d. The City retains the right to suspend or remove a property from the registry. Once a property has been removed from the registry, the property shall not be added to the registry for at least one (1) year.

   e. Suspension or removal shall be at the discretion of the City Planner for reasons including, but not limited to, the following:

      (1) The applicant has given false or misleading information during the application process;

      (2) There has been a violation of any of the terms, conditions, or restrictions of this subsection;

      (3) The applicant has failed to pay the Hotel Occupancy Tax in the timely manner; or

(4) The location has received three (3) complaints from the neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.

f. Continued operation of a Short-Term Rental following suspension or removal from the registry shall be considered a violation of this Zoning Ordinance.

9. Wind Energy Turbine Standards

a. General Standards

(1) Wind Energy Turbines are permitted only in the rear yard.

(2) The minimum distance between the ground and any part of a rotor blade must be at least twenty (20) feet.

(3) Wind Energy Turbines shall not be illuminated, nor may they bear any signs or advertising.

(4) Wind Energy Turbines must have automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the support structure, rotor blades, and turbine components.

(5) All wiring serving Wind Energy Turbines must be underground.

(6) Noise produced by Wind Energy Turbines may not exceed 55 dBA measured at the property line.

(7) Wind Energy Turbines must not cause any interference with normal radio and television reception in the surrounding area, with any public safety agency or organization (including but not limited to police, fire, and ambulance) radio transmissions, or with any microwave communications link. The owner shall bear the cost to conduct a study to determine interference, and of immediately eliminating any such interference should any occur, or must immediately shut down the system or parts of the system causing the interference.

(8) A finish (paint/surface) must be provided for the Wind Energy Turbine that reduces the visibility of the facility, including the rotors. In most circumstances this condition may be satisfied by painting the support structure and rotors with flat light haze gray paint. If the support structure is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

(9) The diameter of the area swept by the rotors may not exceed twelve (12) feet.

b. Freestanding Systems – Additional Standards

(1) Wind Energy Turbines may be mounted on a tower detached from other structures on the lot.

(2) The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point unless the affected utility, property owner, or governmental entity grants written permission for a lesser setback. In addition to the system's structures, guy wires associated with towers shall meet applicable setbacks for the zoning district.

(3) Freestanding systems measured from the top blade may not exceed forty-five (45) feet in height.

(4) Support structures for freestanding systems must be unclimbable from the ground to a height of at least fifteen (15) feet.

(5) A maximum of one (1) freestanding Wind Energy Turbine shall be allowed per lot.

c. Roof-Mounted Systems – Additional Standards

(1) Wind Energy Turbines may be mounted on the roof of a structure as an appurtenance.

(2) Roof-mounted systems measured from the top blade may not be more than five (5) feet over the maximum allowed height for the structure.

(3) A maximum of one (1) roof-mounted Wind Energy Turbine shall be allowed per lot.

(4) Before any roof-mounted system is mounted, the property owner must submit a report prepared by a licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of mounting the system on it. This report is subject to approval by the City Engineer prior to the mounting of the system.

C. Educational, Institutional, Public, and Special Uses

1. Child Care Facility, Daycare Standards

   See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

2. School, Primary or Secondary (Private) or School, Primary or Secondary (Public) Standards

   See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

3. Wireless Communication Tower Standards

   See **Section 4.12. Wireless Telecommunication Regulations**.

D. Recreational and Entertainment Uses

None.

E. Retail and Service Uses

1. Adult-Oriented Uses Standards

   Adult-Oriented Uses must maintain a minimum separation distance of one thousand (1,000) feet from any residential district, any structure used as a residence, any place of worship, school, hospital, park or playground, or any other Adult-Oriented Uses.

2. Bar (≥75% Alcohol Sales) and Uses with ≥75% Alcohol Sales Standards

   a. No establishment that derives seventy-five (75) percent or more of its revenue from the sale of alcohol for on-premise consumption shall be located is within three hundred (300) feet of a place of worship, school, or hospital except as provided by the Texas Alcoholic Beverage Code. The City Planner shall use subdivision plats to verify the distance requirements have been met. If a dispute exists, it shall be the applicant's responsibility to engage the services of a Professional Surveyor to determine the separation distance.

   b. Standards included in Article XX. – Sale of Alcoholic Beverages of the City's Code of Ordinances shall apply.

3. Food Truck Park Standards

   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:

      (1) 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;

      (2) Written permission from the land owner to use the site (unless the applicant is the land owner);

      (3) A copy of all required health inspection permits;

      (4) Proposed hours of operation;

      (5) 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 4.08 Landscape Requirements**.

   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.

4. Hookah Lounge Standards

Hookah Lounges are prohibited in accordance with Chapter 16B – Smoking of the City's Code of Ordinances.

5. Retail, Sundry Standards

a. A Retail, Sundry store shall not be located within five thousand (5,000) feet of another Retail, Sundry store, measured by the nearest property lines.

b. A minimum of ten (10) percent of the floor area of the Retail, Sundry store must be dedicated to fresh produce, meat and dairy products and designated as such within an SUP.

6. Tobacco, CBD, or Vape Shop Standards

Tobacco, CBD, or Vape Shops must maintain a minimum separation distance of five hundred (500) feet from any residential district, any structure used as a residence, any place of worship, school, hospital, park, or playground.

F. Commercial and Industrial Uses

None.

G. Automobile and Transportation Uses

1. Auto Repair and Services, Major Standards

a. Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.

b. No exterior auditory devices shall be permitted.

c. See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

2. Car Wash Standards

a. The use, where adjacent to property zoned as single-family residential uses shall maintain a minimum setback of at least one hundred twenty-five (125) feet.

b. The hours of operation may be limited when located adjacent to property zoned for single-family residential uses.

c. No outside/outdoor vending machines, such as soda, video rental, or newspaper vending machines, are permitted.

d. See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

3. Fuel Station, Standalone Standards

a. The use, where adjacent to property zoned as single-family residential uses shall maintain a minimum setback of at least one hundred twenty-five (125) feet.

b. The hours of operation may be limited when located adjacent to property zoned for single-family residential uses.

c. No outside/outdoor vending machines, such as soda, video rental, or newspaper vending machines, are permitted.

d. No part of the use shall be located nearer than eighteen (18) feet to the front property line.

e. See **Section 4.04.F. Off-Street Stacking Requirements** for applicable stacking and queuing requirements.

Article 4. Development Standards

Article Table of Contents:

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Section 4.05. Lighting Requirements
Section 4.06. Accessory Building Requirements
Section 4.07. Screening and Buffering Requirements
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Section 4.09. Residential Proximity Slope
Section 4.10. Intersection Visibility Triangle
Section 4.11. DD, Downtown Duncanville District Requirements
Section 4.12. Wireless Telecommunication Regulations
Section 4.13. Exterior Wall Covering Requirements

Section 4.01. Additional Regulations in the Code of Ordinances

Note that additional development regulations exist in the City's Code of Ordinances outside of this Zoning Ordinance, including but not limited to:

A. Chapter 12. Article X. Fence Regulations

B. Chapter 12. Article XVII. Tree Preservation

C. Chapter 16A. Sign Guidelines,

D. Chapter 16B. Smoking

E. Chapter 17. Streets and Sidewalks,

F. Appendix B. Subdivision Regulations

Visit Municode.com to view the entire Code of Ordinances.

Section 4.02. Modified Dimensional Standards

A. Dimensional Standards in the Opportunity Areas

The dimensional standards required by **Article 2. Zoning Districts** are modified to encourage redevelopment within the Opportunity Areas identified within the Comprehensive Plan. Dimensional standards within the Opportunity Areas (with the exception DD, Downtown Duncanville District) are modified as follows:

1. Twenty (20) percent reduction in front, rear, and side setback; and
2. Twenty (20) percentage point increase in building coverage.

   Example: A thirty (30) foot setback and fifty (50) percent maximum lot coverage would become a twenty-four (24) foot setback and seventy (70) percent maximum lot coverage,

B. Interior Side Yard Setback Adjustment for Zero Lot Lines

1. Patio Homes
   a. The interior side yard setback regulations in **Article 2. Zoning Districts** shall not apply to the zero lot line side of Patio Home/Zero Lot Line Home. The exemption applies only to one side yard setback.
   b. A Patio Home/Zero Lot Line 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/Zero Lot Line Home shall not be located next to a traditional Single Family Detached home).
   c. Separation between buildings shall be no less than ten (10) feet.
   d. The wall of the dwelling located on the zero lot line side shall have no windows, doors, air conditioning units or any other type of opening.
2. Townhomes on Separate Lots
   a. This section addresses Townhomes where multiple units are adjoined across property lines. This section does not apply to Townhomes located on a single lot.
   b. The interior side yard setback regulations in **Article 2. Zoning Districts** shall not apply to the interior sides of Townhomes on separate lots. The exemption does not apply to the end units.
   c. Minimum lot frontage shall be twenty-five (25) feet.
   d. Minimum lot size shall be three thousand (3,000) square feet.

3. Two-Family Dwellings on Separate Lots

    a. This section addresses Two-Family Dwellings that are adjoined across a property line. This section does not apply to Two-Family Dwellings located on a single lot.

    b. The interior side yard setback regulations in **Article 2. Zoning Districts** shall not apply to the interior lot line of Two-Family Dwellings on separate lots (i.e., the exemption allows the housing structure to be split across two lots so each unit is located on its own lot).

    c. Two-Family Dwellings located on separate lots must each be at least half the area of the minimum lot size required for that zoning district (i.e., the minimum lot size would be met if the lots were combined).

C. Special Exception for Dimensional Standards for Redevelopments

For redevelopments, the Zoning Board of Adjustment may allow a special exception in accordance with **Section 6.10. Special Exceptions** for deviation from the dimensional standards provided in **Article 2. Zoning Districts** for the proposed standards to use the most intense existing dimensions on the block within the same zoning district for any allowed use for the following:

1. Building height,
2. Front, rear, and side setback, and/or
3. Building coverage.

Section 4.03. Design Standards

A. Applicability

The requirements of this section shall apply to all nonresidential, multiple-family, and mixed-use developments in the following circumstances:

1. New Construction

    When a new Main Building is constructed.

2. Building Expansion

    When the floor area of a Main Building is increased by more than fifty (50) percent; only the expansion shall be required to comply.

B. Building Articulation

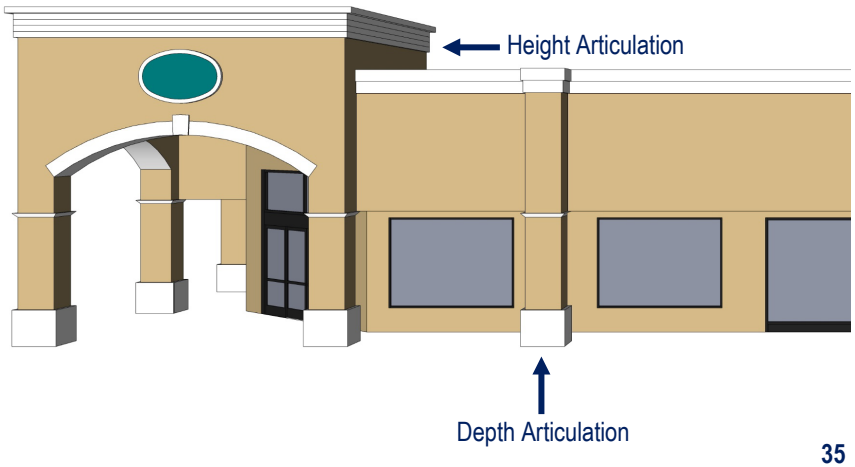
1. Height and depth articulation shall be provided as follows:

    a. 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.

    b. 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.

2. The rear façade is exempt from the articulation requirements unless it is visible from a public right-of-way or residential property.

Figure 4.03.1. Examples of Height and Depth Articulation



Section 4.04. Off-Street Parking and Loading Requirements

A. Applicability

The requirements of this section shall apply in the following circumstances:

1. New Construction

When a new Main Building is constructed.

2. Use Change

When a change in use requires twenty (20) percent or more additional parking beyond the previous use.

3. Building Expansion

When the floor area of a Main Building is increased by more than twenty (20) percent.

B. Off-Street Parking Requirements

1. Number of Spaces

The number of off-street parking spaces shall be provided for the corresponding use as indicated in **Section 3.03. Permitted Use Chart**.

2. Number of Spaces in the Opportunity Areas

The parking requirements established by **Section 3.03. Permitted Use Chart** are modified to encourage redevelopment within the Opportunity Areas identified within the Comprehensive Plan. Parking requirements within the Opportunity Areas (with the exception DD, Downtown Duncanville District) are modified as follows:

a. Reduction in the number of required parking spaces by twenty-five (25) percent.

3. Single-Family and Townhome Parking Accommodations

All single-family homes and townhomes shall provide, at a minimum, the following parking accommodations:

a. Two (2) unenclosed, paved parking spaces, plus

b. A one- or two-car garage or Porte Cochere.

(1) Exception: A carport may be provided in lieu of a garage or Porte Cochere upon approval of a Specific Use Permit.

4. Duplex Parking Accommodations

All duplexes shall provide, at a minimum, the following parking accommodations:

a. Two (2) unenclosed, paved parking spaces.

5. Residential Front-Entry Garages

a. Single-Family and Duplex Garages

Single-family and duplex garages shall be set back a minimum of five (5) feet from the front building face. The front building face is considered the forwardmost portion of the structure, excluding a front porch.

(1) Exception: The garage setback requirement may be reduced or waived upon recommendation by the Planning and Zoning Commission and approval by the City Council.

b. Townhome Garages

Townhome garages may be flush with the building face, but in no case shall the garage project beyond the front building face.

6. Multiple Uses

In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building for development.

7. No Storage Permitted

In the Residential Zoning Districts, no parking space, garage, carport, or other automobile storage space or structure shall be used for the parking or storage of any truck, truck-trailer, or van except panel and pickup trucks not exceeding one (1) ton capacity.

8. 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 City Planner as those of a similar use.

9. Use of Permeable Surfaces

    a. Permeable surfaces are prohibited for required parking spaces and fire lanes. Permeable surfaces may be used for other parking or driving surfaces, subject to approval by the City Engineer.

    b. The applicant shall provide a written statement that the property owner shall be responsible for maintaining the surface in a fully operational condition.

    c. If, at any time after the issuance of a Certificate of Occupancy, the approved permeable surface is found to be unmaintained or not fully operational, the Building Official shall issue notice concurrently to the owner, tenant, and/or agent, citing the violation and describing what action is required. The owner, tenant, and/or agent shall have thirty (30) days from date of said notice to restore the permeable surface as required. If the permeable surface is not restored within the allotted time, the owner, tenant, and/or agent shall be in violation of this ordinance.

10. Curbs and Drainage

    See **Section 4.08.D.6. Concrete Curb** below for requirements regarding curbs and drainage.

11. On-Site Parking Required

    a. All required off-street parking must be provided on the lot occupied by the main use, except as provided in **15. Shared Parking**.

    b. All required ADA-accessible spaces shall be provided in the on-site parking area.

12. Parking Lot Perimeter

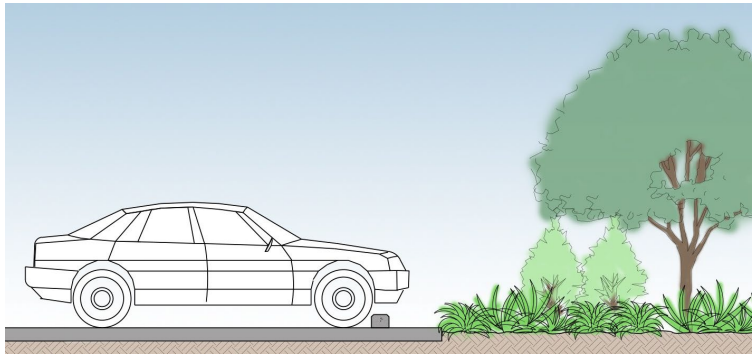
    a. In all nonresidential, mixed use, and multi-family developments with more than four units, the perimeter of all parking lots and driveways shall be provided with concrete curbs, medians, or other means to control traffic.

    b. Curb cuts shall be provided in accordance with **Section 4.08.D.6. Concrete Curb** below to drain stormwater runoff into landscaped areas.

13. Vehicle Stopping Device

    No parking space shall allow a vehicle to overhang a required landscape area, open space area, sidewalk, street right-of-way or adjacent property (see **Figure 4.04.1**).

Figure 4.04.1. Wheel Stop Required to Prevent Vehicle Overhang



14. Access and Availability of Parking Spaces and Fire Lanes

    Unless specifically stated otherwise within this Zoning Ordinance, all required parking spaces shall be accessible at all time. No outside storage, vehicle storage, or queuing may take place within required parking or fire lanes. See exception for Outdoor Display, Temporary in **Section 3.04.B.6.b**.

15. Shared Parking

a. The purpose of shared parking is to allow two or more adjacent land uses that have different peak use periods to share a parking area and reduce the number of required spaces.

b. A shared parking agreement shall be recorded prior to issuance of a Building Permit or a Certificate of Occupancy. If such agreement is revoked by any entity, then the required off-street parking spaces shall be provided according to the standard parking requirements.

c. A shared parking calculation, using the format provided in **Table 4.04.1**, shall be required to determine the minimum number of spaces.

d. The minimum parking required shall be the highest adjusted total parking for any time period.

e. The percentage of parking used during each time period shall be provided by the applicant and subject to approval by the City Planner.

f. All shared parking spaces must be located within five hundred (500) feet of all shared uses, measured by the shortest legal walking route.

g. Handicapped spaces required by ADA shall be calculated by individual use and not be shared.

h. **Table 4.04.1** provides an example of shared parking calculations. This example includes shared parking for two uses – *Example Use 1* with a minimum parking requirement of 100 spaces, and *Example Use 2* with a minimum parking requirement of 220 spaces. In this example, the minimum parking requirement would be 225 spaces.

C. Off-Street Loading

1. The number of loading spaces required by this Section shall be the minimum, and the owner/applicant shall evaluate the use's needs to determine if additional loading space is needed.

2. Such off-street loading space shall consist of a minimum area of ten (10) feet by seventy-five (75) feet.

3. Loading areas shall be located at the side or rear of buildings.

4. Loading areas shall not encroach upon required off-street parking areas or into the Right-of-Way.

5. Unenclosed off-street loading areas shall be paved with hard surface pavement.

6. The City Planner may reduce the loading space requirements if the City Planner determines requirements are excessive.

Table 4.04.2. Minimum Loading Standards for Nonresidential Uses

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 10,000	None
10,0001 to 50,000	1
50,001 to 100,000	2
100,001 to 200,000	3
Each additional 100,000	1 additional

Table 4.04.1. Shared Parking Examples

Time Period	Example Use 1			Example Use 2			Adjusted Total Parking Required
	Required Spaces	% of Parking Used During Each Time Period	Adjusted Parking Requirement	Required Spaces	% of Parking Used During Each Time Period	Adjusted Parking Requirement	
Mon-Fri (6am to 6pm)	100	100%	100	220	25%	55	155
Sun-Thurs (6pm to 2am)	100	20%	20	220	50%	110	130
Sat-Sun (6am to 6pm)	100	10%	10	220	50%	110	120
Fri-Sat (6pm to 2am)	100	5%	5	220	100%	220	225
Everyday (2am to 6am)	100	5%	5	220	10%	22	27

D. Parking Design Requirements

1. Configuration

   Aisles, parking spaces, and circulation shall be provided in accordance with **Figure 4.04.2** and **Table 4.04.3**.

2. Striping

   All off-street parking spaces and means of ingress and egress shall be laid out on the parking surface with paint or plastic striping that provides a permanent delineation between spaces and aisles.

   a. No striping shall be required for residential uses, except for multi-family developments.

3. Parking Lot Materials

   a. Parking lots for new developments and redevelopments shall be constructed with reinforced concrete according to City specifications prior to receiving a Certificate of Occupancy.

   b. Existing parking lots constructed with asphalt may be repaired with asphalt and may be expanded up to 10% of its area with asphalt as it existed on January 1, 2020.

   c. If a parking lot is deteriorated 50% or more (in the Building Official's determination), the entire lot must either:

      (1) Be completely redone in concrete, or

      (2) Be completely resurfaced (mill and overlay) in asphalt with required aesthetic improvements, like adding diamond-shaped landscape islands.

E. Parking Lot Maintenance

1. All persons owning, occupying or having supervision of real property not used for residential purposes (single-family and duplex) in the City shall keep and maintain in good condition and repair any lot or area situated on said property designated or used for the parking or storage of motor vehicles or for the access thereto.

2. The surface of all such parking lots or areas, including the approaches, driveways, drive aisles to such parking, lots or areas, shall be kept and maintained free of grass, weeds and vegetation and free of cracks, holes, or pits which may allow the seepage or accumulation of water.

Figure 4.04.2. Parking Dimensions

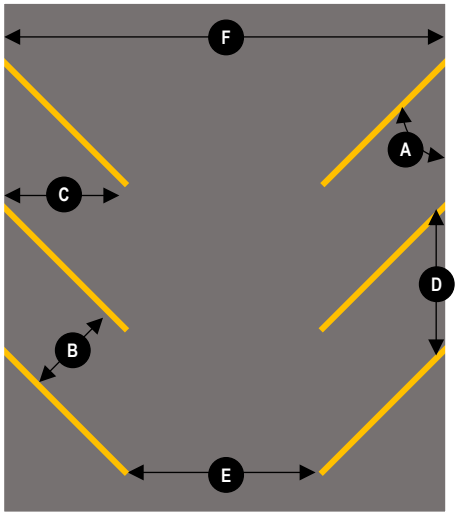


Table 4.04.3. Parking Dimensions

A Angle	B Stall Width	C Stall to Curb	D Stall Curb Width	E Aisle Width	F Total Width	E Aisle Width	F Total Width
				One-Way		Two-Way	
0°	10'	10'	22'	15'	35'	20'	40'
30°	9'	17.5'	18'	14'	49'	20'	55'
45°	9'	20'	12.5'	16'	56'	20'	60'
60°	9'	20.5'	10.5'	18'	59'	22'	63'
90°	9'	18'	9'	24'	60'	24'	60'

F. Off-Street Stacking Requirements

1. The purpose of stacking spaces is to provide the ability for vehicles to queue on-site prior to receiving a service.
2. Stacking spaces are required in all districts any time a use is constructed or expanded in accordance with **Table 4.04.4**.
3. The number of spaces refers to the queuing line and does not include the space at a stopping point (e.g., drive-up window, inside a car wash or repair bay, or similar location).

G. Driveway Materials

1. Nonresidential driveways shall be constructed with reinforced concrete according to City specifications.
2. Residential driveways on improved streets (curb and gutter) shall be constructed with reinforced concrete, permeable pavers, or porous concrete according to City specifications.
3. Residential driveways on unimproved streets (no curb and gutter) may be surfaced with reinforced concrete, asphalt, permeable pavers, or porous concrete according to City specifications.

H. Special Exceptions for Off-Street Parking Requirements

For redevelopments, the Zoning Board of Adjustment may allow a special exception to reduce minimum parking requirements in accordance with **Section 6.10. Special Exceptions** by up to fifty (50) percent if the size and shape of the lot to be redeveloped on is such that off-street parking provisions could not be complied with, and the proposed redevelopment will not create undue traffic congestion in the adjacent streets.

Table 4.04.4. Number of Required Stacking Spaces

Use	Number of Required Stacking Spaces
Auto Repair and Services, Major	4 spaces per bay
Car Wash	2 spaces in addition to the wash bay
Child Care Facility, Daycare	1 space per 20 students, located in a circular drive configuration
Drive-Thru in conjunction with a Restaurant	4 spaces for the first stopping point, plus 1 space per additional stopping point, and 1 space after the final stopping point
Drive-Thru in conjunction with any other use	2 spaces per stopping point, and 1 space after the final stopping point
Fuel Station, Standalone or Fuel Pumps	1 space per fueling pump
School, Primary or Secondary (Private) or School, Primary or Secondary (Public)	1 space per 10 students, located in a circular drive configuration

Section 4.05. Lighting Requirements

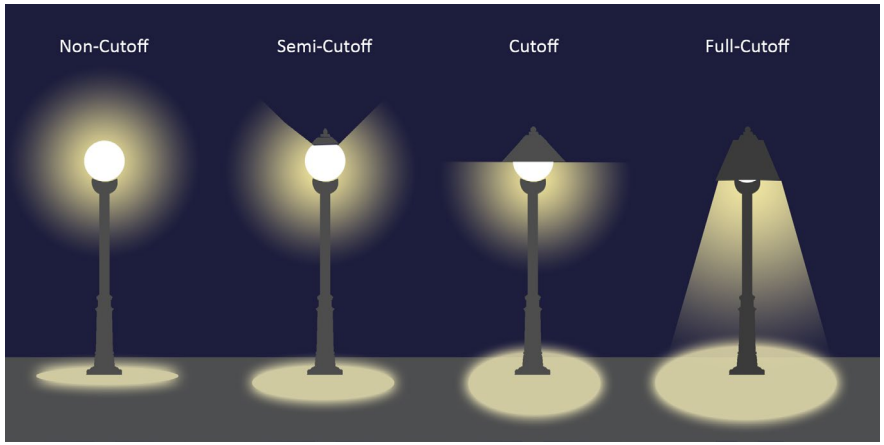
A. Applicability

1. The following requirements shall apply to all new development, redevelopment, or expansions.
2. A change in use or occupancy with no structural modifications shall not trigger compliance.

B. Regulations for All Developments

1. Light sources shall be of a down-light, indirect, diffused, or shield type or so installed and maintained as to reduce glare effect and consequent interference with the use of adjacent properties and boundary streets.
2. All lighting fixtures shall be restricted to full cutoff types (see **Figure 4.05.1**) so that no light is emitted above the lowest light emitting part of the fixture.
3. No exterior illumination (either direct or indirect) shall cross a residential property line nor be a nuisance to traffic.
4. No intermittent or flashing lights shall be permitted.
5. All lighting shall comply with the City's current Electrical Code and Building Code, which can be located on the City's website.

Figure 4.05.1. Examples of Lighting Fixtures



C. Regulations for Nonresidential, Multi-Family, and Mixed-Use Developments

1. Site, Parking, and Loading Lighting

a. Sufficient Lighting of Parking Areas

(1) Illumination of parking areas shall be sufficient to ensure the visibility of pedestrians and the safe movement of traffic within the site.

(2) All City building parking lots shall be luminated from dusk to dawn.

b. High Intensity Lighting

(1) The allowable maximum intensity measured at the property line of a retail, office, commercial, or multi-family developments use shall be 3.0 foot-candles and 5.0 foot-candles for an industrial use.

(2) When located adjacent to single-family residential development, the intensity shall be no greater than 1.0 foot-candles when measured at the nearest adjacent residential district.

(3) Any external lighting shall be mounted and maintained to avoid illumination of any adjacent residential property.

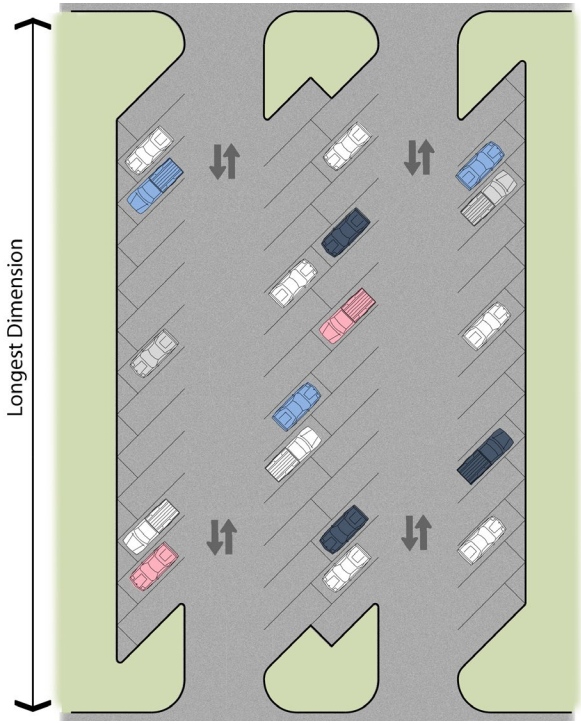
c. Mounting Height within Parking Areas

The mounting height of lighting fixtures shall not exceed the heights specified in **Table 4.05.1**.

Table 4.05.1. Mounting Heights for Lights in Parking Areas

Longest Dimension of Parking Area	Maximum Lighting Unit Mounting Height
0 – 60 Feet	14 Feet
61 – 100 Feet	20 Feet
101 Feet or Greater	30 Feet

Figure 4.05.2. Longest Dimension of Parking Area



d. Accent Lighting

(1) Accent lighting shall not exceed 1.0 foot-candles at the property line.

(2) Lighting shall be shielded to prevent light pollution or glare beyond the element intended for accent illumination.

2. Lighting Plan Required

a. All nonresidential, multi-family, and mixed-use developments shall submit a Lighting Plan with a Site Plan. The Lighting Plan shall show how the proposed development will comply with the regulations within this Section.

b. Lighting Plan shall include, at a minimum, the following information:

(1) The type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, and their respective location on the site;

(2) A description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices (such as catalog cuts by manufactures and drawings); and

(3) Photometric data, such as furnished by manufactures, or similar data showing the angle of cut off or light emissions.

3. Maintenance

a. Piers for light poles taller than eight (8) feet shall be designed by a Professional Engineer competent in structural engineering. Soil condition and wind loading shall be accounted for in the pier design.

b. All fixtures and supports shall be painted or otherwise treated to resist rust and corrosion and shall be maintained in an attractive condition and in a manner consistent with the surrounding architecture.

c. All fixtures and lamps shall be maintained in a working, serviceable condition at all times.

4. Safety and Security Lighting

Lighting shall illuminate pedestrian areas with at least 0.5 foot-candles.

D. Crime Prevention through Environmental Design (CPTED)

The City of Duncanville has a goal of promoting public safety through implementation of principles of crime prevention through environmental design. Every application for a site plan or plot plan for projects in all districts and shall be reviewed by the City Development team and may include one law enforcement officer prior to approval. The applicant must respond to all suggestions and concerns noted by the Development team prior to consideration and approval and only the Planning and Zoning Commission may grant waivers to the recommendations of the team.

The applicant is encouraged to consider the following principles and guidelines in the design of his/her project to assist in the creation and maintenance of developments that decrease the opportunity for crime and increases the perception of safety. The CPTED review shall encompass, but not be limited to the following principles:

1. Provision of Natural Surveillance

    a. The placement and design of physical features to maximize visibility. This will include building orientation, windows, entrances and exits, parking lots, walkways, guard gates, landscape trees and shrubs, fences and walls, signage and any other physical obstructions.

    b. The placement of persons and/or activities to maximize surveillance possibilities.

    c. Lighting that provides for nighttime illumination of parking lots, walkways, entrances and exits.

2. Provision of Natural Access Control

    a. The use of sidewalks, pavement, lighting and landscaping to clearly guide the public to and from entrances and exits.

    b. The use of fences, walls or landscaping to prevent and/or discourage public access to or from dark and/or unmonitored areas.

3. Provision of Territorial Enforcement

    The use of pavement treatments, landscaping, art, signage, screening and fences to define and outline ownership of property.

4. Maintenance

    The use of low-maintenance landscaping and lighting treatments to facilitate CPTED principles of natural surveillance, natural access control and territorial reinforcement. All exterior lighting fixtures shall be maintained in an operative state and landscaping shall be maintained to present a healthy and orderly appearance and shall be kept free from refuse and debris.

Section 4.06. Accessory Building Requirements

A. General Provisions

1. The dimensional regulations in **Table 4.06.1** shall apply to all Accessory Buildings.
    a. Exception: The dimensional regulations in **Table 4.06.1** shall not apply to Accessory Buildings associated with agricultural purposes on residential lots.
2. Accessory Buildings are prohibited within easements.
3. No permit is required for accessory buildings less than one hundred twenty (120) square feet in floor area and less than thirteen (13) feet in height.

B. Requirements for Residential Accessory Buildings

1. Accessory Buildings may only be used as an Accessory Dwelling Unit as permitted by **Section 3.03. Permitted Use Chart**.
2. Accessory Buildings containing livestock (i.e., chickens, hogs, horses, etc.) shall be located at least fifteen (15) feet from any existing dwelling on a neighboring property.

C. Special Exceptions for Accessory Building Requirements

The Zoning Board of Adjustment may allow a special exception from the requirements of this section in accordance with **Section 6.10. Special Exceptions**, based on findings that the placement and size of the proposed Accessory Building is compatible with the surrounding neighborhood and would not be detrimental to the general health, safety, and welfare of the neighborhood.

Table 4.06.1. Accessory Building Requirements

Standard	Residential Lots (Lots zoned/used as residential)			Nonresidential Lots (Lots zoned/used as nonresidential)
	Lots up to 10,000 S.F.	Lots 10,000 S.F. up to 19,999 S.F.	Lots 20,000 S.F. and greater	
Maximum Floor Area of All Accessory Buildings Combined	400 sq. ft.	1,000 sq. ft.	25% of the lot area	30% of the lot area
Maximum Height of Accessory Buildings	16’	16’	Not to exceed the height of the Main Building	Not to exceed the height of the Main Building
Maximum Number of Accessory Buildings	2	3	4 (excluding agricultural barns)	3
Maximum Building Area Coverage	Main Buildings and Accessory Buildings shall not exceed the allowable coverage percentage of the zoning district in which they are located.			
Minimum Front Setback	Behind Façade of the Main Building			
Minimum Side Setback	5’	5’	5’	Same standards as the Main Building
Minimum Rear Setback	5’	5’	5’	Same standards as the Main Building

Section 4.07. Screening and Buffering Requirements

A. Applicability

1. The following requirements shall apply to all new development.

    a. Exception: Modifications or expansions of existing structures by less than ten (10) percent of the floor area shall be exempt from this section.

2. A change in occupancy shall not trigger compliance; however, a change to a more intensive use as determined by the City Planner shall require compliance.

B. Maintenance Required

If at any time after the issuance of a Certificate of Occupancy, the approved screening and/or buffering is found to be in nonconformance to the standards and criteria of this section, the Building Official shall issue notice concurrently to the owner, tenant, and/or agent citing the violation and describing what action is required to comply with this section. The owner, tenant, and/or agent shall have thirty (30) days from date of said notice to restore the screening and/or buffering as required. If the screening and/or buffering is not restored within the allotted time, the owner, tenant, and/or agent shall be in violation of this ordinance.

C. Screening

1. Subdivisions Backing to Major Roadways

A solid masonry screening wall minimum of six (6) feet and maximum of eight (8) feet in height is required when a residential subdivision backs to a street with a Right-of-Way of sixty (60) feet or greater.

Figure 4.07.1. Example of Solid Masonry Wall

2. Loading and Service Areas

    a. Loading and service areas shall be located at the side or rear of buildings.

    b. Where visible from other properties or the right-of-way, a solid screening wall at least ten (10) feet in height shall be required to screen views of loading docks and loading spaces used for tractor/semi-trailer delivery. This wall must screen the entire loading dock or space from view of other properties and right-of-way.

Figure 4.07.2. Example of Screened Loading Area

3. Waste Container Areas

   a. Garbage, recycling, and other waste containers shall be located as near to the rear or side property line as practicable as determined by the City Planner.

   b. Waste containers shall be screened from view by a solid masonry screening wall on three sides, and fourth side consisting of a metal or wood gate to allow access to the container(s).

   c. Screening walls shall be a minimum of six (6) feet and maximum of eight (8) feet, unless additional height is needed to shield the container(s) from view as determined by the City Planner.

   d. Screening shall be maintained in a good condition.

Figure 4.07.3. Example of Refuse Area Screening

4. Rooftop Equipment

   a. Any rooftop mechanical or utility equipment shall be screened from view by the public or within any right-of-way by a parapet wall.

   b. Such screening must be present on all façades, excluding the rear.

   c. Parapet walls shall be constructed of the same building material as the façades and shall be undistinguishable from the remainder of the façade.

Figure 4.07.4. Example of Unscreened Rooftop

Figure 4.07.5. Example of Screened Rooftop Equipment

5. Ground-Mounted Equipment

   a. Mechanical or utility equipment shall be located out of public view to the extent practicable as determined by the City Planner.

   b. Any equipment visible to the public or from any Right-of-Way shall be screened by either a vegetative screening or a solid screening wall that is tall enough to screen the equipment from view.

Figure 4.07.6. Example of Screened Ground-Mounted Utility Equipment

6. Outside Storage Screening

   a. Outside Storage shall be screened with a minimum six (6) foot screening fence or wall, and shall not be visible from the Right-of-Way or adjacent property.

      (1) Exception: Outside Storage in the I Industrial District be screened with a minimum six (6) foot screening fence or wall; however, the fence or wall may be of an open or transparent design allowing visibility from the Right-of-Way or adjacent property.

   b. Screening may be masonry, metal, vegetative, vinyl, or a combination thereof; however, chain-link fences are prohibited for required screening.

      (1) The City Planner shall be authorized to allow alternative materials that provide an attractive appearance with a long life span.

   c. If Outside Storage is located entirely behind the building and is not visible from the Right-of-Way or adjacent property, then no screening is required.

Figure 4.07.7. Examples of Outside Storage Screening

Note: Open fencing for screening purposes is allowed only in the I Industrial District.

D. Buffering

1. A buffer shall be located along the shared lot line and located on the property of the more intensive use (according to **Table 4.07.1**). The more intensive use shall be responsible for installing and maintaining the buffer.
2. The required landscaping shall be provided within the buffer area adjacent to the more intensive use. Buffer area landscaping is in addition to landscaping requirements established in **Section 4.08**.
3. These regulations shall not apply to any adjacent properties separated by a roadway.
4. Buffer Types

   The following requirements correspond to the designations in **Table 4.07.1**.

   a. Buffer Type A

      (1) Buffer Depth: 25' abutting the shared lot line

      (2) Screening Wall within Buffer: Minimum 6' solid masonry wall.

      (3) Required Landscaping with Buffer:

         (a) Continuous Groundcover

         (b) 1 Shade Tree for every 35' of shared lot line

         (c) 3 Shrubs per 25' of shared lot line

   b. Buffer Type B

      (1) Buffer Depth: 15' abutting the shared lot line

      (2) Screening Wall within Buffer: Minimum 6' solid masonry wall or solid vegetative screen.

      (3) Required Landscaping:

         (a) Continuous Groundcover

         (b) 1 Shade Tree for every 50' of shared lot line, unless a vegetative screen is used

         (c) 3 Shrubs per 40' of shared lot line, unless a vegetative screen is used

   c. Buffer Type C

      (1) Buffer Depth: 10' abutting the shared lot line

      (2) Screening Wall within Buffer: Minimum 6' solid masonry wall or solid vegetative screen

      (3) Required Landscaping within Buffer:

         (a) Continuous Groundcover

         (b) 1 Shade Tree for every 60' of shared lot line

         (c) 1 Shrub per 50' of shared lot line

5. Alternative Compliance

   A request for Alternative Compliance may be submitted and acted upon in accordance with **Section 6.07. Alternative Compliance**. Approval may be granted for alternative material for fencing, screening, and buffering, based upon a finding that the proposed alternative is, at a minimum, equivalent to and meets the spirit and intent of this section.

Table 4.07.1. Required Buffer Type by Adjoining Use or Zoning

More Intensive ↓

	Residential Use or Zoning (except Multi-Family)	Multi-Family or Mixed-Use Land Use or Zoning	Nonresidential Use or Zoning (except Industrial)	Industrial Use or Zoning
Residential Use or Zoning (except Multi-Family)	-	Type C	Type B	Type A
Multi-Family or Mixed-Use Land Use or Zoning	Type C	-	Type C	Type B
Nonresidential Use or Zoning (except Industrial)	Type B	Type C	-	Type C
Industrial Use or Zoning	Type A	Type B	Type C	-

Section 4.08. Landscape Requirements

A. Applicability

1. The following requirements shall apply to all new development or expansions of existing structure by less than ten (10) percent of the floor area.

2. A change in use or occupancy with no structural modifications shall not trigger compliance.

B. Maintenance Required

If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this section, the Building Official shall issue notice concurrently to the owner, tenant, and/or agent citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have thirty (30) days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, the owner, tenant, and/or agent shall be in violation of this ordinance.

C. Requirements for Single-Family, Duplex, and Townhome Development

At least two (2) Shade Trees or three (3) Ornamental Trees shall be provided in front of the front building line of each lot.

D. Requirements for All Other Development

The following requirements shall apply to all developments except single-family, duplex, and townhome development.

1. Landscape Plan

a. A Landscape Plan is required for all developments except single-family, duplex, and townhome development.

b. The City Planner shall establish and maintain a list of the required documents and elements for a Landscape Plan.

c. A Landscape Plan shall be prepared by a Landscape Architect and submitted for review.

d. Irrigation drawings shall be prepared by a licensed Irrigator."

e. The Landscape Plan shall include a description of the maintenance provisions for the landscaping (e.g., “the owner shall be responsible for the maintenance, establishment, and performance of plant materials, etc.”).

f. The Landscape Plan shall include the following statement:

This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the irrigation plan and is properly adjusted for the most efficient application of water at this time.

2. Required Landscaped Areas on a Lot

a. A minimum of twenty (20) percent of the lot area shall be landscaped.

b. Any area of a lot not used for buildings or site improvements shall be landscaped.

c. One (1) Shade Tree or two (2) Ornamental Trees shall be provided per four hundred (400) square feet of required landscaped area.

d. One (1) Shrub shall be provided per twenty-five (25) square feet of required landscaped area.

3. Required Landscaped Areas within Parking Lots

a. Landscaped areas within parking lots shall be provided in addition to the requirements in **2. Required Landscaped Areas on a Lot** above.

b. Landscaped areas within parking lots shall be at least nine (9) feet wide and one hundred fifty (150) square feet in area.

c. At least twenty-five (25) square feet of landscaped area shall be provided per parking space.

d. There shall be a minimum of one (1) Shade Tree or two (2) Ornamental Trees planted in the parking area for every fifteen (15) parking spaces.

e. There shall be a landscaped area with at least one (1) Shade Tree or two (2) Ornamental Trees within sixty (60) feet of every parking space.

f. A landscape island shall be located at the terminus of all parking rows, and shall contain at least one (1) Ornamental Tree.

4. Required Landscape Buffer

a. A minimum 15-foot landscape buffer adjacent to the right-of-way of any existing or proposed major thoroughfare street is required.

(1) Corner lots fronting two major thoroughfares shall be required to observe the 15-foot buffer on both street frontages.

b. All other street frontages shall observe a minimum 10-foot landscape buffer.

c. One (1) Shade Tree per forty (40) linear feet or portion thereof of street frontage shall be required.

d. In areas where overhead utilities are present, substitute trees (a minimum one inch) in caliper and a minimum 5 feet tall) shall be planted per the Approved Plant List.

5. Continuous Shrub Buffer

When parking lots abut any public right-of-way, a continuous Shrub buffer shall be provided.

Figure 4.08.1. Continuous Shrub Buffer

6. Concrete Curb

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 (see **Figure 4.08.2**).

Figure 4.08.2. Concrete Curb with Drainage Opening

7. Irrigation Requirements

a. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems. Areas totaling less than ten (10) square feet may be irrigated by other methods.

b. Freeze cut-off monitors shall be provided.

8. Planting Requirements

a. See Chapter 12 of the City's Code of Ordinances, Article XVII Tree Preservation for information on credit for existing landscaping and required Tree Removal Permits.

b. All required plantings shall be selected from the City's Approved Plant List. Native and drought tolerant species are preferred.

c. Complete coverage of required landscaped areas shall be provided with Shrubs, Groundcover, and/or Ornamental Grass with a Rock Landscape Base or a Mulch Base.

9. Alternative Compliance for Landscaping

   A request for the following may be submitted and acted upon in accordance with **Section 6.07. Alternative Compliance**. Approval may be granted for modified landscape requirements if the following is met.

   a. The following standards are met:

      (1) The proposed landscape requirements represent a superior result than that which could be achieved by strictly following the requirements of this section;

      (2) The proposed landscape design complies with the stated purpose of this section; and

      (3) Landscape elements and yard area requirements are provided elsewhere on the site.

   b. The proposed landscape design:

      (1) Incorporates the retention of significant trees and naturally occurring undergrowth; or

      (2) Incorporates more native plantings and/or a more sustainable design; or

      (3) Better accommodates or improves the existing physical conditions of the subject property.

Section 4.09. Residential Proximity Slope

A. Purpose

The Residential Proximity Slope defines the required separation distance between a property that is zoned as residential from adjacent nonresidential property/structures.

B. Applicability

This section shall apply to all new development or building enlargements in the following zoning districts:

1. C Commercial District, and
2. I Industrial District.

C. General Provisions

The Residential Proximity Slope is a plane projected upward and outward from every Site of Origination as shown **Figure 4.09.1** and **Figure 4.09.2**. When referring to residential proximity envelopes, all slopes in this ordinance are stated as vertical rise to horizontal run. Specifically, the envelope is projected from the point formed by the intersection of:

1. The vertical plane extending through the boundary line (common property line) or Right-of-Way line of the Site of Origination; and
2. The finished floor elevation at grade level of the Restricted Building or Structure, or
3. From natural grade of the Restricted Building or Structure prior to fill, in situations where property is filled.

D. Angle and Extent of Projection

The angle of projection of the Residential Proximity Slope depends on the zoning category of the Site of Origination as specified in **Table 4.09.1**.

E. Calculation of Height Restrictions

The horizontal distances used to calculate the height restrictions imposed by the Residential Proximity Slope may be determined by using the lot, block, and Right-of-Way dimensions as shown on the official plat or zoning maps of the City, or by scale measurement of the distances on such official maps. All dimensions and methodology used in determining the distance measurement are subject to the approval of the Director of Public Works.

F. Residential Adjacency

1. Residential adjacency exists if a building site is adjacent to a Residential Zoning Districts or residential use or is directly across a street or alley from one or more of these uses or districts.
2. Height requirements shall apply to all structures, excluding wireless telecommunication towers and Antennas, or amateur communication towers/Antennas which are addressed in **Section 4.12. Wireless Telecommunication Regulations**, or to parking lot lighting.

G. Maximum Building Height

1. Special Height Provisions
   a. Height is measured as the maximum vertical distance from the finished floor elevation at final grade at the lowest point of the structure to the top of the structure;
   b. Structures shall be erected to any height in compliance with the Federal Aviation Administration air space limitations, Airport Flight Overlay District regulations, residential proximity slope height restrictions, and the building code.
      (1) Exceptions: Local utility transmission and distribution lines and supporting structures are exempt from residential proximity slope height restrictions.
   c. The following structures may project a maximum of twelve (12) feet above the maximum structure height specified in the district regulations where residential proximity slopes are required:
      (1) Elevator penthouse or bulkhead
      (2) Mechanical equipment room
      (3) Cooling tower
      (4) Tank designed to hold liquids
      (5) Ornamental cupola or dome
      (6) Skylights
      (7) Clerestory
      (8) Visual screens which surround roof mounted mechanical equipment
      (9) Chimney and vent stacks
      (10) Parapet wall, limited to a height of four (4) feet
   d. Church steeples are exempt from the maximum height provisions.

Table 4.09.1. Angle and Extent of Projection

Site of Origination Zoning District	Maximum Height Slope
Residential District, except for Multi-Family Developments	Slope of 1 : 3 measured from the residential property line
Multi-Family Developments	Slope of 1 : 2 measured from the residential property line

Figure 4.09.1. Single Family/Duplex as Site of Origination

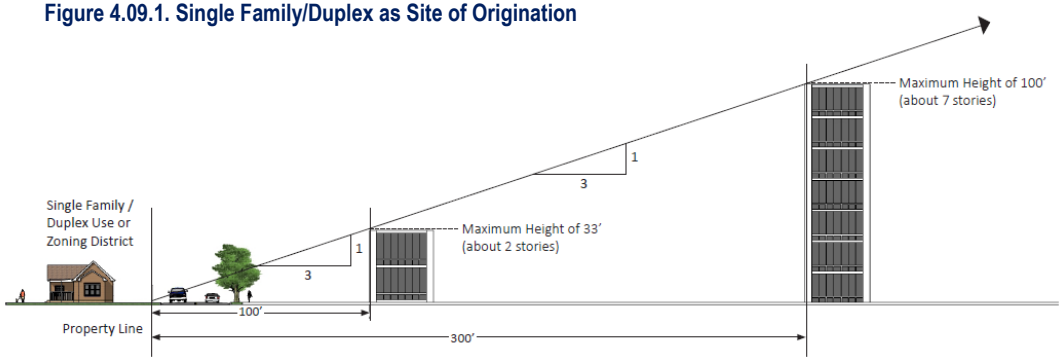
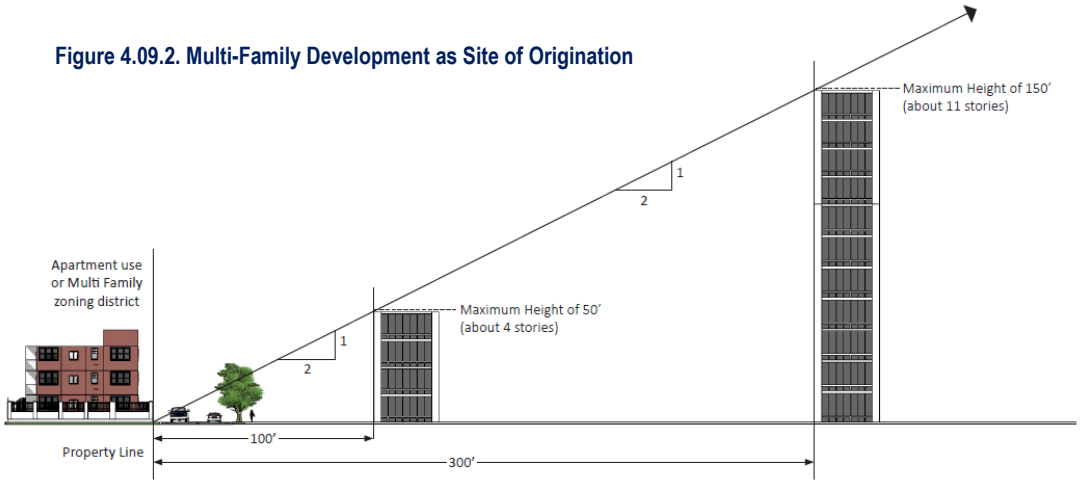


Figure 4.09.2. Multi-Family Development as Site of Origination



Section 4.10. Intersection Visibility Triangle

A. Applicability

The following requirements shall apply to all new development or proposed expansions into the Intersection Visibility Triangle.

B. Prohibited Obstructions

Obstructions are prohibited at elevations between two and one-half (2½) feet and nine (9) feet above the average street grade within the Intersection Visibility Triangle. Prohibited obstructions include any fence, wall, screen, billboard, sign, structure, foliage, or any other object.

C. Intersection Visibility Triangle Requirements

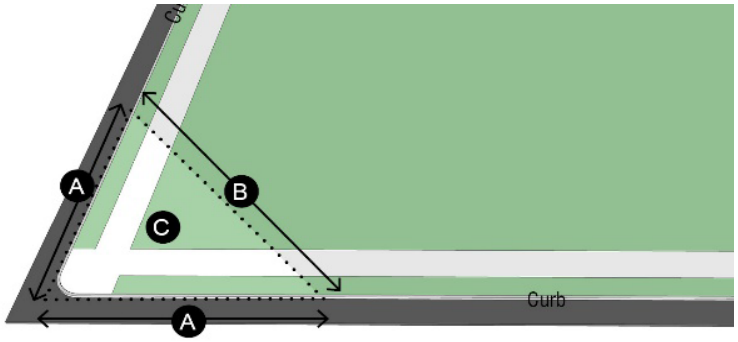
1. Curbed Major Thoroughfares Intersecting at Right Angles

At intersections where major thoroughfares intersect at or near right angles, the Intersection Visibility Triangle shall be the area formed by extending the two curb lines from their point of intersection forty-five (45) feet along the curb and connecting these points with an imaginary line, thereby making a triangle.

2. Other Curbed Streets Intersecting at Right Angles

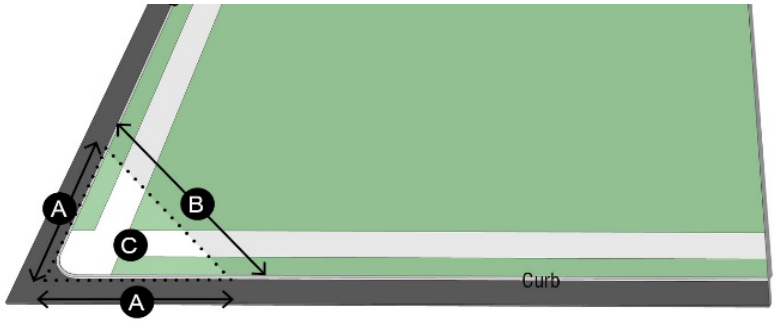
At all intersections where other streets intersect at or near right angles, the Intersection Visibility Triangle shall be the area formed by extending the two curb lines from their point of intersection thirty (30) feet along the curb and connecting these points with an imaginary line, thereby making a triangle.

Figure 4.10.1. 45 feet from Curb Intersection Point



A 45 feet from curb intersection point
B Intersection visibility line
C Intersection visibility triangle

Figure 4.10.2. 30 feet from Curb Intersection Point



A 30 feet from curb intersection point
B Intersection visibility line
C Intersection visibility triangle

3. Uncurbed Streets Intersecting at Right Angles

   If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection twenty-five (25) feet on major thoroughfares and ten (10) feet on other streets or thoroughfares, and connecting these points with an imaginary line, thereby making a triangle.

4. Streets that Do Not Intersect at Right Angles

   At intersections where streets do not intersect at or near right angles, the Director of Public Works shall have the authority to increase the minimum sight distances required above as he/she deems necessary to provide safety for both vehicular and pedestrian traffic.

5. Abatements

   a. The Director of Public Works shall have the authority to determine whether any such fence, wall, screen, hedge, tree, bush, shrub, billboard, sign or structure, as erected, planted, placed or maintained, constitutes a public hazard or public nuisance in violation of the provisions of this Section.

   b. Upon determination, the Director of Public Works shall cause to be issued written notice to the owner or lessee of the property demanding that said owner or lessee abate said hazard or nuisance within ten (10) business days of the date said notice is mailed. If said hazard or nuisance is not abated within ten (10) days of the date said notice is mailed, the City may abate the hazard or nuisance, and charge the owner or lessee of the property reasonable charges for labor.

   c. The City may abate the hazard or nuisance upon the written request of the owner or lessee of the property and upon payment of reasonable charges for labor.

6. Exceptions

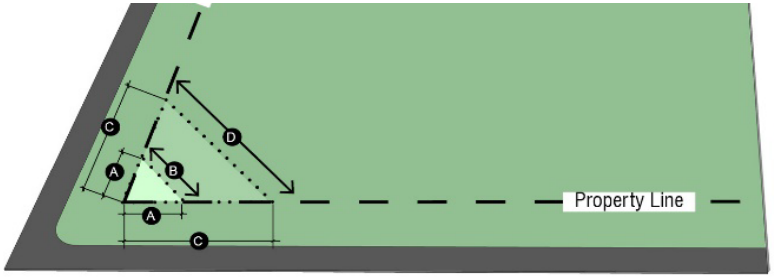
   The provisions of this section shall not apply to, or otherwise interfere with the following:

   a. Placement and maintenance of traffic-control devices under governmental authority and control and public utilities.

   b. Existing and future screening requirements imposed by the City Council.

   c. Existing and future City, state and federal regulations.

Figure 4.10.3. 10 feet/25 feet from Property Line Intersection



- A 10 feet from curb intersection point
- B Intersection visibility line for non-major thoroughfare streets
- C 25 feet from property line intersection point
- D Intersection visibility line for major thoroughfares

Section 4.11. DD, Downtown Duncanville District Requirements

A. Downtown Duncanville Master Plan

The Downtown Duncanville Master Plan establishes the community vision for the redevelopment of City's downtown into a vibrant center of community life. The Master Plan builds on "Our Visions", Main Street Duncanville established 2003. The Master Plan is illustrative but provides guidance for the character and standards for the redevelopment of the Downtown Duncanville District.

B. Applicability and Location

The DD, Downtown Duncanville District shall be mandatory for all properties along with frontage along Main Street from I-20 frontage road to Wheatland Road and other properties as depicted in the Regulating Plan as outlined in **Figure 4.11.1**.

C. DD District Major Elements

The DD, Downtown Duncanville District is composed of following major elements:

1. Regulating Plan

   The regulating plan (**Figure 4.11.1**) identifies the frontage types and associated standards for all lots within the district.

2. Frontage Types

   The frontage type establishes the building standards including height, bulk, building and parking location, and functional design for all lots within the DD, Downtown Duncanville District. All lots within the Downtown Duncanville Master Plan area are classified into one of the following frontage types:

   a. Core Main Street (CMS)

   b. Urban Living (UL)

   c. General Main Street (GMS)

3. Building Height

   The building height requirements establish the vertical form of all buildings within the DD, Downtown Duncanville District, including the following elements:

   a. Height of principal buildings,

   b. Height of any structured parking,

   c. Height of a principal building's ground floor from the sidewalk, and

   d. Height of buildings adjacent to single-family neighborhoods.

4. Site Design

   The site design requirements establish the layout of all sites within the DD, Downtown Duncanville District, including the following elements:

   a. Build-To Zone to define the location of the front façade,

   b. Maximum lot coverage,

   c. Required side and rear setbacks, and

   d. Amount and placement of parking.

5. Building Design

   The building design requirements establish the architectural design of all buildings within the DD, Downtown Duncanville District, including the following elements:

   a. Placement of doors and windows,

   b. Building projections,

   c. Arcade and colonnades located in the Build-To Zone, and

   d. Height and projections of stoops and porches.

D. Architectural Standards

See **K. Architectural Standards** for standards for commercial, mixed use, live/work, and residential buildings.

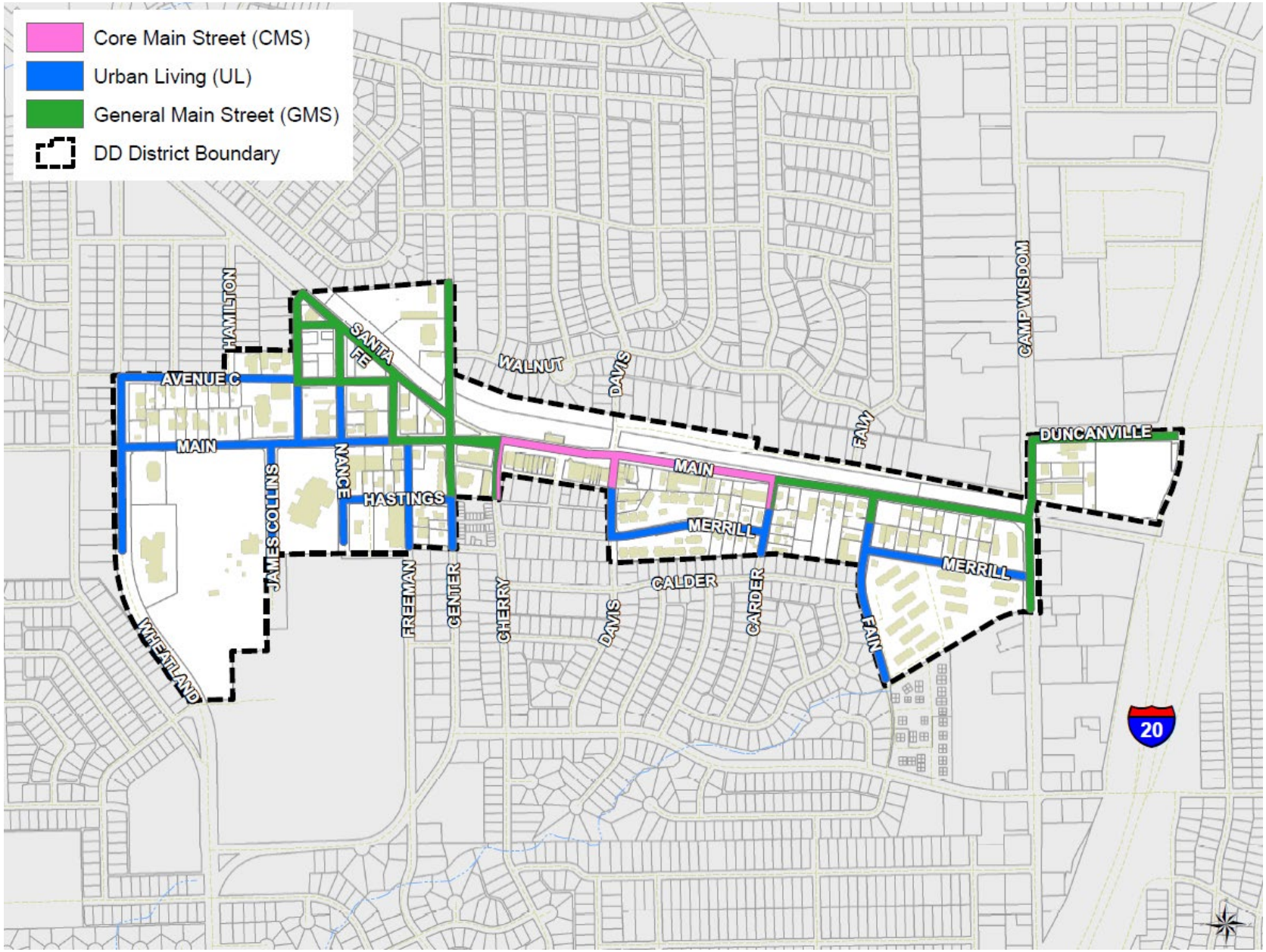
E. Development Standards

Development standards not addressed this **Section 4.11** shall be governed by **Article 4. Development Standards** to the extent they are not in conflict with the intent of the DD, Downtown Duncanville District.

F. Land Uses

See **Section 3.03. Permitted Use Chart** for permitted land uses by frontage type.

Figure 4.11.1. DD District Regulating Plan



G. Standards by Street Frontage Type

1. Core Main Street (CMS)

Building Height			
Principal Building Height	**Structured Parking Height**	**Ground Floor Height**	**Neighborhood Transition Zone**
1 to 3 stories Mezzanines and attics are excluded from the height calculations as long as they do not exceed 50% of the floor area of a typical floor in the same building	Not to exceed principal building height if principal structure is 2 floors or less May be a maximum of 4 stories if principal building is at least 3 stories	Ground floor from sidewalk: 18" max First story height: 15' min Upper story height: 10' min	Within 25' of any single-family residence, no structures shall exceed 3 stories
Site Design			
Build-To Zone	**Lot Coverage**	**Side and Rear Setbacks**	**Parking**
Location: 10' to 15' zone measured from the future edge of pavement Frontage: At least 75% of the building front façade shall be located within the Build-To Zone Corner Lots: The front 35' of the side façade shall be located within the Build-To Zone	100% maximum	None, unless abutting a single-family residential lot in which case, the side and/or rear setback shall be a minimum of 10' from the shared lot line.	No off-street parking required. Surface parking: 40' setback from the nearest edge of the Build-To Zone Access to surface parking shall generally be from alleys unless no alley access is available in which case driveways shall be consolidated between adjoining lots to the extent possible Parking garages shall be lined along Main Street with active uses at least on the ground floor
Building Design			
Doors and Windows	**Building Projections**	**Arcades and Colonnades**	**Stoops and Porches**
For buildings adjacent to Main Street, the primary entrance shall front Main Street. There shall be no blank walls more than 25' in width along any public street façade (except alleys) of any building. Ground floor shall be 60% to 90% doors and/or windows. Upper floors shall be 40% to 70% doors and/or windows (measured between 3' to 9' above each finished floor). Windows on facades directly facing towards a lot line shared by any single family residential lot and less than 10 feet from the lot line shall have sills higher than 6' on the ground floor unless a privacy fence or wall of at least 6' in height is constructed to obscure any direct views into adjacent properties.	Building projections and appurtenances may project a maximum of 6' over any sidewalk or public right-of-way along Main Street provided they meet the standards established in this section. Building projections on all other facades shall not be closer than 5' to any adjacent property line.	Arcades and colonnades are permitted within the build-to zone and shall not encroach into any sidewalk area. The arcade/colonnade area shall be designated with a public access easement. They shall be no deeper than 15' from the edge of the required sidewalk. Columns or piers shall be spaced between 12' and 15'. The minimum interior clearance height within an arcade or colonnade shall be 14' and the height of the arcade/colonnade opening shall be between 11' and 13'.	N/A

Figure 4.11.2. CMS Height Standards

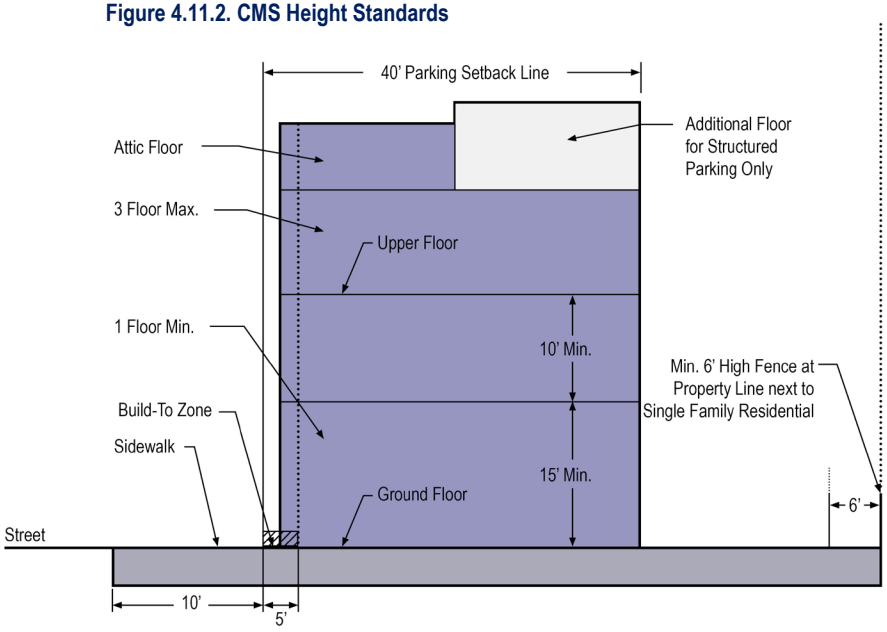


Figure 4.11.3. CMS Building Disposition

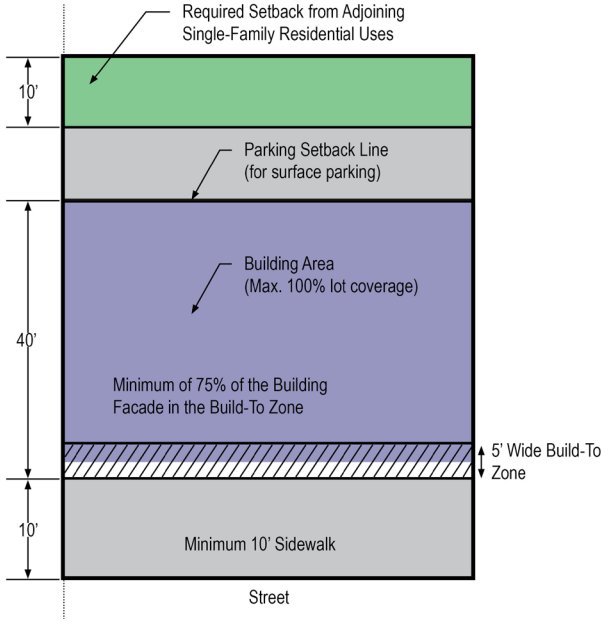
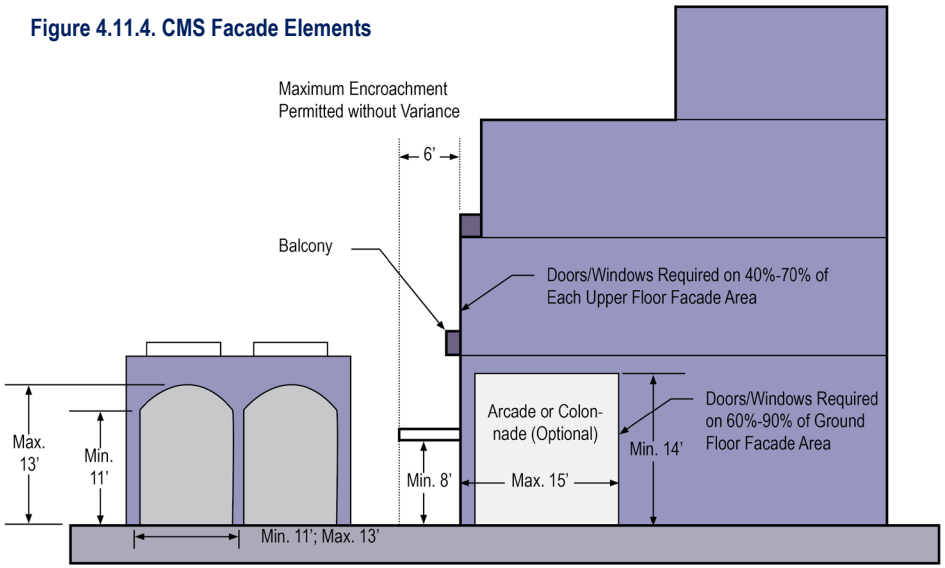


Figure 4.11.4. CMS Facade Elements



2. Urban Living (UL)

Building Height			
Principal Building Height	**Structured Parking Height**	**Ground Floor Height**	**Neighborhood Transition Zone**
1 to 4 stories	Not to exceed principal building height if principal structure is 2 floors or less May be a maximum of 6 stories if principal building is at least 3 stories	Ground floor from sidewalk for commercial and live/work buildings: 18" max Ground floor from sidewalk for residential buildings: 18" min First story height for commercial and live/work buildings: 15' min First story height for residential buildings: 10' min Upper story height for residential buildings: 9'	Within 25' of any single-family residence, no structures shall exceed 3 stories
Site Design			
Build-To Zone	**Lot Coverage**	**Side and Rear Setbacks**	**Parking**
Location for interior lots: 22' to 32' zone to allow for a sidewalk width of 6', a tree planting zone of 6', and a minimum front setback of 5' Location for corner lots: 15' to 25' zone to allow for a sidewalk width of 9' and a tree planting zone of 6' Frontage: At least 60% of the building façade shall be located within the Build-To Zone Corner Lots: The front 25' of the side façade shall be located within the Build-To Zone	90% maximum	None, unless abutting a single-family residential lot in which case, the side and/or rear setback shall be a minimum of 10' from the shared lot line.	The minimum off-street parking requirement shall be fifty (50) percent of the ratio required by **Section 3.03. Permitted Use Chart**. Surface parking for interior lots: 15' setback from the nearest edge of the Build-To Zone Surface parking for corner lots: 40' setback from the nearest edge of the Build-To Zone Access to surface parking shall generally be from alleys unless no Alley access is available in which case driveways shall be consolidated between adjoining lots to the extent possible Parking garages shall be lined along public streets (except alleys) with active uses at least on the ground floor
Building Design			
Doors and Windows	**Building Projections**	**Arcades and Colonnades**	**Stoops and Porches**
Primary entrance shall front a public street. There shall be no continuous blank walls exceeding 20 linear feet along any public street façade (except alleys) of any building. Ground floor shall be 30% to 70% doors and/or windows. Upper floors shall be 30% to 70% doors and/or windows (measured between 3' to 9' above each finished floor). Windows on facades directly facing towards a lot line shared by any single family residential lot and less than 10 feet from the lot line shall have sills higher than 6' on the ground floor unless a privacy fence or wall of at least 6' in height is constructed to obscure any direct views into adjacent properties.	Building projections and appurtenances may project a maximum of 6' for commercial buildings provided they meet the standards provided in this section. Building projections and appurtenances may project a maximum of 18" for residential buildings provided they meet the standards provided in this section. Building projections on all other facades shall not be closer than 5' to any adjacent property line.	N/A	Stoops and porches are encouraged in the build-to zone and are permitted to encroach a maximum of 5' into the required front setback. Stoops and porches providing access to residential uses on the ground floor shall be a minimum of 18" higher than the finished elevation of the sidewalk.

Figure 4.11.5. UL Height Standards

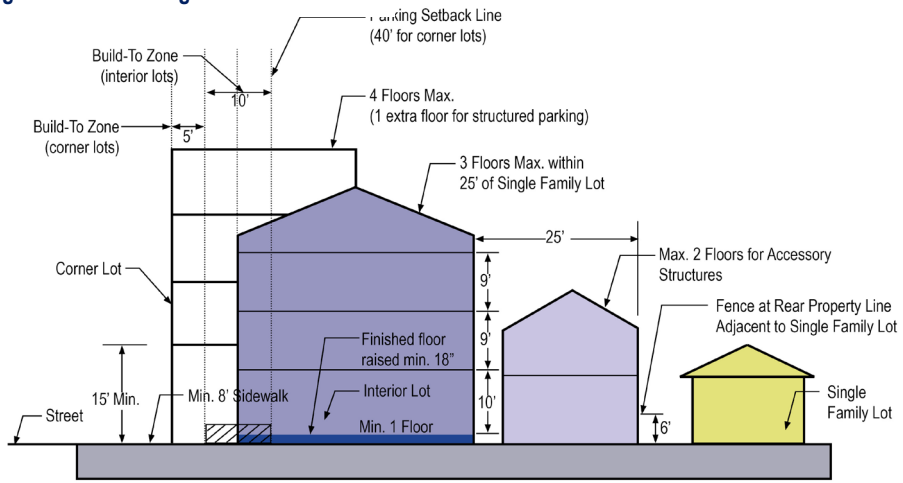


Figure 4.11.6. UL Building Disposition

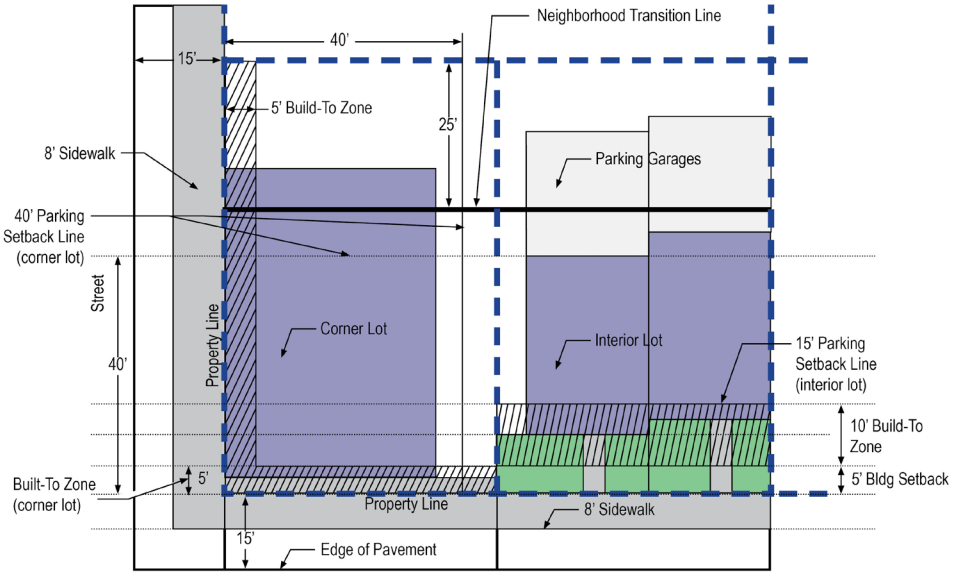
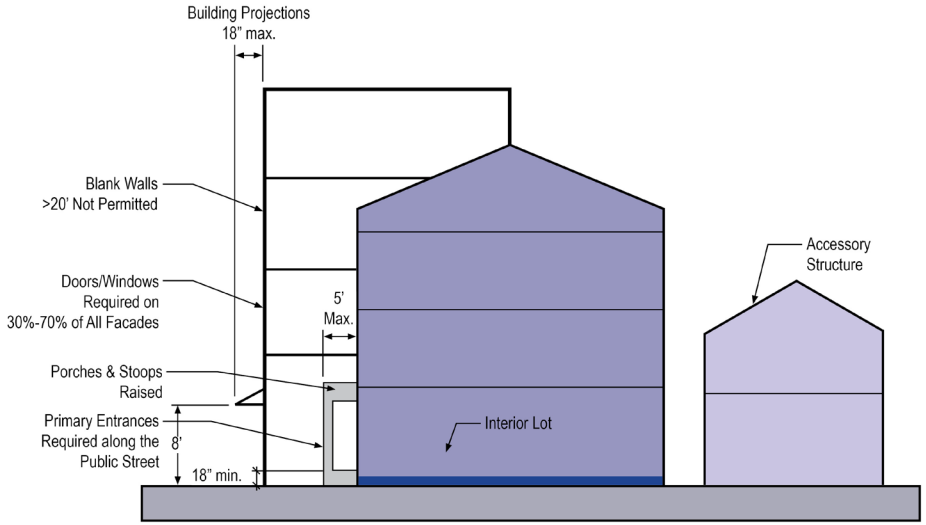


Figure 4.11.7. UL Facade Elements



3. General Main Street (GMS)

Building Height			
Principal Building Height	**Structured Parking Height**	**Ground Floor Height**	**Neighborhood Transition Zone**
1 to 6 stories	Not to exceed principal building height if principal structure is 2 floors or less May be a maximum of 7 stories if principal building is at least 3 stories	Ground floor from sidewalk: 18" max First story height: 15' min Upper story height: 10' min	N/A
Site Design			
Build-To Zone	**Lot Coverage**	**Side and Rear Setbacks**	**Parking**
Location: 15' min to allow for a sidewalk width of 6' and a tree planting zone of 6' Frontage: At least 40% of the building façade shall be located within the Build-To Zone The front 60' of the side façade shall be located within the Build-To Zone	90% maximum	None, unless abutting a single-family residential lot in which case, the side and/or rear setback shall be a minimum of 10' from the shared lot line.	The minimum off-street parking requirement shall be fifty (50) percent of the ratio required by **Section 3.03. Permitted Use Chart**. Surface parking: 15' minimum setback from the nearest edge of the Build-To Zone Surface parking may be located between the major roadway and the building but shall be limited to one double loaded parking aisle along each roadway frontage
Building Design			
Doors and Windows	**Building Projections**	**Arcades and Colonnades**	**Stoops and Porches**
Primary entrance shall be on the Major Roadway façade unless the building has another roadway frontage. There shall be no continuous blank walls exceeding 50 feet in width along any Major Roadway street façade (except alleys) of any building. Ground floor shall be 25% to 40% doors and/or windows. Upper floors shall be 25% to 50% doors and/or windows (measured between 3' to 9' above each finished floor). Windows on facades directly facing towards a lot line shared by any single family residential lot and less than 10 feet from the lot line shall have sills higher than 6' on the ground floor unless a privacy fence or wall of at least 6' in height is constructed to obscure any direct views into adjacent properties.	Building projections and appurtenances may project a maximum of 18" over any sidewalk or public right-of-way. A clear distance of 8' shall be maintained between the projection and the finished elevation of the sidewalk. Building projections on all other facades shall not be closer than 5' to any adjacent property line.	Arcades and colonnades are permitted within the Build-To Zone and shall not encroach into any sidewalk area. The arcade/colonnade area shall be designated with a public access easement. They shall be no deeper than 15' from the edge of the required sidewalk. Columns or piers shall be spaced between 12' and 15'. The minimum interior clearance height within an arcade or colonnade shall be 14' and the height of the arcade/colonnade opening shall be between 11' and 13'.	Stoops and porches are encouraged in the Build-To Zone and are permitted to encroach a maximum of 5' into the required front setback. Stoops and porches providing access to residential uses on the ground floor shall be a minimum of 18" higher than the finished elevation of the sidewalk.

Figure 4.11.8. GMS Height Standards

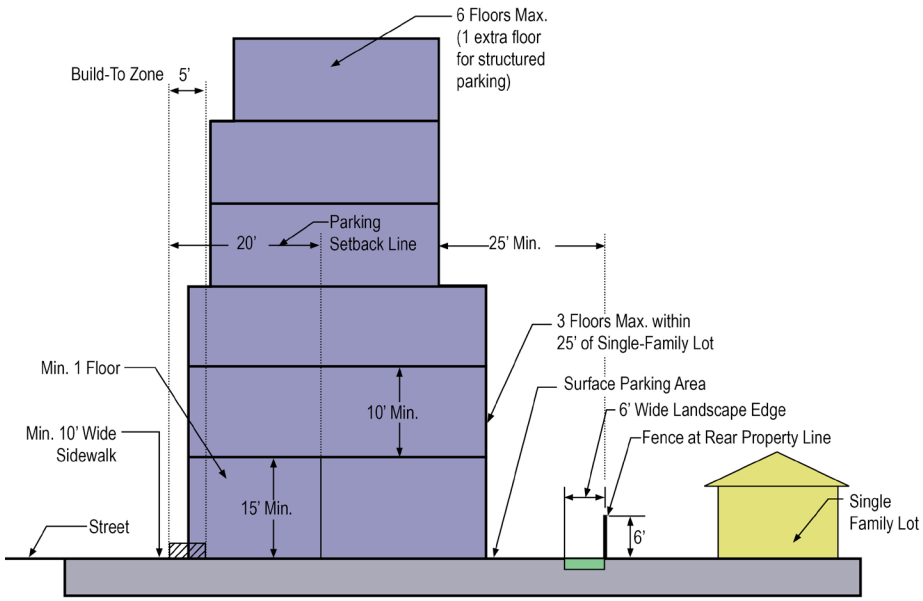


Figure 4.11.9. GMS Building Disposition

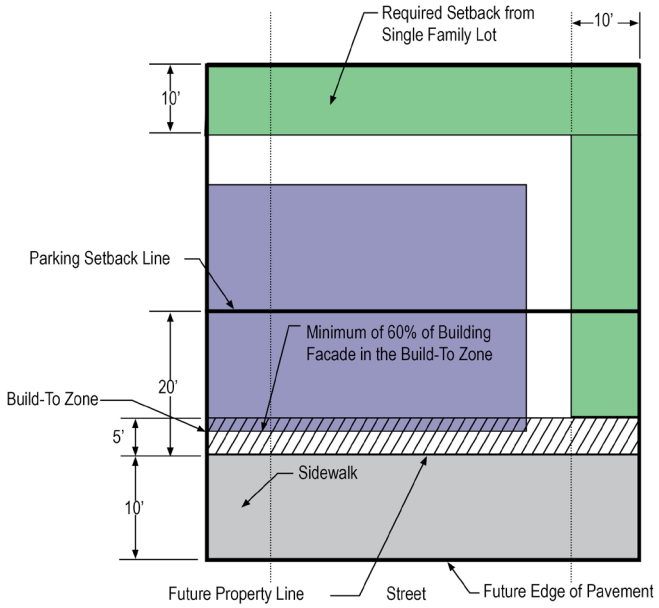
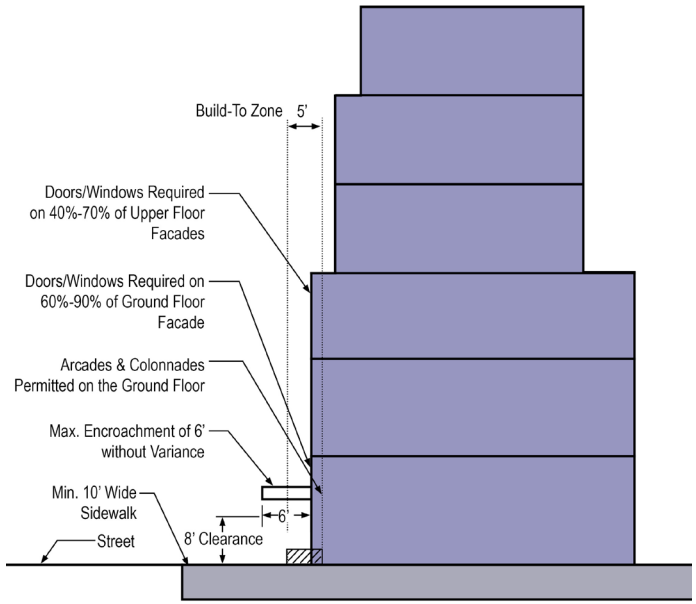


Figure 4.11.10. GMS Facade Elements



H. Boundary Determination

Due to the public improvements planned for Main Street including the realignment of travel lanes, addition of the slip-street and on-street parking, the future Right-of-Way lines and corresponding property lines are subject to change based on the approved streetscape plan. The future edge of pavement as shown the adopted Downtown Master Plan shall be the basis for establishing the build-to zones, lines and parking setback lines along Main Street and any other street in the DD, Downtown Duncanville District that requires public street improvements. If the existing street does not require any public improvements, the build-to zone, line and parking setback lines shall all be measured from the property/Right-of-Way line along that street frontage. The City Manager may revise the build-to zones and parking setbacks to accommodate required streetscape improvements based upon a City Council approved Streetscape Plan and survey.

I. Pedestrian Orientation

In order to facilitate walkability and livability, Main Street and intersecting streets within the DD, Downtown Duncanville District shall provide accessible sidewalks with street trees. Cross-sections as delineated on the Main Street Regulating Plan, incorporated herein by reference, are established to facilitate guidance for an integrated set of transportation choices—driving, walking and cycling, as well as to form public places bounded by building facades creating a sense of "outdoor rooms" or enclosure along the street or within building courtyards opening to the street.

J. Public Improvements

Public improvements within the Right-of-Way necessary to facilitate walkability, as delineated on the Downtown Duncanville Master Plan and Regulating Plan, shall be designed and constructed by the City or other public entities when funding becomes available; accordingly, new design and construction of private buildings and improvements within the district shall conform to and be complementary with those public improvements.

K. Architectural Standards

1. Commercial and Mixed-Use Buildings

a. An expression line shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of facades that do not utilize a pitched roof. For retail storefronts, a transom, display window area and bulkhead at the base shall be utilized.

b. The visual and acoustic impacts of all mechanical, electrical, and communications equipment (ground and roof-mounted) shall not be visible from adjacent properties and public streets, and screening materials and landscape screens shall be architecturally compatible with and similar in design and color to the building materials of the principal structures on the lot.

c. Mansard roofs are prohibited. Flat roofs without parapets on all sides are prohibited.

d. Roofs shall be constructed of a process and of materials that shall have a minimum installation and manufacturer's warranty of at least twenty (20) years.

e. Ground floor retail building plate heights shall be at least fifteen (15) feet in height.

f. Windows shall be oriented vertically.

g. Columns and piers shall be spaced no farther apart than the height of the column or pier.

h. Transparency

Each floor of any building facade facing a park, plaza or street shall contain transparent windows. The specific standards for transparency are established under the Frontage standards for all sites within the DD, Downtown Duncanville District.

i. Permitted Finishes for Commercial or Mixed-Use Buildings

At least eighty (80) percent of the exterior facades of all new buildings (excluding area included in doors and windows) fronting on any public street (with the exception of alleys) and fifty (50) percent of all non-public street fronting (including alleys) facades shall be finished in one or more of the following materials:

(1) Brick, stone, cast stone, rock, marble, granite, non-synthetic stucco applied using a three-step process, glass block and/or tile.

(2) Fiber cement siding with at least a thirty (30) year warranty.

(3) Split face concrete block, poured-in-place concrete, and tilt-wall concrete. Any use of concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the facade on at least twenty-five (25) percent of each facade.

(4) Fascia and soffit shall be constructed with a fiber cement material with a thirty (30) year warranty. Hardboard and pressboard shall not be permitted.

j. EIFS (Exterior Insulating Finishing System) or synthetic stucco shall only be permitted as an accent material and shall be less than twenty (20) percent of any given facade and shall be permitted only on the portions of the building facades higher than eight (8) feet from the finished ground level.

k. The exterior walls of buildings may be lit with wall washer type lights, natural gas lamps, or low wattage decorative electric lamps.

l. Building Encroachments:

Table 4.11.1 shall establish the standards for encroachments into the public Right-of-Way.

Figure 4.11.11. Architectural Elements

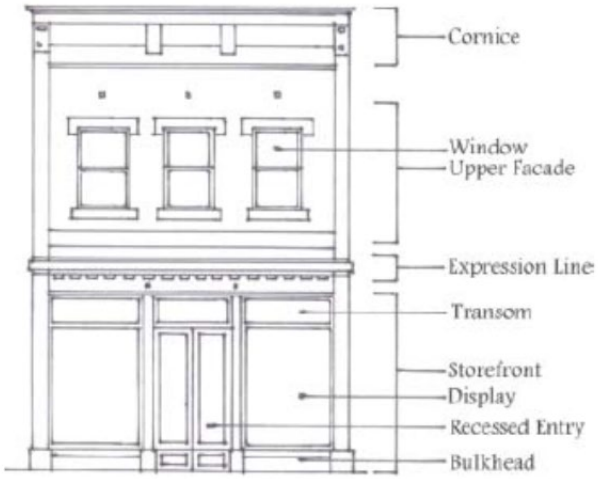


Table 4.11.1. Building Encroachment Standards

Item	Maximum Encroachment Allowed	Criteria to be Met
Awnings, stoops, first floor roof overhangs and canopies	6' from the front property line	• Minimum 10-foot wide sidewalk required (including planting well or strip) • Minimum of 8' of vertical clearance from the finished sidewalk • Shall all be cantilevered with no support structure on the sidewalk
Balconies and upper floor roof overhangs	6' from the front property line	• Minimum 10-foot wide sidewalk required (including planting well or strip) • Minimum of 23' of vertical clearance from the finished sidewalk • Shall not interfere with any existing or future mature street tree canopy • Shall not interfere with any overhead utility lines • Shall not overhang on to any travel lanes
Awnings, stoops, roof overhangs, canopies, and balconies	Greater than permitted by right	• Shall require a Special Exception by the Board of Adjustments and shall meet the following standards • Minimum 10-foot wide sidewalk required (including planting well or strip) • Minimum of 8' of vertical clearance from the finished sidewalk • Shall not interfere with any existing or proposed street tree planting scheme • Shall not interfere with any overhead utility lines • Shall not overhang on to any travel lanes

Table 4.11.2. Permitted Sign Types

Sign Type	CMS	UL	MR	
Wall Signs	P	P	P	• For all commercial uses fronting on I-20 access road: One sign per tenant space; area to be calculated at 0.75 sq. ft. per linear foot of highway frontage with a maximum of 200 sq. ft. • For all other commercial uses (retail, office, and restaurant): One sign per tenant space; area to be calculated at 1 sq. ft. per linear foot of public street frontage with a maximum of 50 sq. ft. • Second floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 0.75 sq. ft. per linear foot of second floor frontage along that public street. • Live-Work and Home occupations: One sign limited to an area of 12 sq. ft. max. • May encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 7' from the finished sidewalk. • Wall signs may be internally or externally lit.
Monument Signs	NP	NP	P	• One monument sign per lot per street frontage (no more than 2 per lot separated by at least 300 feet) limited to a maximum of 50 sq. ft. per sign face and 6' in height.
Window Signs	P	P	P	• Limited to 10% of the window area • The following shall be exempt from this limitation: • Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs. • Mannequins and storefront displays of merchandise sold. • Interior directory signage identifying shopping aisles and merchandise display areas
Blade Signs	P	P	NP	• Shall be permitted for all commercial uses only (retail, restaurant, and office) • 10 sq. ft. maximum per sign face. • May encroach a maximum of 2' on to a sidewalk. • Blade signs may be attached to the building or hung under the soffit of an arcade or under a canopy/awning while maintaining a vertical clearance of 7' from the finished sidewalk.
For Sale/For Lease Signs	P	P	P	• Same as Sign Ordinance
Address Signs	P	P	P	• Same as Sign Ordinance
Temporary Construction Signs	P	P	P	• 1 free standing sign per lot during construction only; limited to 32 sq. ft.
Banners	P	P	P	• Same as Sign Ordinance
Sandwich Board Signs	P	P	NP	• Permitted only for retail, service, or restaurant uses • Limited to 8 sq. ft. per storefront; • Sign may not exceed 2 feet in width or 4 feet in height. • A minimum of 4 feet of sidewalk shall remain clear. • Chalkboards may be used for daily changing of messages. Readerboards (electronic and non-electronic) shall be prohibited. • Sign shall be removed every day after the business is closed.
Light Pole Banners	P	P	P	• 10 sq. ft. per sign face. • Limited to one per light pole • All light pole banners shall be approved by the appropriate utility company prior to consideration by Sign Control Board. • Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other city sponsored events.
Directory Signs	P	P	P	• Shall be allowed for all multi-tenant buildings only • One directory sign per multi-tenant building limited to 10 sq. ft. in area • Design of the sign shall be integral to the façade on which the sign is to be affixed.
Any sign with LED lights or electronic reader boards	NP	NP	NP	• New signs with LED lights and electronic reader boards shall be prohibited in the Downtown Duncanville District.

M. Application and Review Requirements

1. The Development Review Committee shall be responsible for the following:

    a. Reviewing applications for concept plans, site plans, and any other development related applications within the DD, Downtown Duncanville District.

    b. Make determinations on the applications and interpretations of guidelines, standards, and requirements of this ordinance.

    c. Approval of site plans within the DD, Downtown Duncanville District that comply with all applicable city ordinances.

2. Site Plan

    All nonresidential, mixed-use, multi-family, and townhome development within the DD, Downtown Duncanville District shall comply with the requirements under **Section 6.04. Site Plans**.

3. Special Uses, Special Events, and Specific Use Permits Special Uses, Special Events, and Specific Use Permits in the DD, Downtown Duncanville District shall meet the requirements under **Article 6. Zoning Procedures**.

N. Alternative Compliance for DD, Downtown Duncanville District

Alternative Compliance is a method for Planning and Zoning Commission to approve alternative methods of compliance for nonconforming structures in the DD, Downtown Duncanville District based on predetermined standards that may be suitable for this District in select scenarios of land development, reconstruction or modifications. The purpose of Alternative Compliance is to provide a method to allow for nonconforming structures to remain nonconforming after reconstruction or substantial modification if it is in agreement with the Downtown Duncanville District Main Street Master Plan, the Main Street Vision, this District and other policies/regulations that may be adopted by the City Council.

1. Applicability

    Requests for Alternative Compliance for DD, Downtown Duncanville District are only suitable for nonconforming buildings (not nonconforming uses) zoned DD, Downtown Duncanville District and the applicant seeks approval for reconstruction or substantial modifications to the building exterior or building façade of a nonconforming building where the collective reconstructions or modifications within any five (5) year period are valued at more than either $50,000 or a total of fifty (50) percent of the assessed value of the structure in the most recently certified tax rolls, whichever is greater.

2. Review and Approval Criteria

    a. The Alternative Compliance requested shall be in agreement with and promote the concepts from the Downtown Duncanville District Main Street Master Plan.

    b. The Alternative Compliance requested shall promote the concepts of the form-based zoning within the DD, Downtown Duncanville District.

    c. The Alternative Compliance requested shall be in agreement with and promote the concept of orienting buildings in a manner that enhances the pedestrian environment.

    d. Consideration shall be given to the impact of the Alternative Compliance requested on parking areas, vehicle circulation, building layout, connectivity to surrounding streets and sidewalks.

    e. Consideration shall be given to whether the Alternative Compliance requested adversely affects or potentially adversely affects nearby property.

    f. The applicant shall demonstrate the structural and engineering obstacles and difficulties with making the building conforming.

3. Approval Process

    a. Applications for approval of Alternative Compliance shall be submitted to the City and shall specify in detail:

        (1) The Alternative Compliance sought from the requirements that would otherwise make the building conforming.

        (2) Describe in detail the structural and engineering obstacles and difficulties with making the building conforming.

        (3) All other information determined by staff to be needed to properly consider the request.

    b. Alternative Compliance applications shall be considered by the Planning and Zoning Commission after review by the Development Review Committee. To hear and take action on an application for Alternative Compliance the Planning and Zoning Commission shall hold a public hearing at least ten (10) days after publishing notice one time in the official publication of the city, stating the time and place of such hearing, and after providing written notice at least ten (10) days before the hearing date to each owner, as indicated on the most recently approved municipal tax roll, of real property within 200 feet of the property on which the Alternative Compliance is requested to be considered.

4. Appeal Process

The applicant may appeal a decision of the Planning and Zoning Commission denying the application to the City Council by submitting written notice of appeal through the Director of Public Works as follows:

a. The applicant must submit said written notice of appeal no later than twenty (20) calendar days from the date of such decision by the Planning and Zoning Commission.

b. Following receipt of a proper written notice of appeal from the applicant, the City Council shall consider the appeal at one of its next two regular meetings for which there is time to post an agenda and publish notice. To hear and take action on a notice of appeal the City Council shall hold a public hearing at least fifteen (15) days after publishing notice one time in the official publication of the city, stating the time and place of such hearing, and after providing written notice at least fifteen (15) days before the hearing date to each owner, as indicated on the most recently approved municipal tax roll, of real property within two hundred (200) feet of the property on which the Alternative Compliance is requested to be considered.

c. The City Council may affirm, modify or reverse the decision of the Planning and Zoning Commission. If the City Council upholds the decision of the Planning and Zoning Commission, the applicant may not apply for Alternative Compliance for the same building for twelve (12) months from the date of the City Council's decision.

Section 4.12. Wireless Telecommunication Regulations

A. Purpose

1. Protect residentially zoned areas and land uses from potential adverse impacts of Towers and Antennas;
2. Encourage the location of Towers in nonresidential areas, and on City facilities where feasible;
3. Minimize the total number of Towers and Antennas throughout the community;
4. Strongly encourage the joint use of new and existing Tower and Antenna sites as a primary option rather than the construction of additional single-use facilities;
5. Encourage owners/providers of Towers and Antennas to locate them, to the maximum extent possible, in areas where the adverse impact on the community is minimal;
6. Encourage owners/providers of Towers and Antennas to configure them in a way that minimizes the adverse visual impact of the Towers and Antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Encourage owners/providers of emerging new technologies to evaluate utilization of these technologies in lieu of a proliferation of Towers/Antennas across the community;
8. Enhance the ability of the providers of wireless telecommunications services to provide such services to the community quickly, effectively, and efficiently; and
9. Consider the effect on public safety by communication Towers and Antennas; and (10) avoid potential damage to adjacent properties from Tower failure through engineering and careful siting of Tower and Antenna structures. In furtherance of these goals, the City shall give due consideration to existing land uses, and environmentally sensitive areas in approving sites for the location of Towers and Antennas.

B. Applicability

1. New Towers and Antennas

   All new Towers or Antennas in the City shall be subject to these regulations, except as provided in **2.** and **3.** below.

2. Amateur Radio Station Operators/Receive Only Antennas

   This section shall not govern any Tower, or the installation of any Antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only Antenna.

3. AM Array

   For purposes of implementing this section, an AM array, consisting of one or more Tower units and supporting ground system which functions as one AM broadcasting Antenna, shall be considered one Tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the Towers included in the AM array. Additional Tower units may be added within the perimeter of the AM array by right.

C. General Requirements

1. Application

   When making an application for a permit, the owners/providers shall complete a "Telecommunication Tower/Antenna Siting Application", in its entirety and provide same to the City for review and evaluation by the Director of Public Works.

2. Principal or Accessory Use

   Antennas and Towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an Antenna or Tower on such lot.

3. Lot Size

   For purposes of determining whether the installation of a Tower or Antenna complies with district development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the Antenna or Tower may be located on leased parcels within such lot.

4. Inventory of Existing Sites

   When making an application for a permit, the applicant for an Antenna and/or Tower shall provide to the City an inventory of its existing Towers, Antennas, or sites approved for Towers or Antennas, that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location, height, and design of each Tower. The City may share such information with other applicants who apply for administrative approvals or specific use permits under this ordinance or other organizations seeking to locate Antennas within the jurisdiction of the City, provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

5. Aesthetics

   Towers and Antennas shall meet the following requirements:

   a. Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness;

   b. At a Tower site, the design of the buildings and related structures shall, to the greatest extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings, as approved by the Director of Public Works; and,

   c. If an Antenna is installed on a structure other than a Tower, the Antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the Antenna and related equipment as visually unobtrusive as possible, as approved by the Director of Public Works.

6. Performance Bond/Insurance/Letter of Credit

   a. For Towers located on City-owned property, any required performance bonds, insurance and/or indemnification shall conform with the city lease agreement; and,

   b. For Towers located on private property, the owners/provider shall provide and maintain in effect at all times a performance bond for each Tower valued at one-third of the cost of the Tower construction (labor and material) to be determined at the time of permit application. The purpose of the performance bond is to insure maintenance/removal of the Towers/buildings/fences, etc., to return the site to its original condition in the event of Tower failure, or damage to the surrounding property. For those companies with multiple Towers in the city, a single bond to cover all Towers shall be acceptable. In lieu of a performance bond, a company may provide to the City either a Certificate of Insurance whose value equals or exceeds that required by a performance bond, with the City as an additional insured, or an irrevocable Letter of Credit whose value would equal or exceed that required by a performance bond.

7. Building and Support Equipment

   Buildings and support equipment associated with Towers or Antennas shall comply with the requirements of **G. Buildings or Other Equipment Storage** below.

8. Multiple Tower/Antenna plan

   The City encourages the users of Towers and Antennas to submit a single application for approval of multiple Towers and/or Antenna sites.

9. Measurement

   For purposes of measurement, Tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal boundaries.

10. Lighting

    Towers shall not be artificially lighted unless required by the FAA or other applicable authority, including the City. A nonintrusive security light shall be provided for the base of the Tower and the cabinet building, operational from dusk to dawn. A red light, of a type approved by the FAA, shall be provided on all Towers for visibility of the Tower from aircraft. The red light shall be placed atop the highest point of the Tower.

11. Signs

    No signs shall be allowed on a telecommunication facility system except for caution/safety advisory type notices, and/or for addressing purposes. The signs shall be no larger than two square feet.

D. Administratively Approved Uses – Towers

   The following provisions shall govern the issuance of administrative approvals for Towers:

   1. The Director of Public Works shall make every attempt to respond to each such application within 60 days after receiving it by either approving or denying the application;

   2. The Director of Public Works, in order to encourage the use of monopoles, may administratively allow the reconstruction of an existing Tower (one hundred twenty-five [125] feet or less) to monopole construction. The new monopole may be increased in height one time by twenty-five (25) percent of the original approved height, to a maximum of one hundred twenty-five (125) feet, whichever is less.

3. Setbacks

a. Setback Requirements

The setback requirements set forth in **Table 4.12.1** shall apply to all Towers, unless the City Council in granting a specific use permit varies these conditions.

Table 4.12.1. Setback Requirements for Towers

Off-site Use/Designation Area	Setback Distance
Residential zoning or uses	100% height of tower or 125', whichever is greater
Nonresidential zoning or uses	Minimum zoning setbacks apply

b. Additional Requirements

(1) Guys and accessory buildings shall satisfy the minimum zoning district setback requirements.

(2) Setbacks measured from the base of the Tower to the closest building line.

(3) A separation distance of five thousand (5,000) feet between Towers shall apply to all Towers, unless the City Council in granting a specific use permit varies this condition. The separation distances between Towers shall be applicable for and measured between the proposed Tower and preexisting Towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing Tower and the proposed base, pursuant to a site plan, of the proposed Tower.

(4) A structure which is modified or reconstructed to accommodate the collocation of an additional Antenna shall be of the same type as the existing structure, unless the Director of Public Works allows reconstruction as a monopole.

c. Height

(1) The height change(s) referred to in this subsection may be increased one time by twenty-five (25) percent of the original approved height, to a maximum of one hundred twenty-five (125) feet, whichever is less.

(2) The additional height referred to in this subsection shall not require an additional distance separation as set forth in **E. Administratively Approved Uses – Antennas** below. The Tower's pre-modification height shall be used to calculate such distance separations.

d. On-Site Location

(1) A Tower which is being rebuilt to accommodate the collocation of an additional Antenna may be removed on-site within fifty (50) feet of its existing location.

(2) After the Tower is rebuilt to accommodate collocation, only one Tower may remain on the site. The owner/provider shall remove the vacated Tower within sixty (60) days after the new Antenna becomes operational. If the Tower is not removed by the specified time, the city shall exercise the Performance Bond/Letter of Credit to remove the Tower.

E. Administratively Approved Uses – Antennas

The following provisions shall govern the issuance of administrative approvals for Antennas:

1. The Director of Public Works shall make every attempt to respond to each such application within 60 days after receiving it by either approving or denying the application.

2. Locating Antennas on existing nonresidential structures or Towers in all zoning districts consistent with the terms of **a** and **b** below.

a. Antennas on existing structures. Any Antenna which is not attached to a Tower may be approved by the Director of Public Works as an accessory use, provided

(1) The Antenna does not extend more than twenty (20) feet above the highest point of the structure;

(2) The Antenna complies with all applicable FCC and FAA regulations;

(3) The method of attachment and materials used to attach the Antenna to a structure complies with all applicable building codes; and

(4) Minimum zoning setbacks shall apply to all Antenna installations.

b. Antennas on Existing Towers

An Antenna which is attached to an existing Tower may be approved by the Director of Public Works as an accessory use, provided:

(1) The Antenna does not extend more than twenty (20) feet above the highest point of the structure, and not exceed an overall height of one hundred twenty-five (125) feet;

(2) The Antenna complies with all applicable FCC and FAA regulations; and

(3) The method of attachment and materials used to attach the Antenna to a structure complies with all applicable building codes.

F. Specific Use Permit (SUP)

1. General

The following provisions shall govern the issuance of Specific Use Permits for Towers which do not qualify for administrative approval, or for Antennas over twenty (20) feet above a nonresidential structure or for Antennas on any residential structure.

a. Applications for specific use permits under this section shall be subject to the procedures and requirements of **Section 6.05. Specific Use Permits** except as modified in this section.

b. In granting a specific use permit, the City Council may impose conditions to the extent the City Council concludes such conditions are necessary to minimize any adverse effect of the proposed Tower or Antenna on adjoining properties.

c. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by an engineer.

d. An applicant for a Specific Use Permit shall submit the information described in this Zoning Ordinance and a nonrefundable fee as established by resolution of the City Council to reimburse the City for the costs of reviewing the application.

e. Any Specific Use Permit issued under this section shall remain in effect for a period of ten (10) years.

2. Towers

a. In addition to any information required for applications for an SUP pursuant to **Section 6.05. Specific Use Permits** of the Zoning Ordinance, applicants for a SUP for a Tower shall complete the application as prescribed in **C.1. Application** above and shall submit the following prepared by professionals, licensed to practice their respective disciplines in the State of Texas:

(1) A scaled site plan clearly indicating, but not limited to, the location, type and height of the proposed Tower, all weather parking pad, fencing, illumination, landscaping, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed Tower and any other structures, easements, topography, parking, and other information deemed by the City to be necessary to assess compliance with the ordinance.

(2) Legal description of the parent tract and leased parcel (if applicable).

(3) The setback distance between the proposed Tower and the nearest residential unit and/or residentially zoned properties shall be in accordance with **D.3. Setbacks** above.

(4) The separation distance from other Towers described in the inventory of existing sites submitted pursuant to **D.3.b Additional Requirements** above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing, Tower(s) and the owner/operator of the existing Tower(s), if known.

(5) A landscape plan showing specific language materials, and which maximizes preservation of existing plant material in accordance with **d. Landscaping** below.

(6) Method of fencing, illumination, and finish.

b. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology

No new Tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City Council that no existing Tower, structure or alternative technology that does not require the use of an additional Tower or structures can accommodate the applicant's proposed system needs. An applicant shall submit information requested by the City Council related to the availability of suitable existing Towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing Tower, structure or alternative technology can accommodate the applicant's proposed system may consist of any of the following:

(1) No existing Towers or structures are located within the geographic area which meet applicant's engineering requirements.

(2) Existing Towers or structures are not of sufficient height to meet applicant's engineering requirements.

(3) Existing Towers or structures do not have sufficient structural strength to support applicant's proposed system.

(4) The applicant's proposed system would cause electromagnetic interference with the Antenna on the existing Towers or structures, or the Antenna on the existing Towers or structures would cause interference with the applicant's proposed system.

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing Tower or structure or to adapt an existing Tower or structure for sharing are unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing Towers and structures unsuitable.

(7) The applicant demonstrates that alternative technologies are unsuitable.

c. Security Fencing

Towers shall be enclosed by security fencing not less than six (6) feet in height.

d. Landscaping

The following requirements shall govern the landscaping surrounding Towers:

(1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the Tower compound from residential zoning, or uses. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound, to be approved by the Director of Public Works.

(2) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as Towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer, as approved by the Director of Public Works.

(3) If the natural growth in **(2)** above is removed or is damaged, the **Director of Public Works** may require equivalent landscaping per **(1)** above.

3. Antennas

In addition to any information required for applications for specific use permits pursuant to **Section 6.05. Specific Use Permits**, applicants for a specific use permit for an Antenna shall complete the application as prescribed in **C.1. Application** above and shall submit the following prepared for professionals, licensed to practice their respective disciplines in the State of Texas:

a. A scaled site plan clearly indicating, but not limited to, the uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed Antenna and any other structures, easements, topography, parking, and other information deemed by the City to be necessary to assess compliance with the ordinance.

b. Legal description of the parent tract and leased parcel (if applicable).

c. The setback distance between the proposed Antenna and the nearest residential unit and/or residentially zoned properties shall be in accordance with **D.3. Setbacks** above.

G. Buildings or Other Equipment Storage

1. Antennas Located on Towers

The equipment cabinet or structure in association with Antennas shall comply with all applicable building codes. Equipment storage shall be aesthetically pleasing and architecturally compatible with its surroundings.

2. Antennas Mounted on Structures or Rooftops

The equipment cabinet or structure used in association with Antennas shall comply with all applicable building codes. Prior to any roof loading, an Engineer shall certify the building is structurally adequate. Equipment storage shall be aesthetically pleasing and architecturally compatible with the building upon which it is located.

3. Antennas Mounted on Public Utility Poles or Light Poles

The equipment cabinet or structure used in association with Antennas shall comply with all applicable building codes. Equipment storage shall be aesthetically pleasing and architecturally compatible with its surrounding.

H. Removal of Abandoned Towers and Antennas

Any Tower or Antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such Tower or Antenna shall remove the same within sixty (60) days of receipt of notice from the Director of Public Works notifying the owner of such abandonment. Failure to remove an abandoned Tower or Antenna within said sixty (60) days shall be grounds to remove the Tower or Antenna at the owner's expense, or by execution of the Performance Bond. If there are two or more users of a single Tower, then this provision shall not become effective until all users cease using the Tower.

Section 4.13. Exterior Wall Covering Requirements

A. Applicability

In compliance with HB 2439 that amends Title 10 of the LGC Subtitle Z, this **Section 4.13. Exterior Wall Covering Requirements** shall not be applicable and enforced unless the State of Texas amends said Title to enable enforcement of this Section.

B. Purpose

Exterior construction requirements are accepted as adding structural and aesthetic value to property. It ensures a longer life of a structure by minimizing maintenance and contributes greatly to overall community preservation.

This article shall apply to all zoning districts.

C. Definitions

For the purpose of this section, the following definitions shall apply:

1. Chimney shall mean a primary vertical structure containing one or more flues, for the purpose of carrying gaseous products of combustion and air from a fuel-burning appliance to the outside atmosphere.

2. Masonry construction shall include all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction. The method of construction shall be by means of masonry units being bedded by mortar in a stacked system with the starting coarse placed on the foundation or other structural support. See Section 3 for additional regulations.

   The standards for masonry construction types are listed below:

   a. Stone Material: Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone, dimensioned stone, and manufactured stone products are acceptable.

   b. Brick Material: Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM Standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or underfired clay, sand, or shale brick are not allowed.

   c. Concrete Masonry Units: Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications; ASTM C90, Standard Specification for Loadbearing Concrete Masonry Units (hollow and solid); ASTM C129, Standard Specification for Nonloadbearing Units (hollow and solid). Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish, integrally colored, subject to approval by the building official. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.

   d. Concrete Panel Construction: Concrete finish, pre-cast panel or tilt wall construction shall be painted, fluted, or exposed aggregate. Other architectural concrete finish is subject to approval by the building official. Smooth or untextured concrete finishes are not acceptable unless painted and maintained.

3. Portland Cement Plaster (Stucco) shall consist of a scratch coat, a brown coat and a finish coat. The minimum combined thickness of the scratch coat and the brown coat shall be ¾ of an inch. The finish coat can consist of one of the following: a cement based textured and colored finish, an acrylic based textured or colored finish, or an elastomeric colored finish coat. Stucco applied over frame construction shall have metal lath and accessories installed in accordance with ASTM C-1063. Portland Cement Plaster shall be applied in accordance with ASTM C-926. All other ASTM Standards applicable to Portland Cement Plaster installations shall apply to this definition.

4. Glass and metal standards are as follows:

   a. Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

   b. Metal walls shall include profiled panels, deep ribbed panels and concealed fastener systems. Exterior finish shall be film laminated or baked-on enamel painted to the wall manufacturer's standards.

      (1) The use of corrugated metal, plastic, or fiberglass panels is prohibited.

      (2) The use of galvanized, aluminum coated, zinc-aluminum coated or unpainted exterior metal finish is prohibited.

D. Miscellaneous standards

1. Manufactured stone veneer, stone products, precast stone, stone siding, stone veneer, and brick veneer with a thickness of less than two and three-fourth inches and/or designed to be installed by means of adhesives or connections to the adjacent vertical wall member shall be prohibited.

2. Stucco, synthetic stucco, Exterior Insulation Finish System (EIFS), and cementitious fiber board materials shall not be considered for the 80 percent masonry requirement but may be utilized for part or all of the remaining 20 percent of the structure.

3. The use of hard board or press board shall be prohibited for any feature on any structure, including Type A accessory buildings.

4. Type B accessory buildings, including carports, 400 square feet or less shall be built with materials that are durable and resistant to deterioration. Profiled panels, deep ridge panels, and concealed fastener systems are permitted. All vertical and horizontal structural members of carports shall be of 14-gauge steel or aluminum. Vertical supporting members shall be a minimum of three inches in diameter for circular posts or three inches by three inches for tubular posts. Low or single pitch carport roofs shall be of maintenance free materials (minimum 26-gauge steel or aluminum). Exterior finish for metal materials shall be baked enamel finish or painted to the manufacturer's specifications; unpainted metal finish is prohibited. The use of corrugated metal, plastic, or fiberglass panels is prohibited.

E. Construction standards

The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the city.

1. Residential - "R-1.4" Single-Family Dwelling, "R-1.8" Single-Family Dwelling, "R-2.2" Single-Family Dwelling, "D" Duplex, "D-IA" Duplex Dwelling, "D-113" Duplex Dwelling District, and any other Single-Family Dwelling or Residential Planned Development Districts with a minimum dwelling size (living area) of less than 2,600 square feet.

    a. All residential buildings and structures located in these residential zoning districts shall be of exterior construction having at least 80 percent of the total exterior walls above grade level to the top plate of the first story, excluding doors and windows, constructed of brick, stone or material of equal characteristics in accordance with the city's building code and fire prevention code. If the structure is more than one story in height, this requirement shall apply as a minimum to the first story, and may be applied to the remainder of the structure. Chimneys of fireplaces capable of burning wood shall be full masonry brick or stone from slab to cap, regardless of whether it is an interior or exterior chimney. Any other chimney not built for wood burning (i.e. gas with artificial logs) and is located on an exterior wall, shall maintain an exterior veneer consistent with the adjacent walls on either side of the chimney. Exposed metallic chimneys or factory built chimneys (non masonry) shall be prohibited. All other chimneys shall be constructed in accordance with the city's building code and fire code. Facia and soffit shall be constructed with maintenance free type materials, with hardboard and pressboard excluded.

    b. Exterior walls finished with concrete masonry units or similar products, or corrugated metal materials are not permitted on any residential structure.

    c. Additions or alterations to existing structures shall be constructed to an architectural standard consistent with the existing structure in terms of siding and roofing.

2. Residential - "R-2.6" Single-Family Dwelling, "R-3.0" Single-Family Dwelling, "R-3.0 E" Single-Family Estate Dwelling, and any other Single-Family Dwelling or Residential Planned Development Districts with a minimum dwelling size (living area) of 2,600 square feet or greater.

    a. All residential buildings and structures located in these residential zoning districts shall be of exterior construction having at least 80 percent of the total exterior walls above grade level to the top plate of the first story for a one story structure, or to the top plate of the second story for a structure greater than one story, excluding doors and windows, constructed of brick, stone or material of equal characteristics in accordance with the city's building, code and fire code. Chimneys of fireplaces capable of burning wood shall be full masonry brick or stone from slab to cap, regardless of whether it is an interior or exterior chimney. Any other chimney not built for wood burning (i.e. gas with artificial logs) and is located on an exterior wall, shall maintain an exterior veneer consistent with the adjacent walls on either side of the chimney. Exposed metallic chimneys or factory built chimneys (non masonry) shall be prohibited. All other chimneys shall be constructed in accordance with the city's building code and fire code. Facia and soffit shall be constructed with maintenance free type materials, with hardboard and pressboard excluded.

    b. Exterior walls finished with concrete masonry units or similar products, or corrugated metal materials are not permitted on any residential structure.

c. Additions or alterations to existing structures shall be constructed to an architectural standard consistent with the existing structure in terms of siding and roofing.

3. "A" Apartment and "A-2" Apartment-2 Zoning Districts

a. All principal buildings and structures located in the "A" Apartment and "A-2" Apartment-2 Districts shall be of exterior fire resistant construction having 100 percent of the total exterior walls, excluding doors and windows constructed of brick, stone, or brick veneer. Facia and soffit shall be constructed with maintenance free type materials, with hardboard and pressboard excluded.

b. Exterior building materials for additions or alterations to existing structures shall conform to section 4.3.A of this article.

c. Fireplace chimneys shall be full masonry brick or stone from slab to cap, regardless of whether it is an interior or exterior chimney, and regardless of whether it is wood burning or not. Exposed metallic chimneys or factory built chimneys (non masonry) shall be prohibited.

4. Nonresidential - All Nonresidential Zoning Districts with the Exception of "C-I" Light Commercial, "C-2" Heavy Commercial, "I-1" Light Industrial, and "I-2" Heavy Industrial Districts.

a. All nonresidential structures shall be of exterior construction having at least 80 percent of the total exterior walls above grade level, excluding doors and windows, constructed of masonry, Portland cement plaster, or glass wall construction, in accordance with the city's building code and fire prevention code. Chimneys for fireplaces capable of burning wood shall be full masonry brick or stone from slab to cap, regardless of whether it is an interior or exterior chimney. Any other chimney not built for wood burning (i.e. gas with artificial logs) and is located on an exterior wall, shall maintain an exterior veneer consistent with the adjacent walls on either side of the chimney. Exposed or metallic chimneys or factory-built chimneys (non masonry) shall be prohibited. All other chimneys shall be constructed in accordance with the city's building and fire codes. Facia and soffit shall be constructed with maintenance-free type materials, with hardboard and pressboard excluded.

b. Exterior building materials for additions or alterations to existing structures shall conform to section 4.4.A of this article.

c. No structure shall be erected, converted, designed, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages. Canopies, awnings, and/or roof overhangs for restaurant service are permitted.

5. Nonresidential - "C-1" Light Commercial and "C-2" Heavy Commercial Districts.

a. All nonresidential structures shall be of exterior construction having at least 80 percent of the total exterior walls above grade level, excluding doors and windows, constructed of masonry, Portland cement plaster, or glass wall construction, in accordance with the city's building code and fire prevention code. All chimneys shall be constructed in accordance with the city's building code and fire code. Facia and soffit shall be constructed with maintenance free type materials, with hardboard and pressboard excluded.

b. Exterior building materials for additions or alterations to existing structures shall conform to section 4.5.A of this article.

c. No structure shall be erected, converted, designed, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages. Canopies, awnings, and/or roof overhangs for restaurant service are permitted.

6. Nonresidential - "I-1" Light Industrial and "I-2" Heavy Industrial Districts.

a. All nonresidential structures shall be of exterior construction in accordance with the city's building code and fire prevention code. Building facades (front only) which face any residential zoning district, unless separated by a major thoroughfare, shall be of stone, brick, Portland cement plaster, or glass wall construction. All chimneys shall be constructed in accordance with the city's building code and fire code. Facia and soffit shall be constructed with maintenance free type materials, with hardboard and pressboard excluded.

b. Exterior building materials for additions or alterations to existing structures shall conform to section 4.6.A of this article.

c. No structure shall be erected, converted, designed, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages. Canopies, awnings, and/or roof overhangs for restaurant service are permitted.

7. Procedure for determining alternative exterior materials:

    a. All requests for alternative exterior building materials shall be noted and described on a site plan to be submitted to the zoning board of adjustment for review. If requested by the building official, a sample of the material shall be required to be submitted with the site plan.

    b. An alternative exterior material may be approved by the board if it is determined that the material is equivalent to or better than masonry according to the criteria listed for exceptions below as part of the approval of a site plan submitted to the zoning board of adjustment.

    c. Consideration for exceptions to the above requirements shall be based only on the following:

        (1) Architectural design and creativity;

        (2) Compatibility with surrounding developed properties; and

        (3) Architectural variances may be considered for, but not limited to, Gingerbread, Victorian, English Tudor, or Log designs.

8. If the provisions of this ordinance are more restrictive than, or in conflict with the building or fire code, this ordinance shall apply.

F. Exceptions

1. Vision clearance.

    On any comer lot on which the front and side yards are required, no wall, fence, structure, sign, tree, shrub, or hedge may be maintained as to cause danger to traffic by obstructing the view, and when topography prevents a clear view, this bank shall be moved.

G. Front yard.

The front yards heretofore required shall be adjusted in the following cases.

1. Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four feet; provided, however, that no supporting structure for such extensions may be located within the required front yard. The supporting structure of an open carport or other structure for the storage of automobiles shall not be located within the required front yard. An unenclosed canopy for a gasoline filling station or similar business may extend beyond the building line but shall never be closer to the property line than 12 feet. The building line of a gasoline filling station shall mean the actual wall of the filling station and shall not be interpreted as being the curb of a walk or driveway, or as the front of a canopy of the column supporting same.

H. Side and rear yards.

1. Every part of the required side or rear yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projection of windowsills, belt courses, and other ornamental features projecting not to exceed 12 inches. Eaves and awnings on main residential structures may project to within three feet of a side or rear lot line.

2. Accessory buildings may be built in the rear yard except that when such accessory building is located closer than 15 feet to the main building it shall observe the same side yard as required for the main building.

3. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the ground (first) floor level of the building may project into a required side yard provided such projections not be erected closer than two feet from the side lot lines.

I. Lot area.

On any lot separately owned prior to December 27, 1965, or on any lot separately owned at the time the area was annexed to the City subsequent to December 27, 1965, a single-family house may be erected even though the lot has less area than required by these regulations.

J. Location of dwellings and buildings.

Only one main building for single-family, two-family or multiple-family use with permitted accessory buildings may be located upon a lot or unplatted tract. Every dwelling shall face or front upon a street or officially approved place, other than an alley, which means an access shall have a minimum width of 30 feet. Where a lot is used for retail, commercial, industrial, or a combination of same, or for a combination of retail and dwelling purposes, more than one main building may be located upon the lot, but only when such buildings conform to all the open space, parking, and density requirements applicable to the uses and districts and when all such main buildings face upon a street or officially approved place, other than an alley. Whenever two or more main buildings or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a street or officially approved place, the same may be permitted when the site plan for such development is approved by the city planning

commission so as to comply with the normal requirements for platting. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard or area requirements for any dwelling or other use.

K. Erection of dwellings in business districts.

No single-family, duplex or apartment dwelling may be erected, converted or constructed in any "LR-1", "LR-2", "CB", "O", "C", or "I" district, except as permitted by special use permit in an "I" Industrial District.

L. Temporary building for construction purposes only.

The building official may issue a permit for a temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or at the end of two years. if more time is needed, the planning commission shall hold a public hearing for the purpose of considering the continuation of the temporary building for construction purposes.

M. Temporary permit for sales office.

The building official may issue a permit for a sales office in single-family and duplex district zoning for the sale of real estate and with no outside storage of material, equipment, or vehicles, which shall not be permitted for more than two years. At the end of two years if more time is needed, the planning commission shall hold a public hearing for the purpose of considering the continuation of a building to be used for a sales office.

Article 5. Development Review Bodies

Article Table of Contents:

Section 5.01. City Council

Section 5.02. Planning & Zoning Commission

Section 5.03. Zoning Board of Adjustment

Section 5.04. City Planner

Section 5.01. City Council

A. Establishment

The City Council is established within Article II of the City's Charter.

B. Key Responsibilities

Table 5.01.1 is a summary of the City Council's responsibilities within the Zoning Ordinance.

Table 5.01.1. City Council Responsibilities

Action	Authority
Zoning Map and Text Amendments	Decide
Type 1: Site Plans Related to SUP Rezoning Applications	Decide
Specific Use Permits	Decide
Planned Developments	Decide

Section 5.02. Planning & Zoning Commission

A. Establishment

The City's Code of Ordinances establishes the standards governing the Planning and Zoning Commission within Chapter 2 of the City's Code of Ordinances.

B. Key Responsibilities

Table 5.02.1 is a summary of the Planning and Zoning Commission's responsibilities within the Zoning Ordinance.

Table 5.02.1. Planning and Zoning Commission Responsibilities

Action	Authority
Zoning Map and Text Amendments	Recommend
Type 1: Site Plans Related to SUP Rezoning Applications	Recommend
Specific Use Permits	Recommend
Planned Developments	Recommend

Section 5.03. Zoning Board of Adjustment

A. Establishment, Membership, Vacancies

1. There is hereby created a Zoning Board of Adjustment consisting of five members and two alternate members, each to be appointed by a majority of the City Council for a term of two years and removable for cause by the appointing authority.
2. Vacancies shall be filled by the appointment by the City Council of a suitable person to serve out the unexpired term of any member whose place on the Zoning Board of Adjustment has become vacant for any cause.
3. The Zoning Board of Adjustment is hereby vested with power and authority, in appropriate cases and subject to appropriate conditions and safeguards, to make such exceptions to the terms of this Zoning Ordinance in harmony with its general purpose and intent and in accordance with general or special rules therein contained for the purpose of rendering full justice and equity to the general public.

B. Procedures, Rules, and Meetings

1. The Zoning Board of Adjustment shall adopt rules to govern its proceedings provided that such rules are not inconsistent with this Zoning Ordinance or State statutes.
2. Meetings of the Zoning Board of Adjustment shall be held at the call of the chairperson and at such other times as the Zoning Board of Adjustment may determine.
3. The chairperson, or in their absence, the acting chairperson, may administer oath and compel the attendance of the witnesses.
4. All meetings of the Zoning Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Board of Adjustment and shall be a public record.

C. Authority of the Board

The Zoning Board of Adjustment may:

1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance, and for that purpose the Zoning Board of Adjustment has the same authority as the administrative official;
2. Hear and decide special exceptions to the terms of this Zoning Ordinance when the ordinance requires the board to do so;
3. Authorize in specific cases a variance from the terms of the Zoning Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.

D. Actions

Per Texas Local Government Code Section 211.009, the concurring vote of four (4) Board members (or at least seventy-five [75] percent of the Board members) is necessary to:

1. Reverse an order, requirement, decision, or determination of an administrative official
2. Decide in favor of an applicant on a matter on which the Zoning Board of Adjustment is required to pass per this Zoning Ordinance
3. Authorize a Special Exception or Variance.

E. Court Remedy

1. Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Board of Adjustment, or any taxpayer, or any officer, department, or board of the municipality may present to a district court or county court a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality.
2. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

F. Key Responsibilities

Table 5.03.1 is a summary of the Zoning Board of Adjustment's responsibilities within the Zoning Ordinance.

Table 5.03.1. Zoning Board of Adjustment Responsibilities

Action	Authority
Interpretation of Zoning District Boundaries	Decide
Amortization of Nonconforming Uses	Decide
Appeal of an Administrative Decision	Decide
Variances	Decide
Special Exceptions	Decide

Section 5.04. City Planner

A. Key Responsibilities

Table 5.04.1 is a summary of the City Planner's responsibilities within the Zoning Ordinance.

Table 5.04.1. City Planner Responsibilities

Action	Authority
Type 1: Site Plans Related to SUP Rezoning Applications	Review
Type 2: Site Plans Related to Building Permit Applications	Review and Approve (with Building Official)
Minor PD Amendments	Approve
Alternative Compliance	Approve

Article 6. Zoning Procedures

Article Table of Contents:

Section 6.01. Applicability, Completeness, and Expiration
Section 6.02. Zoning Map and Text Amendments
Section 6.03. Nonconformities
Section 6.04. Site Plans
Section 6.05. Specific Use Permits
Section 6.06. Planned Developments
Section 6.07. Alternative Compliance
Section 6.08. Appeal of an Administrative Decision
Section 6.09. Variances
Section 6.10. Special Exceptions

Section 6.01. Applicability, Completeness, and Expiration

A. Applicability

The following procedures shall apply to any zoning related plan or application that is required by the City and is submitted in accordance with these regulations.

B. Determination of Completeness

Every required application shall be subject to a determination of completeness by the responsible official for processing the application.

1. Acceptance Standard

The application shall only be accepted for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of these regulations.

2. Acceptance Procedures

a. A determination of completeness shall be made not later than the tenth (10^{th}) business day.

b. If the submitted application is incomplete, the applicant shall be notified in writing not later than the tenth (10^{th}) business days after submittal.

(1) Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the tenth (10^{th}) business day following submission of the application.

(2) The notification shall specify the documents or other information needed to complete the application, and shall state the date the application will expire (see **D. Expiration of an Application Due to Incompleteness** below) if the documents or other information are not provided to the City.

c. An application shall be deemed complete on the eleventh (11^{th}) business day after the application has been received if notice is not served in accordance with **D. Expiration of an Application Due to Incompleteness** below.

d. If the application is determined to be complete, the application shall be processed as prescribed by these regulations.

3. Acceptance shall not Constitute Compliance

A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Section.

4. Acceptance shall not Guarantee Approval

It is not guaranteed that an accepted, complete application will be approved, if after the application is deemed complete it is determined that the application does not comply with these regulations.

C. Resubmittal after Notification of Incompleteness

1. If the application is resubmitted after a notification of incompleteness within the time allotted in **D. Expiration of an Application Due to Incompleteness** below, the application shall be processed upon receipt of the re-submittal.

2. If the information or documents submitted are not sufficient to enable the decision-maker to apply the criteria for approval, the application may be denied on such grounds.

D. Expiration of an Application Due to Incompleteness

An application shall automatically expire at the close of business on the forty-fifth (45th) calendar day after the application's submittal, if:

1. The applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the permit application; and
2. The City provides to the applicant, not later than the tenth (10th) business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and
3. The applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the application within the time provided in the notification.

E. Denial of Applications

1. If any City official processes an application prior to the application being determined complete, the application shall then be deemed invalid and shall be grounds for denial or revocation of such application.
2. A typographical error shall not constitute an incomplete application.
3. The applicant may be notified of such denial or revocation for an incomplete zoning application in writing.

F. Submittal of a Previously Decided Application

After the final decision on a specific application by the decision-maker, the same application shall not be submitted again until after six (6) months from the decision-maker's action.

Section 6.02. Zoning Map and Text Amendments

A. 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 Zoning District Map.

2. Zoning Text Amendment

   A Zoning Text Amendment is the change of the text within this Zoning Ordinance and does not include change or modification to the boundaries of any zoning districts.

B. Approval Authority and Report/Hearing Requirement for Zoning Amendments

1. Revision Authority

   The City Council may, from time to time, amend, supplement or change by ordinance the boundaries of the districts (i.e., Rezoning) or the regulations herein established (i.e., Zoning Text Amendment) as provided by the Statutes of the State of Texas.

2. Planning and Zoning Commission Report

   Per Texas Local Government Code Chapter 211.007, the Planning and Zoning Commission shall make a preliminary report and hold a public hearing before submitting a final report to the City Council. The City Council shall not hold a public hearing or take action until it receives the final report of the Planning and Zoning Commission.

C. Written Notice for Planning and Zoning Commission Public Hearings for a Rezoning

Before the 10th day before the Planning and Zoning Commission hearing date, written notice of each public hearing before the Planning and Zoning Commission on a proposed Rezoning 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. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

D. Newspaper Notice for City Council Public Hearings for Any Zoning Amendment

Before the 15th day before the date of the City Council hearing, notice of the time and place of the hearing for any zoning amendment (i.e., a Rezoning or a Zoning Text Amendment) must be published in an official newspaper or a newspaper of general circulation in the municipality.

E. City Council Action

1. Protests for Rezonings

   a. If a proposed Rezoning is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council. The protest must be written and signed by the owners of at least twenty (20) percent of either:

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

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

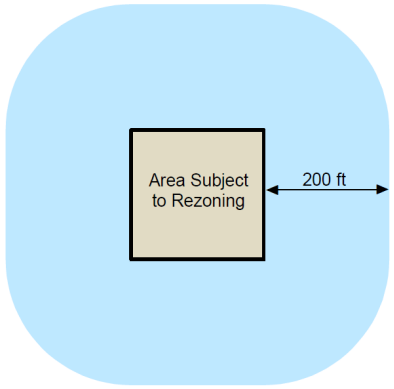
   b. In computing the percentage of land area under **a** above, the area of streets and alleys shall be included.

2. Overruling Planning and Zoning Commission Recommendation for Denial

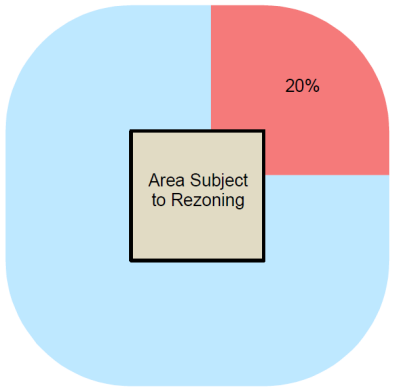
   The affirmative vote of at least three-fourths of all members of the City Council is required to overrule a recommendation of the Planning and Zoning Commission that a proposed change to a regulation or boundary be denied.

F. After a final decision is reached by the City Council denying a request for a change in a zoning district or boundary, no further application may be considered for that property for twelve (12) months from the date of the final decision.

Figure 6.02.1. Depiction of Notification Area and Protest Requirement



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 of a 3/4 vote of the City Council to approve the rezoning.

Section 6.03. Nonconformities

A. Intent of Provisions

1. Existence of Nonconformities

a. A nonconformity describes a use, structure, or lot that does not conform to the current standards of the Zoning Ordinance, but that was in conformance with the standards in place at the time of its inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.

b. Nonconformities occur in three (3) general categories, or combinations thereof.

(1) Nonconforming Uses

A Nonconforming Use occurs when an existing use is no longer allowed in the zoning district in which the use is located.

(2) Nonconforming Structures

A Nonconforming Structure occurs when a setback, height, or other structural dimension requirement is not met.

(3) Nonconforming Lots

A Nonconforming Lot occurs when the lot area or other dimension requirement is not met.

c. It is the declared intent of this section that Nonconforming Uses and Nonconforming Structures eventually be eliminated and be required to comply with the regulations of the Zoning Ordinance, having due regard for the property rights of the person affected, the public welfare, and the character of the surrounding area.

B. Establishment of Legal or Illegal Nonconformities

1. Legal Nonconformities

a. Those uses, structures, or lots that do not conform to current zoning standards, but were legally established prior to the effective date of this Zoning Ordinance, at which time they were in conformance with applicable standards, shall be considered “legal nonconformities.”

b. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this section.

2. Illegal Nonconformities

a. Those uses, structures, or lots, other than residential accessory buildings, which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall be considered “illegal nonconformities.”

b. Such uses, structures, or lots and shall be subject to penalties.

C. Single-Family Residential Uses

Previously conforming single-family residential uses on platted lots approved prior to the Zoning Ordinance effective date, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this Zoning Ordinance.

D. Existing Platted Lots

Any existing lot platted prior to the Zoning Ordinance effective date that was legally conforming shall be deemed a conforming lot.

E. Changing Uses

1. Nonconforming Use to Conforming Use

Any Nonconforming Use may be changed to a conforming use, and once a change is made, the use shall not be changed back to a Nonconforming Use.

2. Nonconforming Use to Another Nonconforming Use

A Nonconforming Use shall not be changed to another Nonconforming Use.

F. Nonconforming Use Expansion in Existing Building

A Nonconforming Use may be enlarged, increased, or extended within an existing building provided:

1. No structural alteration may be made on or in the existing building except those required by law to preserve the building in a structurally sound condition.

2. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time the use became a Nonconforming Use.

3. A Nonconforming Use located within any building shall not be extended to occupy any land outside the building.

G. Expansion of Nonconforming Structures with Conforming Uses

Buildings or structures that do not conform to the area regulations or development standards in the Zoning Ordinance but where the uses are deemed conforming may only increase or expand the Nonconforming Structure in compliance with the current Zoning Ordinance Standards.

H. Reuse of Nonconforming Structures by Conforming Uses

Nonconforming Structures shall be allowed to be reoccupied by a conforming use.

I. Restoration of a Nonconforming Structure

1. If a Nonconforming Structure is destroyed by fire, the elements, or natural catastrophic event, it may be rebuilt as a Nonconforming Structure to its pre-destroyed dimensions and setbacks.
2. The construction must comply with all current building codes, and zoning regulations in effect at the time the structure received its building permit.
3. The construction must commence within twelve (12) months of the date of destruction.
    a. The failure of the owner to start such reconstruction within twelve (12) months shall forfeit the owner's right to restore or reconstruct the Nonconforming Structure, except in conformance with the Zoning Ordinance.
    b. If the regulations cannot be determined or if the regulations are disputed for the time the structure received its building permit, then the Zoning Board of Adjustment shall hold a hearing and shall take evidence, such as previously adopted ordinances, photographs, and tax records, to determine the standards that apply.
4. Any change to an original dimension or a setback of the Nonconforming Structure shall be subject to approval of a Special Exception.

J. Resuming a Nonconforming Use

A Nonconforming Use destroyed by fire, the elements, or natural catastrophic event may be resumed to its pre-destroyed capacity, if it begins resuming within twelve (12) months of the date of destruction; otherwise, the Nonconforming Use shall be deemed to be discontinued or abandoned.

K. Movement of Nonconforming Structure

A Nonconforming Structure may be relocated within the same platted lot, and shall comply with all setback and screening requirements.

L. Abandonment of Nonconforming Uses

1. Once a Nonconforming Use has been abandoned, the Nonconforming Use shall not be allowed to be reintroduced. This prohibition of the reoccupation of an abandoned Nonconforming Use shall be enforced by the denial of building permit or certificate of occupancy applications.
2. A Nonconforming Use shall be considered abandoned when evidence presented to the City Planner indicates that a structure designed or arranged for a Nonconforming Use has ceased to be used in a bona fide manner as a Nonconforming Use for a period of six (6) consecutive calendar months. For purposes of calculating the six (6) month period, a use is abandoned upon the occurrence of the first of any of the following events:
    a. On the date when the use of land is physically vacated;
    b. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
    c. On the date of termination of any lease or contract under which the Nonconforming Use has occupied the land; or
    d. On the date a final reading of water or power meters is made by the applicable utility provider(s).
3. Abandonment of a Nonconforming Use requires intent, such as disconnecting utilities.
4. 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 abandoned.
5. Unless the Nonconforming Use status is reinstated pursuant to **M. Loss of and Reinstatement of Nonconforming Use Status** an abandoned use shall not be instituted on that parcel or other parcel in any district which does not permit the abandoned use.

M. Loss of and Reinstatement of Nonconforming Use Status

1. Loss of Nonconforming Use Status

If the City Planner determines that a Nonconforming Use has met the definition of abandonment and has lost its Nonconforming Use status, the use shall not be instituted on that parcel or other parcel that does not permit the abandoned use.

2. Application for Nonconforming Use Status Reinstatement

    a. The owner or operator of the abandoned Nonconforming Use may submit a written application to the Zoning Board of Adjustment to have the nonconforming rights reinstated.

    b. Written application for reinstatement of nonconforming rights must be made within thirty (30) days after the denial of building permit or certificate of occupancy application for the Nonconforming Use.

3. Zoning Board of Adjustment Hearing

    a. The Zoning Board of Adjustment shall hold a hearing on the requested reinstatement of a Nonconforming Use status within thirty (30) calendar days of the request or the next scheduled Zoning Board of Adjustment, whichever is greater.

    b. The applicant and the City Planner shall submit any evidence or findings to the Zoning Board of Adjustment for consideration in the case.

    c. The Zoning Board of Adjustment shall use the above abandonment criteria in deliberating the case.

4. Board of Adjustment Decision

    The Board of Adjustment may reinstate the Nonconforming Use status and thus allow the building permit or certificate of occupancy application to be processed only if the Zoning Board of Adjustment finds that the use was not discontinued for six (6) months or more. The failure of the owner or operator to remove on premise signs shall not be considered (on its own) evidence of a continuing use.

N. Amortization of Nonconforming Uses

1. City Council Initiation of Amortization Case

    Only the City Council, by majority vote, may request that the Zoning Board of Adjustment consider establishing a compliance date for a Nonconforming Use.

2. Board of Adjustment Decision of Amortization Case

    a. Per the authorization of City Council as established in **1.** above, the Zoning Board of Adjustment may require the discontinuance of a Nonconforming Use under any plan whereby the full value of the use's structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all properties to conform to the zoning regulations.

    b. All actions to discontinue a Nonconforming Use shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the Nonconforming Use and the conservation and preservation of property.

3. Public Hearing Process

    Upon receiving a request under **1.** above from the City Council, staff shall schedule the First Public Hearing before the Zoning Board of Adjustment. The Zoning Board of Adjustment may establish a compliance date only after holding two separate public hearings.

    a. First Public Hearing

        The Zoning Board of Adjustment shall hold a public hearing to determine whether continued operation of the Nonconforming Use will have a significant adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the Zoning Board of Adjustment determines that continued operation of the Nonconforming Use will have a significant adverse effect on nearby properties, it shall schedule a second public hearing to establish a compliance date for the Nonconforming Use; otherwise, it shall not. In determining whether the continued operation will have a significant adverse effect on nearby properties, the Zoning Board of Adjustment shall consider the following factors:

        (1) The character of the surrounding neighborhood.

        (2) The degree of incompatibility of the use with the zoning district in which it is located.

        (3) The manner in which the use is being conducted.

        (4) The hours of operation of the use.

        (5) The extent to which continued operation of the use may threaten public health or safety.

        (6) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.

        (7) The extent to which public disturbances and nuisances may be created or perpetuated by continued operation of the use.

(8) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.

(9) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

(10) To the extent the Nonconforming Use impacts the value and marketability of the abutting and surrounding properties or neighborhood.

b. Second Public Hearing

(1) If the Zoning Board of Adjustment has determined in the first public hearing that the Nonconforming Use has an adverse effect on nearby properties, it shall hold a second public hearing to set a date for compliance. The Zoning Board of Adjustment shall, in accordance with the law, provide a compliance date for the Nonconforming Use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. The following factors must be considered by the Zoning Board of Adjustment in determining a reasonable amortization period:

(a) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.

(b) Any costs that are directly attributable to the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

(c) Any return on investment since inception of the use, including net income and depreciation.

(d) The anticipated annual recovery of investment, including net income and depreciation.

(e) A reasonable closeout and termination period for the Nonconforming Use.

(2) If the Zoning Board of Adjustment, at the first public hearing, requests financial documentation and/or records from the owner relating to the factors listed directly above, the owner shall provide said documents and/or records at least thirty (30) days before the second public hearing. If the owner does not provide said documentation, the Zoning Board of Adjustment is authorized to make its determination of a compliance date based upon any reasonably available public records as well as public testimony at the hearing. Failure by owner to provide the requested financial documents and records shall not prevent the Zoning Board of Adjustment from setting a compliance date.

4. Ceasing Operations

If the Zoning Board of Adjustment establishes a compliance date for a Nonconforming Use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

5. Definitions

For purposes of this subsection, "owner" means the owner of the Nonconforming Use at the time of the Zoning Board of Adjustment's determination of a compliance date for the Nonconforming Use.

6. Finality of Decisions

a. Decisions that Cannot be Immediately Appealed

A decision by the Zoning Board of Adjustment that the continued operation of a Nonconforming Use will have a significant adverse effect on neighboring property and the Zoning Board of Adjustment's decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.

b. Decision to Deny a Request to Establish a Compliance Date

A decision by the Zoning Board of Adjustment to deny a request to establish a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Local Government Code.

c. Decision Setting a Compliance Date

A decision by the Zoning Board of Adjustment setting a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Local Government Code.

Section 6.04. Site Plans

A. Purpose

Through Site Plan review, zoning standards and other applicable municipal standards or ordinances that may apply to specific site development can be uniformly implemented by the City for townhome, multi-family, and nonresidential development.

B. Two Types of Site Plans

1. Type 1: Site Plans Related to SUP Rezoning Applications

   a. Applications for approval of Site Plans related to SUP rezoning applications must be submitted to the City Planner.

   b. The approval of Site Plans related to SUP rezoning applications requires the following:

      (1) Review by the City Planner and Building Official,

      (2) A recommended action by Planning and Zoning Commission for the City Council's consideration, and

      (3) Approval by the City Council.

2. Type 2: Site Plans Related to Building Permit Applications

   a. No Building Permit shall be issued nor shall any on-site construction/development activity occur for developments unless a Site Plan is approved by the City Planner and Building Official.

      (1) Exemption: Single-family and duplex developments shall be exempt from Site Plan submittal.

   b. Applications for approval of Site Plans related to Building Permit applications must be submitted to the Building Official.

   c. The approval of Site Plans related to Building Permit applications requires the following:

      (1) Review by the City Planner and Building Official, and

      (2) Approval by the City Planner and Building Official.

C. Site Plan Application Procedure and Requirements

1. Site Plan Pre-Application Meeting

   a. Before preparing a Site Plan, the applicant may meet with the City Planner or Building Official to allow the applicant to learn the general procedures for approval and to review the concept of the proposed development, if desired by applicant.

   b. No application for a permit may be submitted to or accepted for filing during the meeting.

2. Site Plan Application

   a. The property owner or authorized agent shall file an application for the approval of a Site Plan. This application shall include the information listed on the Site Plan application form, which shall be created and maintained by the City Planner.

   b. The following plans may be required with a Site Plan application and approval is necessary prior to final authorization for development:

      (1) Final plat or replat,

      (2) Engineering plans or construction plans,

      (3) Traffic impact analysis, if applicable,

      (4) Façade plan, if required,

      (5) Landscape plans, if required,

      (6) Flood study, if required, and

      (7) Other approvals as required by ordinance or resolution.

3. Site Plan Approval by Type

   a. Type 1: Site Plans Related to SUP Rezoning Applications

      The City Council shall use the review and approval process outlined in **B.1.b** and may approve, conditionally approve, or deny a Site Plan based upon the criteria listed below.

   b. Type 2: Site Plans Related to Building Permit Applications

The City Planner and Building Official shall use the review and approval process outlined in **B.2.c** above and shall approve, conditionally approve, or deny a Site Plan based upon the criteria listed below.

4. Approval Criteria

   a. Compliance with the Zoning Ordinance regulations and other applicable regulations and previously approved, valid plans for the property.

   b. Compliance with the following design standards and specifications, as may be amended, is required in addition to the design standards and specification set forth in this Zoning Ordinance:

      (1) Subdivision Regulations;

      (2) Fire Code;

      (3) Engineering Standards;

      (4) Building Code; and

      (5) Any additional design standards and specifications approved by the City Council.

   c. The City shall not take action on a Site Plan for property where City taxes are delinquent.

5. Site Plan Effect

   a. Approval of a Site Plan in association with a rezoning application is the City's authorization to apply for or for the issuance of Building Permits, depending on the specific case.

   b. During the time the Site Plan remains valid, the City shall not apply any additional requirements concerning building placement, streets, drives, parking, landscaping or screening.

   c. Except where authorized by ordinance, a Site Plan shall not be used to approve a Variance or Special Exception to development regulations.

   d. Where an approved plan conflicts with an adopted regulation and no Variance or Special Exception is expressly approved, the regulation shall apply.

6. Site Plan Lapse

   a. Two (2) Year Effective Period

      The approval of a Site Plan shall be effective for a period of two (2) years from the date of filing of the application.

   b. Expired Site Plans

      (1) Upon expiration of a Site Plan, the applicant shall be required to submit a new Site Plan subject to the then existing regulations.

      (2) Site Plan approval shall expire upon completion of the improvements shown on the plan. Permits must remain valid during the construction process.

      (3) Subsequent additional development, site modifications and redevelopment shall be considered a new project subject to the then existing ordinances, laws and regulations of the City.

D. Revocation of Site Plan Approval

The City Council may revoke approval of a Site Plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information or if it is determined that it was obtained using fraud or deceit.

Section 6.05. Specific Use Permits

A. Purpose

The uses that require a Specific Use Permit (SUP) according to Section 3.03. Permitted Use Chart are so classified because they are more likely to have potential impacts on the area in which they are located than other uses that are permitted by-right.

B. Application

1. Application and public hearing procedures for an SUP shall be completed in the same manner as **Section 6.02.A.1. Zoning Map Amendment (Rezoning)**.
2. A Site Plan shall be included with the application as outlined in **Section 6.04. Site Plans**.

C. Review and Approval

1. The Planning and Zoning Commission shall review each case on its own merit, apply the criteria established herein, and recommend either approval or denial of the SUP to the City Council.
2. Following the Planning and Zoning Commission's recommendation, the City Council shall review each case on its own merit, apply the criteria established herein, and, if appropriate, authorize said use by granting an SUP.

D. Considerations

1. In considering an application for an SUP, the Planning and Zoning Commission and the City Council shall consider the following:
    a. The proposed use is consistent and compatible with the adjacent land use and zoning.
    b. The proposed use is consistent with the architecture and characteristics of the adjacent properties.
    c. The proposed use may promote innovative use of modern development concepts, without having an adverse impact on adjacent properties.
    d. The proposed use is consistent with the goals and objectives of the City.
    e. The proposed use is an enhancement or improvement beyond the minimum standards set forth by the Zoning Ordinance.
    f. The proposed use will not be detrimental to the general health, safety, and welfare of the community.
    g. The proposed use would stabilize and improve property values within the City.
    h. The proposed use would protect and enhance the City's attractiveness to residents, businesses, tourists, and visitors.
    i. The proposed use would strengthen and help diversify the economy of the City.
2. In recommending that an SUP for the premises under consideration be granted, the Planning and Zoning Commission and the City Council shall consider that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for paving (material/structure) of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening, landscaping and open space, heights of structures, residential proximity slopes, special setbacks, and compatibility of buildings.

E. Conditions

1. In granting an SUP, the Planning and Zoning Commission may recommend and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building official for use of the building on such property pursuant to such SUP and such conditions precedent to the granting of the certificate of occupancy.
2. Said special conditions shall be set forth in the amending ordinance granting the SUP.

F. Building Permit or Certificate of Occupancy Application

1. A Building Permit or Certificate of Occupancy shall be applied for and secured within six months from the time of granting the SUP.
2. If an application for a building permit or a certificate of occupancy has not been applied for and secured after six months from the date of approval, the City Council may direct the Planning and Zoning Commission to call a public hearing to consider a change of zoning on the subject property.

G. SUP Amendment Required for Modifications

1. No building, premise, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed from the approved site plan unless an amended SUP is granted for such enlargement, modification, structural alteration, or change.
2. Minor changes or alterations may be approved by the City Planner.

H. No Zoning Board of Adjustment Authority

The Zoning Board of Adjustment shall not have jurisdiction to grant exceptions to the conditions contained in the SUP.

I. Time Period

1. The Specific Use Permit may be issued for an unlimited or limited period of time. Prior to the expiration of a Specific Use Permit with a limited time period, the owner may apply for an extension as provided below.

    a. Specific Use Permits shall only be issued for a limited period of time if the use is intended to be temporary and does not require substantial investment into the site.

2. Should an applicant desire to continue a specific use after the initial time period and all available extensions expire, a new application, complete with filing fees, site plan, drawings, background data, etc., must be filed. The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected and after recommendations from the Planning and Zoning Commission, grant the specific use permit.

J. Zoning Map Amendment

When the City Council authorizes granting a Specific Use Permit, the Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "SUP" designation.

K. Development Following SUP Issuance

Following the issuance of a Specific Use Permit, the Building Official shall ensure that if the development is undertaken, it is completed in compliance with said permit. If the development has not been completed in accordance with the approved site plan within 12 months after the issuance of the building permit, the City Council may direct the Planning and Zoning Commission to call a public hearing to consider a change of zoning on the subject property

L. Status of SUPs

Once an SUP has been granted for a lot, said SUP shall not be expanded to another lot without application for a new SUP.

Section 6.06. Planned Developments

A. General

1. In order to develop land in a PD, Planned Development District, the applicant shall follow a five-step procedure, as follows:
    a. Step 1. Pre-Application Conference Review
    b. Step 2. PD Application for Rezoning and PD Development Plan, which includes the:
        (1) PD Development Statement, and
        (2) PD Development Map
    c. Step 3: Preliminary Plat, if subdivision occurs and where required by the Subdivision Ordinance
    d. Step 4. Final Plat if subdivision occurs and where required by the Subdivision Ordinance
    e. Step 5. Site Plan
2. Each required step shall be completed and approved before the following step is reviewed.
3. Selection of a conventional zoning district as a base district shall be required for a PD.
4. Where appropriate, other methods authorized in the Subdivision Regulations may be substituted in Step 4. Final Plat, such as a minor plat or amending plat.
5. The Planning and Zoning Commission and City Council may, however, review more than one step at the same public hearing.

B. Planned Development (PD) Steps for Creation and Development

1. Step 1. Pre-Application Conference Review
    a. At least ten (10) business days prior to submission of an application for rezoning to a PD District, the applicant shall submit to the City Planner a sketch plan, drawn to approximate scale, showing streets, lots, public areas, and other significant features.
    b. The applicant should discuss with the City Planner the procedure for adopting a PD District and the requirements for the general layout of streets and utilities, access to arterials, or general design and narrative, the availability of existing services, and similar matters.
    c. The intent of Step 1. Pre-Application Conference Review is to expedite and facilitate the approval of a PD Development Plan.
2. Step 2. PD Application for Rezoning and PD Development Plan
    a. Procedures and Requirements
        (1) The PD rezoning application shall be filed in accordance with regular procedures and on application forms of the City.
        (2) The PD Development Plan, which is submitted with the application for rezoning, shall consist of a PD Development Statement and a PD Development Map.
        (3) The minimum net acreage for a PD, Planned Development District request shall be fifteen (15) acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan.
    b. PD Design Statement

        The PD Development Statement shall be a written report containing a minimum of the following elements:

        (1) Title of PD;
        (2) List of the owners and/or developers;
        (3) Statement of the location and relationship to existing and proposed adjoining land uses;
        (4) Description of the PD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a description of building use types, proposed restrictions, and typical site layouts;
        (5) Selection of one conventional zoning district as a base zoning district to regulate all uses and development regulations not identified as being modified;
        (6) A list of all applicable special development regulations or modified regulations to the base zoning district, plus a list of requested exemptions from or modifications to applicable development regulations;

(7) A description of the proposed sequence of development; and

(8) Other supporting maps as necessary to meet the submission requirements of this Zoning Ordinance.

c. PD Development Map

The PD Development Map shall be a graphic representation of the development plan for the area of a PD District containing a minimum of the following elements:

(1) Proposed locations, use types, and sizes of structures;

(2) The existing zoning districts in the development area and surrounding it; and

(3) Elevation, topography with minimum five (5) foot contour intervals, slope analysis, soil characteristics, and tree cover.

d. Approval of the PD Development Plan

(1) Upon final approval by the City Council of the PD Development Plan and the appropriate ordinance of rezoning, these elements shall be considered a part of the Zoning District Map.

(2) The ordinance of rezoning shall adopt the PD Development Plan by reference, and it shall be attached to said ordinance and become a part of the official records of the City.

e. The City may require that an applicant prepare a Traffic Impact Analysis to assist the City in determining whether the PD Development Plan will be supported with adequate levels of roadways and intersections concurrent with the demand created by the development.

f. Expiration of a PD Development Plan

(1) A PD Development Plan shall expire after two (2) years from the date of approval if no substantial development progress has been made within the PD. A new PD Development Plan must be submitted and approved by the City Council.

(2) The City Planner may grant a two (2) year extension of a PD Development Plan. At the end of the two (2) year extension, a second extension may be given by the City Planner for up to one (1) year.

(3) An extension shall be granted if a development application for the PD District has been submitted and is undergoing the development review process or if the City Planner determines development progress is occurring.

g. Use and Development of the Property

(1) The PD Development Plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the City Council.

(2) The PD Development Plan and all supporting data shall be made a part of the permanent file and maintained by the City Secretary.

3. Step 3: Preliminary Plat

Where a preliminary plat is required, the applicant shall prepare a preliminary plat for review and approval.

4. Step 4. Final Plat

Where a final plat is required, the applicant shall prepare a final plat for review, approval, and filing of record according to procedures established by the City Council.

5. Step 5. Site Plan

A Site Plan shall be submitted upon the application for a Building Permit and reviewed in accordance with procedures established in **Section 6.04. Site Plans**.

C. Minor PD Amendments

1. The City Planner may approve or defer to the City Council consideration of Minor PD Amendments to the PD Development Plan if all of the following conditions are satisfied:

a. The project boundaries are not altered.

b. Uses other than those specifically approved in the PD Development Plan are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered from the character described within the PD Development Statement.

c. The allocation of land to particular uses or the relationship of uses within the project are not substantially altered.

d. The density of housing is not increased more than ten (10) percent or decreased by more than thirty (30) percent.

e. The land area allocated to nonresidential uses is not increased or decreased by more than ten (10) percent.

f. Floor area, if prescribed, is not increased or decreased by more than ten (10) percent.

g. Floor area ratios, if prescribed, are not increased.

h. Open space ratios, if prescribed, are not decreased.

2. If the City Planner finds that these criteria are not satisfied, an amended PD Development Plan shall be submitted for full review and approval according to the procedures set forth in these regulations.

D. Reversion at the Property Owner's Request

If the property owner decides to abandon the PD concept and nullify the PD Development Plan, he/she shall make application for rezoning either to the original status or to a new classification. Said application shall be heard according to regular procedures by the Planning and Zoning Commission and City Council.

Section 6.07. Alternative Compliance

A. Purpose and Applicability

1. Purpose

The purpose of the Alternative Compliance process is to allow for different standards that will produce a substantially equivalent effect or enhanced level of results as intended by the original development standards.

2. Applicability

a. The applicable zoning district standards for a project shall not be reduced or varied using the Alternative Compliance process unless such standard(s) is specifically cited as qualifying for Alternative Compliance consideration in its respective section of these Regulations.

b. Alternative Compliance shall be granted only as indicated for each regulation.

c. The City is not obligated to grant Alternative Compliance for any application.

B. Approval Process

1. A request for Alternative Compliance from certain provisions, as specifically cited within these Regulations, may be submitted for review and approval along with the Site Plan for a project, or along with the project's initial development application (as applicable for the project).

2. All Alternative Compliance requests shall be clearly delineated graphically or in narrative format, as appropriate, on the Site Plan (or on the project's initial development application), including a reference to the specific section within this Zoning Ordinance that allows consideration of such alternative standard(s).

a. The decision-maker of the application shall be responsible for approval of Alternative Compliance.

b. Alternative Compliance may be requested only for the regulations listed in **Table 6.07.1**.

C. Evaluation Criteria

The proposed standard(s) shall meet all of the following criteria:

1. Be in agreement with and promote the Comprehensive Plan's recommendations and policies;

2. Does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other requirements; and

3. Does not modify the land uses allowed in the zoning district in which the subject property is located.

Table 6.07.1. Regulations Eligible for Alternative Compliance

Application
Screening and Buffering Requirements
Landscape Requirements
Downtown Duncanville District Requirements

Section 6.08. Appeal of an Administrative Decision

A. Authority

Per Texas Local Government Code Section 211.010, the Zoning 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 this Zoning Ordinance.

B. Filing Procedure

1. Such appeal shall be filed within fifteen (15) days after the decision has been rendered by the administrative official, by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof.
2. The officer from whom the appeal is taken shall transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

C. Stays

Per Texas Local Government Code Section 211.010, an appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, 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

D. Notice

1. The Zoning 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.
2. 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 Zoning Board of Adjustment shall decide the appeal within a reasonable time.

E. Concurring Vote of 75 Percent Required

Per Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Zoning Board of Adjustment is necessary to grant an Appeal of an Administrative Decision.

Section 6.09. Variances

A. Authority

Per Texas Local Government Code Section 211.009, the Zoning Board of Adjustment may authorize, in specific cases, a variance from the terms of this Zoning Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.

B. Conditions for Granting a Variance

In exercising its power to grant a Variance, the Zoning Board of Adjustment shall make findings and show in its minutes that:

1. There are special circumstances existing on the property on which the application is made related to the size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district.
2. A variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed under this Ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
3. The granting of a variance on the specific property will not adversely affect the land use pattern as outlined in the Land Use Plan and will not adversely affect any other feature of the Comprehensive Plan.
4. The granting of the variance will not be based upon the recognition of a self-imposed hardship or only the opportunity to make the property more profitable to the applicant and/or owner.
5. The variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity.

C. Limitations on Variance Granting Authority

1. The Zoning Board of Adjustment shall have no power to grant a use other than those permitted in the district for which the Variance is sought, except as specifically provided for in this Zoning Ordinance.
2. The Zoning Board of Adjustment shall have no power to grant or modify provisions of an SUP authorized under Section 6.05. Specific Use Permits.

D. Precedent

The granting of a Variance shall not set a precedent.

E. Concurring Vote of 75 Percent Required

Per Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Zoning Board of Adjustment is necessary to grant a Variance.

Section 6.10. Special Exceptions

A. Authority

Per Texas Local Government Code Section 211.009, the Zoning Board of Adjustment may hear and decide special exceptions to the terms of this Zoning Ordinance when the regulations require the board to do so.

B. Special Exception Requirements

1. No Hardship Required

   A Special Exception does not require a finding of an undue hardship.

2. Specifically Allowed by the Zoning Ordinance

   Approval of a Special Exception by the Zoning Board of Adjustment is specifically provided for and defined in this Zoning Ordinance.

C. Conditions for Granting a Special Exception

When in the Zoning Board of Adjustment's judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Zoning Board of Adjustment may, in specific cases and subject to appropriate conditions and safeguards, authorize the following Special Exceptions to the regulations herein established:

1. **Section 4.02.C. Special Exception for Dimensional Standards for Redevelopments**
2. **Section 4.04.H. Special Exceptions for Off-Street Parking Requirements**
3. **Section 4.06.C. Special Exceptions for Accessory Building Requirements**

D. Precedent

The granting of a Special Exception shall not set a precedent.

E. Concurring Vote of 75 Percent Required

Per Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Zoning Board of Adjustment is necessary to grant a Special Exception.

Article 7. Definitions

Section 7.01. General

A. Usage and Interpretation Rules

1. For the purpose of these regulations, certain terms or words herein shall be interpreted or defined as follows:
2. Words used in the present tense include the future tense;
3. The singular includes the plural;
4. The word "person" includes a corporation, trust, individual, and/or group of individuals;
5. The term "shall" is always mandatory; and
6. The term "may" is discretionary.

B. Words and Terms Not Expressly Defined

Words and terms not expressly defined herein 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 planning and engineering, as determined by the City Planner.

Section 7.02. Land Use Terms

The following terms are the land use types that correspond to **Section 3.03. Permitted Use Chart**.

A. Residential Uses

Assisted Living Facility

Per the Texas Health & Safety Code, Section 247.002, "assisted living facility" means an establishment that:

1. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;
2. Provides:
   a. Personal care services; or
   b. Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;
3. May provide assistance with or supervision of the administration of medication; and
4. May provide skilled nursing services for the following limited purposes:
   a. Coordination of resident care with outside home and community support services agencies and other health care professionals;
   b. Provision or delegation of personal care services and medication administration as described by this subdivision;
   c. Assessment of residents to determine the care required; and
   d. For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

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.

Child Care Home (≤6 Children)

A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

Child Care Home (≥7 Children)

A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

Community Home for Persons 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".

Halfway House

A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

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:

1. Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
2. Built on a permanent chassis;
3. Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
4. Transportable in one or more sections;
5. 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;
6. Includes the plumbing, heating, air conditioning, and electrical systems of the home; and
7. Does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

Industrialized Home

Per the Texas Occupations Code Chapter 1202.002:

1. Industrialized housing is a residential structure that is:
    a. Designed for the occupancy of one or more families;
    b. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
    c. Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
2. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
3. Industrialized housing does not include:
    a. A residential structure that exceeds four stories or 60 feet in height;
    b. Housing constructed of a sectional or panelized system that does not use a modular component; or
    c. A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Live-Work Unit

A live-work unit is a Dwelling Unit that is also used for work purposes, provided that the "work" component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The "live" component may be located on the street level (behind the work component) or any other level of the building. The residential unit is occupied by the business owner or manager.

Mixed-Use Development

The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form.

Multiple-Family Dwelling

A residential building designed for occupancy by three (3) or more families, with the number of families not to exceed the number of Dwelling Units. The residential building contains Dwelling Units that are designed to be occupied by families living independently of one another, exclusive of hotels or motels.

Patio Home/Zero Lot Line 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.

Single Family Detached

A single-family Dwelling Unit with no attached wall(s) or Dwelling Unit(s).

Townhome

A group of three (3) to eight (8) attached single-family units that shares at least one (1) common or party wall with another unit. Each unit is located on an individually platted lot, and subject to a party wall agreement with the adjacent owner.

Two-Family Dwelling

A residential building containing two (2) attached Dwelling Units on one (1) platted lot, each with direct access to the outside, and each designed to be occupied by one (1) family (i.e., the building is occupied by not more than two families).

B. Accessory and Incidental Uses

Accessory Dwelling Unit

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to a single-family structure that is under the same ownership. Also referred to as a mother-in-law suite, garage apartment, or carriage house.

Basketball or Tennis Court

An outdoor hard-surfaced court used for recreational purposes, including basketball courts, tennis courts, and similar facilities that contribute to stormwater runoff.

Carport

An accessory structure made of canvas, aluminum, or similar materials, or any combination thereof, open on two or more sides for the shade and shelter of private passenger vehicles.

Drive-Thru

An accessory use typically associated with restaurants, banks, pharmacies, and other uses to accommodate drive-up traffic.

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 Retail or Grocery principal use.

Funeral Home, Crematory

A place for the preparation and cremation of human or animal bodies. Only permitted as an accessory to a Funeral Home.

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.

Outdoor Display, Permanent

The permanent or semi-permanent 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. “Permanent or semi-permanent display” means that the displayed goods are left outside overnight for any period of time. This use does not include uses with explicitly-stated outdoor storage, such as (but not limited to):

1. Auto Dealership, New and Used
2. Auto Dealership, Used Only
3. Auto Repair and Services, Major
4. Auto Storage and Rental
5. Bus and Truck Storage and Rental
6. Truck Dealership
7. Boats, Campers, & Recreation Vehicles Sales
8. Heavy Equipment Sales

Outdoor Display, Temporary

The temporary display of finished products and services outside of a building or structure, including garden supplies, food and beverages, clothing, and similar materials or items. Such use is accessory to a related primary use. “Temporary display” means that the displayed goods are only outdoors during business hours and are kept inside overnight.

Outside 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.

Short-Term Rental

A residential unit offered for rental to guests for residential purposes for a period of one (1) to thirty (30) nights. Examples include, but are not limited to, Airbnb, Vacation Rentals by Owner, HomeAway, and other brokers. Such rentals may include a shared room, a single room, or the entire dwelling unit. These uses are conducted by the homeowner or tenant, not by a hotel or other business.

Wind Energy Turbine

A wind energy conversion device that produces electricity. Such use includes all devices generating electricity from the wind regardless of configuration as a windmill, sculpture, or any other shape.

C. Educational, Institutional, Public, and Special Uses

Adult Day Services

A facility that offers services and activities to senior citizens, including but not limited to counseling, assistance with daily tasks, exercise, transportation, and social activities. Such facilities do not include overnight stays.

Art Gallery and Museum

A public or private building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and that may include the sale of goods and novelties as an accessory use.

Cemetery or Mausoleums

Property used for the interring of the dead.

Chemical Dependency Facility

Per the Texas Health & Safety Code, Section 464.001:

1. "Chemical dependency" means:
    a. Abuse of alcohol or a controlled substance;
    b. Psychological or physical dependence on alcohol or a controlled substance; or
    c. Addiction to alcohol or a controlled substance.
2. "Facility" means:
    a. A public or private hospital;
    b. A detoxification facility;
    c. A primary care facility;
    d. An intensive care facility;
    e. A long-term care facility;
    f. An outpatient care facility;
    g. A community mental health center;
    h. A health maintenance organization;
    i. A recovery center;
    j. A halfway house;
    k. An ambulatory care facility; or
    l. Any other facility that offers or purports to offer treatment.

Child Care Facility, Children's Home

A business for the care of children at a location other than a caretaker's residence for more than 24 hours a day. See Chapter 42 of the Human Resources Code.

Child Care Facility, Daycare

An establishment providing care for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A State license is required. Also includes similar terms such as nursery and child care center. See Chapter 42 of the Human Resources Code.

Community Center, Public

A building dedicated to social or recreational activities, serving the City or neighborhood and owned and operated by the City, or by a non-profit organization dedicated to promoting the health, safety and general welfare of the City.

Driving School

A facility that provides automobile driving lessons.

Library

A permanent facility owned and operated by the City of Duncanville, Texas for the purpose of storing and loaning books, periodicals, reference materials, audio tapes, video tapes, and other similar media to Duncanville residents at no-charge, exclusive of late fees and damage replacement fees. The public library may also include meeting rooms, offices for library personnel, and other similar support facilities.

Local Utility Distribution Lines

Electric, gas, communication, water, sewer, irrigation, and drainage lines providing local distribution or collection service.

Lodge or Civic Club

An organized group having a restricted membership and specific purpose to the welfare of the members such as Lion's Club and other similar associations.

Medical, Clinic or Office

An outpatient facility providing medical, dental, or surgical services, for persons requiring medical attention on a limited term basis, usually with no overnight stay. Examples include a physician's office, dentist office, and birthing center. The term does not include mental health counseling (see Professional Office uses) or and alcohol or drug rehabilitation. (See Chemical Dependency Facility.)

Medical, Emergency Room

A standalone facility, outside of a hospital setting, that provides immediate or emergent medical treatment on a strictly outpatient basis. Patients are generally treated on a walk-in basis and services are not intended for long-term or overnight care.

Medical, Hospital

An institution or place where sick or injured inpatients are given medical or surgical care either at public or private expense.

Medical, Rehab Care (without Live-in)

A facility or institution providing services to assist a person to regain physical, mental, and/or cognitive abilities. Services of this facility are not intended for overnight care.

Medical, Urgent Care Facility

Facilities other than hospitals where patients are admitted for non-emergency examinations and treatment, on either a walk-in or appointment basis. Patients are typically treated on an outpatient basis and are not admitted for overnight treatment or observation.

Place of Worship

A building for regular assembly for religious public worship that is used primarily for and designed for such purpose such as a church, synagogue, mosque or similar, along with accessory activities that are customarily associated therewith, such as a place of residence for ministers, priests, nuns or rabbis on the premises, and that is tax exempt as defined by State law.

Public Facility, Use, or Utility

Any facility owned and operated by the City of Duncanville, Texas for the purpose of providing municipal services to residents and businesses within Duncanville. Municipal uses may include, but are not limited to: City Hall, police station, fire station, library, parks, water treatment plant, sanitary sewer treatment plant, lift stations, drainage structures, roadways, streetlights, traffic signals, and other similar municipal uses. This term also includes Dallas County, the State of Texas, and other similar governmental entities.

Radio or Television Broadcasting without Tower

A building or portion of a building used as a place for radio or television broadcasting, but without a transmission tower.

Research and Development Laboratory (Life Sciences)

A facility that includes laboratories and experimental equipment for medical testing, agricultural research, and biological research.

Research and Development Laboratory (Technology)

A facility that includes laboratories and experimental equipment for prototype design, engineering, and product testing.

School, Business, Trade, or Vocational

A business organized to operate for a profit and offering instruction and training in a service or art such as a secretarial school, barber college, beauty school or commercial art school.

School, College or University

An academic institution of higher learning accredited or recognized by the state and offering a program or series of programs of academic study.

School, Primary or Secondary (Private)

A school under the sponsorship of a private or religious organization, which provides primary, and/or secondary school curricula. The school shall be accredited by the state to provide academic instruction for any of grades, kindergarten through 12.

School, Primary or Secondary (Public)

A school under the sponsorship of a public organization, which provides primary, and/or secondary school curricula. The school shall be accredited by the state to provide academic instruction for any of grades, kindergarten through 12.

Wireless Communication Tower

An antenna in excess of forty (40) feet in height from the base primarily used for commercial broadcasting.

D. Recreational and Entertainment Uses

Amusement, Indoor

An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein all portions of the activity takes place indoors, including, but not limited to, a bowling alley, billiard/pool facility, miniature golf course, gun range/archery range, roller/ice skating rink, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, video arcade, escape rooms, and indoor trampoline park/bouncy park.

Amusement, Outdoor (Permanent)

An permanent amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place outdoors, including, but not limited to, miniature golf course, amusement park a golf driving range, archery range, batting cages, go-cart tracks, and outdoor swimming pool.

Amusement, Outdoor (Temporary)

Any temporary outdoor amusement center where there may or may not be an admission charge, and which may include such activities as rides, entertainment, games, booths, food services and sales, and exhibitions.

Banquet or Event Center

A building, facility, room, or portion thereof, that is rented, leased or otherwise made available to any person or group for a private event function that is not open to the general public, regardless of whether a fee is charged. Includes reception facilities and wedding venues.

Country Club

A club organized and operated primarily for social and outdoor recreation purposes, including incidental accessory uses and structures.

Food Truck Park

An area designated for mobile vendors (e.g., food trucks) to park and sell food, beverages, and other retail items or services to patrons. Such areas typically include electrical outlets, seating/dining areas, restroom facilities, and trash receptables.

Park, Private

Any recreational facility or park owned and operated by a private entity.

Park, Public

A recreational facility or park owned and operated by a public agency such as the City of Duncanville or the school district, and available to the general public.

Theater, Indoor Only

A building with indoor seating devoted to the showing of motion pictures.

Theater, Performing Arts

A building or structure devoted to dramatic, dance, musical, or other live performances.

E. Retail and Service Uses

Adult-Oriented Uses

Any business activity which offers the opportunity to view specified sexual activity, or view or touch specified anatomical areas for entertainment.

Appliance Rental and Repair

The maintenance and rehabilitation of appliances customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, and hair dryers. Said establishments may provide such appliances for rental.

Art Instruction Studio

Art instruction studios are primarily engaged in providing instructional classes on the creative works such as paintings, sculptures, macramé, knitted goods, stitchery, pottery, dance, martial arts, photography, and music. Such uses may engage in the sale said art works.

Art Studio

An establishment engaged in the sale or exhibit of art works such as paintings, sculptures, macramé, knitted goods, stitchery, photography, or pottery. Art studios are also engaged in the creations of said art works but do not provide instructional classes.

Bail Bond Business

A business licensed to provide bail bond services in accordance with Texas Occupations Code Chapter 1704. Such use does not include bail bond services that are provided by an attorney and that are exempt from the state licensure requirements under Texas Occupations Code Section 1704.163.

Bar (≥75% Alcohol Sales)

An establishment that serves alcoholic beverages by the drink for on-site consumption and that derive seventy-five (75) percent or more of the gross revenue from the on-premise sale of alcoholic beverages.

Credit Access Business

A credit service organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan. (Definition originates from Section 393.601 of the Texas Finance Code)

Feed Store

An establishment for the selling of corn, grain, and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery

Financial Institution

Provision of financial and banking services to consumers or clients. Walk-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and automatic teller machines (ATMs). Said establishments do not include drive-thru windows or drive-up ATMs unless a Drive-Thru is permitted as an accessory use.

Funeral Home

A place for the preparation and storage of human bodies prior to their burial or cremation, which may also be used for the preparation of the deceased for burial and the display of the deceased. See Funeral Home, Crematory.

Grocery, Local Scale

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is 15,000 sq. ft. or less.

Grocery, Neighborhood Scale

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is greater than 15,000 sq. ft. but less than 30,000 sq. ft.

Grocery, Regional Scale

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is greater than or equal to 30,000 sq. ft.

Gym and Fitness Facilities

A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Hookah Lounge

An establishment where patrons smoke flavored tobacco from a hookah pipe. See Chapter 16B – Smoking of the City's Code of Ordinances for additional regulations.

Nursery, Retail

A facility for the growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping.

Nursery, Wholesale

A facility that engages in the wholesale of flowers, shrubs, trees, and other plant and gardening supplies. Limited small-scale hand assembly and packaging is permitted as part of this use.

Pawn Shop

A location at which or premises in which a pawnbroker regularly conducts business as defined by the State Finance Code Chapter 371.

Personal Care Service Shop

A business that provides services for personal care such as barber shop, beauty salon, nail salon etc. This definition shall include licensed massage parlors.

Plumbing Shop

Establishments primarily engaged in retails sales of plumbing, heating, and air-conditioning equipment, including storage for ordinary repair, but without warehouse facilities or materials for contracting work.

Postal Mart

A commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

Print Shop

An establishment that primarily reproduces, in printed form, individual orders from a business, profession, service, industry or government organization. Off-set, letter press, and duplicating equipment are used, but no rotary presses or linotype equipment are used. Related services might include faxing, digitizing, graphic reproducing, report assembling, and small-scale binding.

Professional Office, Local Scale

An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure less than or equal to 10,000 sq. ft. Examples of Professional Office uses include offices for real estate agents, counselors, tax consultants, accountants, lawyers, engineers, and insurance agents.

Professional Office, Neighborhood Scale

An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure between 10,000 and 20,000 sq. ft. Examples of Professional Office uses include offices for real estate agents, counselors, tax consultants, accountants, lawyers, engineers, and insurance agents.

Professional Office, Regional Scale

An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure greater than 20,000 sq. ft. Examples of Professional Office uses include offices for real estate agents, counselors, tax consultants, accountants, lawyers, engineers, and insurance agents.

Recycle Collection Point

Space allocated for collecting and loading of recyclable materials.

Restaurant, Limited Seating

An establishment that prepares and sells food and beverages primarily for off-site consumption. Said establishments do not include drive-thru windows unless a Drive-Thru is permitted as an accessory use.

Restaurant, Seated Service

An establishment that prepares and sells food and beverages typically for on-site consumption. Said establishments do not include drive-thru windows unless a Drive-Thru is permitted as an accessory use.

Retail, Convenience Store

1. 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.
2. Said establishments do not include indoor seating for patrons.
3. Said establishments do not provide fuel bays for automobile refueling unless a Fuel Pumps is permitted as an accessory use.
4. Said establishments do not include drive-thru windows unless a Drive-Thru is permitted as an accessory use.

Retail, Convenience Store with Restaurant

1. A retail establishment that sells convenience goods and other consumable and non-consumable products for on- or off-premise use or consumption that is 12,000 sq. ft. or less.
2. Said establishments include an attached restaurant with indoor seating for patrons.
3. Said establishments do not provide fuel bays for automobile refueling unless a Fuel Pumps is permitted as an accessory use.
4. Said establishments do not include drive-thru windows unless a Drive-Thru is permitted as an accessory use.

Retail, Local Scale

Retail establishments under 10,000 sq. ft., engaged in the sale of a variety of products not elsewhere classified.

Retail, Neighborhood Scale

Retail establishments between 10,000 and 25,000 sq. ft., engaged in the sale of a variety of products not elsewhere classified.

Retail, Regional Scale

A retail establishment 25,000 sq. ft. or greater engaged in the sale of a variety of products not elsewhere classified.

Retail, Sundry

A retail store, also commonly referred to and promoted and advertised as a dime or dollar store, selling various miscellaneous small items that are usually of no large value and not important enough to be mentioned individually such as dry goods, toiletries, household supplies and perishable and nonperishable food.

Seasonal Sales

Temporary outdoor retail operations including:

1. Farmer's markets;
2. Seasonal sales of Christmas trees, pumpkins, firewood, or other seasonal items; or
3. Semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows.

Sign Printing

An establishment that primarily sells signs and similar products to walk-in, phone, or online customers. Business operations on-site are retail in nature with no manufacturing or heavy equipment on-site. On-site equipment is limited to electrical equipment, such as plotters, and no pneumatic or hydraulic equipment is used to make or assemble any sign products. No cutting, bending, or grinding of metal materials occurs on-site. Noise from business operations are contained within the building. Examples of this business type would include Fast Sign and Signarama retail sign stores.

Tattoo or Piercing Studio

An establishment or facility in which tattooing and/or body piercing is performed as defined by Chapter 146 of the Texas Health and Safety Code. This does not include the tattooing of permanent makeup.

Tobacco, CBD, or Vape Shop

A shop that specializes in the sale of tobacco, cigars, cigarettes, electronic cigarettes, electronic vapor devices, hookahs, cannabidiol (CBD), or other tobacco products. See Chapter 16B – Smoking of the City's Code of Ordinances for additional regulations.

F. Commercial and Industrial Uses

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.

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.

Alcohol Production and Tasting/Tap Room, Micro without 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.

Animal Services, No Outside Pens

Facility entirely indoors in which dogs, cats, or other domestic animals are accepted for medical treatment, grooming, bathing, boarding, or other treatment for which payment is received.

Animal Services with Outside Pens

Facility with a fenced yard or outside kennels in which dogs, cats, or other domestic animals are accepted for medical treatment, grooming, bathing, boarding, or other treatment for which payment is received.

Bed & Breakfast

Generally small, owner-operated businesses providing the primary financial support of the owner. Usually the owner lives on premises. The building's primary usage is for business. Inns advertise, appropriate taxes, and post signs. Breakfast is the only meal served and only to overnight guests. The inn may host events such as weddings, small business meetings, etc. Room numbers range from four (4) to twenty (20). Reservations may be made directly with the property.

Building Materials Sales

A retail establishment for the sale of building materials such as lumber, hardwood, stone, brick, or similar materials.

Cabinet Shop

A facility that engages in manufacturing and sales of fabricated wood millwork, cabinetry, hardwood and softwood.

Catering Service

An establishment in which the principal use is the preparation of food and meals on the premises, and where such food an meals are delivered to another location for consumption. Such use does not include the sale of food for on-site consumption.

Commercial, General

Commercial establishments that are engaged in commercial activity not elsewhere classified.

Compressed or Liquefied Gas Storage and/or Distribution

Bulk storage tanks of compressed or liquefied petroleum gas for business use, retail sale, storage, wholesale, or wholesale distributing.

Contractor & Storage Yard

A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

Extermination Business

An establishment providing routine pest control of buildings. This term includes but is not limited to building cleaning, pest extermination, or disinfecting service.

Furniture Repair Shop

A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.

Heavy Equipment Sales

A building or open area, other than a right-of-way or public parking area used for the display, sale, rental or storage of heavy machinery, either machines in general or a group of machines which function together as a unit. Such use may include outside storage, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Hotel, Full Service

A full service hotel is distinguished by the abundant provision of food and beverage services for guests and groups. Hotel of this type also have the ability to facilitate large meetings and special events, and generally have on-site restaurants, lounges, and meeting spaces. Spas, doormen, valet parking, extended room service, concierge services, and high-end restaurants are other distinguishing features of full-service hotels. Examples include: DoubleTree, Embassy Suites, Hilton, Marriott, Renaissance, Ritz-Carlton, W Hotels, and Westin.

Hotel, Limited Service

A limited-service hotel is distinguished by simple guest services; or a hotel without restaurant and banquet facilities. Typical services offered by a limited-service hotel could be a business center, fitness room, laundry facility, and swimming pools. Examples include: Candlewood Suites, Motel 6, Rodeway Inn, Fairfield Inn, Holiday Inn Express, Hampton Inn, La Quinta, and SpringHill Suites. May also be referred to as a motel.

Hotel, Select Service

A select-service hotel is a hybrid between full service and limited service. Select service hotels generally have more in common with the limited-service hotels, but some features of a full-service hotel at a smaller scale. A select-service hotel might have a specialty restaurant, but only offer a limited menu and select days, or have small-scale meeting facilities. Examples include: Courtyard by Marriott, Wyndham Garden Inn, Hilton Garden Inn, Hyatt Place, Clarion, and Ramada.

Laundry, Commercial

An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

Laundry, Dry Cleaning Drop-Off/Pick-Up

Fabrics, clothes, and linens cleaning shop or drop-off/pick-up station that serves as an outlet for a larger off-site facility and does not exceed six thousand (6,000) square feet of Floor Area.

Laundromat

A facility where patrons wash and dry clothing and other fabrics in machines operated by the patron.

Machine and Welding Shop

A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

Manufactured/Mobile Homes Sales (On Site)

The offering for sale, storage, or display of mobile home units on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Manufacturing, Production, and Processing, Heavy

A manufacturing facility, not elsewhere classified, engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce limited smoke, noise, dust, glare, odors or vibration beyond its property line. Examples include manufacture or assembly of machinery, metals, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, and electric power generation plants.

Manufacturing, Production, and Processing, Light

A manufacturing facility, not elsewhere classified, engaged in the processing, manufacturing, compounding, assembling, packaging, treatment, or fabrication of materials and products, from previously manufactured materials. Such use is capable operating entirely within a building in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, odor, etc. Examples include manufacturing of clothing, food, furniture, glass, ceramics, and production of plastic bags.

Motel

See Hotel, Limited Service.

Sign Manufacturing

An establishment that manufactures and sells signs and similar products to primarily phone or online customers, with little or no walk-in customers. Business operations on-site are manufacturing and assembly with the use of heavy equipment on-site. On-site equipment includes the use of pneumatic or hydraulic equipment to make or assemble sign products. In the manufacturing of products, the cutting, bending, or grinding of metal materials occurs on-site. Noise from business operations is anticipated to be heard outside of the building. An example of this business type would a state-licensed electrical sign contractor operation.

Storage of Topsoil, Earth, Clay, Stone Extraction

The excavation or storage of topsoil, earth, clay, stone, or other raw materials from earth.

Warehouse, Self Storage

An enclosed permanent facility that provides storage space to the general public on a for-hire basis. Mini-warehouses and self-storage areas may also include vehicle storage for recreational vehicles, boats, and other vehicles. No other business or service may be allowed to operate out of a rented storage space.

Warehouse, Storage or Sales

A building used primarily for the storage and sale of goods and materials.

Wholesale Center

An establishment or place of business primarily engaged in selling or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users; and to other wholesalers; includes an associated sample room open to customers.

G. Automobile and Transportation Uses

Auto Dealership (Inside Only)

The display for sale of more than two motor vehicles or any type of trailer in an enclosed environment, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales. Outside storage of motor vehicles for sale does not exist.

Auto Dealership, New and Used

Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales. Any vehicles kept overnight for repairs are considered outdoor storage, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Auto Dealership, Used Only

Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales.

Auto Repair and Services, Major

General repair or reconditioning of engines, air conditioning systems and transmissions for motor vehicles; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust proofing. Such use may include outside storage of vehicles, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Auto Repair and Services, Minor (No Outside Storage)

Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; muffler repair, emergency road service; replacement of starters, alternators, hoses and brake parts; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; window tinting; inspection services, diagnostics; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under Auto Repair and Services, Major,

wrecker/towing services, or any other similar use. May include the retail sale of auto parts. No outside storage exists.

Auto Storage and Rental

Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies. Any vehicles kept overnight for repairs are considered outdoor storage, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Boats, Campers, & Recreation Vehicles Sales

An establishment for the sale and leasing of new boats, campers, and recreational vehicles. Used boat, camper, and recreational vehicle sales are allowed only if said amenities are taken in as trade for new boats, campers, and recreational vehicles. The majority of sales must be attributable to new boat, camper, and recreational vehicle sales.

Bus and Truck Storage and Rental

Any property used or occupied for the storing of buses and trucks to be offered for rental.

Car Wash

Washing, waxing or cleaning of automobiles or light duty trucks by the owner or a professional service. The vacuuming and drying process may be conducted inside or outside.

Car Wash, Inside Only

Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle does not actually wash the vehicle. The vacuuming and drying process is not conducted outside of the enclosed facility.

Fuel Station, Standalone

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 a standalone gas station with no associated convenience or other retail store.

Hauling Services

Establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

Parking Lot

An off-street, surfaced, ground level open area, for the temporary storage of five or more motor vehicles.

Passenger Pick-Up and Drop-Off Point

A facility located at selected points along transit routes for passenger pickup, drop off, or transfer.

Passenger Terminal

A facility or location where the principal use is the handling, receiving, and transfer of passenger traffic, and may include as an accessory use the loading, unloading, storing, receiving, assembling, dispatching, weighing, consolidating, classifying, switching, distribution, movement, or transfer of freight, as well as all equipment and facilities used to accomplish the foregoing activities.

Truck Dealership

Storage and display for sale of more than two heavy load vehicles, where repair or body work is incidental to the operation of the new or used heavy load vehicle sales. Sales includes vehicle retail or wholesale sales. Any vehicles kept overnight for repairs are considered outdoor storage, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Truck Repair

An establishment providing major and minor automobile services to heavy load vehicles. Any vehicles kept overnight for repairs are considered outdoor storage, which is subject to the requirements of **Section 4.07. Screening and Buffering Requirements**.

Section 7.03. Key Terms

A. Terms A-C

Accessory Building

A subordinate building that is used and intended for a purpose that is customarily incidental to a main or principal other building. Examples of accessory buildings may include but are not limited to cooling towers, storage buildings, fire pump buildings, a private garage for automobile storage, a tool house, a greenhouse, a home workshop, a children's playhouse, and a garden shelter.

Accessory Use

A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

Airport Flight Overlay District

The general area of Dallas Executive Airport.

Alley

The right-of-way for vehicles and pedestrians within a block that provides access to the rear of buildings, vehicle parking, utility meters, and service areas. An easement for public access is required if the alley is a private right-of-way.

Alternative Compliance

A procedure to grant a deviation from the requirements of the Zoning Regulations to result in equal or better development. Alternative Compliance is only available in the instances specified by **Section 6.07. Alternative Compliance**.

Alternative Tower Structure

Manmade trees, clock Towers, steeples, light poles, flag poles, public utility structures and similar alternative-design mounting structures that camouflage or conceal the presence of Antennas or Towers.

Antenna

Any exterior transmitting or receiving device mounted on a Tower, building or structure and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Approved Plant List

The list of permitted and prohibited plant species that is maintained by the City Planner.

Awning/Canopy

An awning is a cantilevered, projected or suspended cover over the sidewalk portion of any public street. Awnings may also be roof-like coverings, usually of canvas or metal and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain. Awnings shall have a minimum clear height of eight (8) feet from the finished sidewalk in front of it.

Backhaul Network

The lines that connect a provider's Tower/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

Block

A block is an increment of land comprised of lots, alleys, and tracts circumscribed by streets.

Building Official

The person designated by the City Manager as the Building Official or their designee.

Build-To Zone

The area in which a building’s façade must be located.

Building Coverage

The percentage of a lot covered by the principal building and any accessory buildings.

Building Frontage

It is the percentage of the building's front facade that is required to be located at the front building setback line or zone as a proportion of the block frontage along that public street. Parks, plazas, squares, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.

Building Permit

A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action complies with the City code.

Certificate of Occupancy

An official certificate issued by the City through the enforcement official that indicates conformance with the City's rules and regulations, and which authorizes legal use of the premises.

City

The City of Duncanville, Texas, together with all its governing and operating bodies.

City Attorney

The person(s) designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.

City Council

The governing body of the City.

City Engineer

The person designated by the City Manager as the Engineer of the City or their designee.

City Manager

The person designated by the City Council as the City Manager or their designee.

City Planner

The person designated by the City Manager as the City Planner or their designee.

City Secretary

The person designated by the City Council as the City Secretary or their designee.

Civic Space

Civic space shall be publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. For all residential uses, privately accessible open spaces such as courtyards, porches, and balconies may also be considered as Civic Space for the purposes of this ordinance.

Code Enforcement Officer

The Code Enforcement Officer of the City or designee.

Colonnade or Arcade

A colonnade or arcade is a roofed or built structure, extending beyond the ground floor front facade of a building and over the sidewalk or civic space. A colonnade or arcade shall be open to the street except for supporting columns, piers, or arches. Residential or office units may occupy the space over the colonnade or arcade.

Common Lot Line

A lot line shared by more than one lot shall be a common lot line.

Comprehensive Plan

The plan, including all revisions and addenda thereto, most recently adopted by the City Council as the official policy regarding the guidance and coordination of the development of land in the City.

Corner Lot

A corner lot shall be one that has more than one intersecting street frontages (with the exception of alleys).

County

Dallas County, the governmental entity in which the City resides.

B. Terms D-M

Development Review Committee

A committee consisting of City Staff responsible for reviewing development applications.

Director of Public Works

The Director of Public Works of the City or designee.

Driveway

An area between the drive approach and parking spaces used for vehicular ingress and egress to residential and nonresidential property and includes drive aisles. For nonresidential property or uses, driveways shall be constructed with reinforced concrete according to city specifications.

Dwelling Unit

One or more rooms that are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person.

Engineer

See Professional Engineer.

FAA

The Federal Aviation Administration.

FCC

The Federal Communications Commission.

Fence

Any wall, berm or structure more than two and one-half feet in height erected or maintained for the purpose of enclosing, screening, restricting access to or decorating the surrounding lot, parcel, building or structure, located entirely on private property.

Fence Height

All fence height shall be measured vertically from the highest grade at either end of the fence to the topmost part of the fence.

Fence Permit

A permit, as authorized in **Section 4.07. Screening and Buffering Requirements**, issued by the Building Official.

Groundcover

Grasses and other living plant materials that are designed to grow low to the ground, generally less than one (1) foot in height. See the Approved Plant List maintained by the City Planner.

Height (Tower)

The distance measured from the finished grade of the parcel to the highest point on the Tower or other structures, including the base pad and any Antenna.

High Intensity Lighting

Lighting that exceeds 11,000 lumens.

Interior Site/Lot

An interior site or lot shall be one that has only one public street frontage (with the exception of alleys).

Intersection Visibility Triangle

The triangular-shaped area at the intersection of two streets that must be kept clear to ensure visibility at the intersection.

Lattice Tower

A guyed or self-supported three or four sided, open steel frame structure used to support telecommunications equipment.

Lot

Platted land occupied, or to be occupied, by a building and its accessory buildings and including such open spaces as are required under this chapter and having its principal frontage on a public street or officially approved place.

Lot Depth

The mean distance between the front and rear lot lines.

Lot Lines

Means the lines bounding a lot as defined in this section.

Lot Width

The width of a lot at the front building line.

Main Building

The building or buildings on a lot, which are occupied by the primary use.

Monopole

A structure composed of a single spire used to support telecommunications equipment.

C. Terms N-Q

Neighborhood Transition Zone

An area twenty-five (25) feet in depth parallel to any lot line that is common with a single-family residential lot where building heights are restricted.

Nonconforming Lot

A lot that does not meet the current requirements of this Zoning Ordinance, but that was in conformance with the standards in place at the time of its inception.

Nonconforming Structure

A structure that does not meet the current requirements of this Zoning Ordinance, but that was in conformance with the standards in place at the time of its inception.

Nonconforming Use

A use of land that does not meet the current requirements of this Zoning Ordinance, but that was in conformance with the standards in place at the time of its inception.

Nonconformities

A general term used to refer to Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots.

Ornamental Grass

Decorative grasses used in landscaping. See the Approved Plant List maintained by the City Planner.

Ornamental Tree

A smaller tree intended to provide aesthetic benefit rather than significant shade. See the Approved Plant List maintained by the City Planner.

Preexisting Towers and Preexisting Antennas

Any tower or antenna installed prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Parking Setback Line

The parking setback line shall be the line behind which ground floor surface parking may be located on any lot in the Downtown Duncanville District. The parking setback line shall be established in the regulating plan by frontage type.

Planned Development

A Planned Development (or PD) District is a type of zoning used to permit new or innovative concepts in land use not permitted by other zoning districts in these regulations or to permit development projects that existing districts cannot easily accommodate. The purpose of the PD 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 the City. (See **Section 6.06. Planned Developments**.)

PD Development Map

A map depicting the development plan for the area of a PD Planned Development District. A PD Development Map combined with a PD Development Statement forms a PD Development Plan. (See **Section 6.06. Planned Developments**.)

PD Development Statement

A written report outlining the development plan for the area of a PD Planned Development District. A PD Development Map combined with a PD Development Statement forms a PD Development Plan. (See **Section 6.06. Planned Developments**.)

PD Development Plan

Comprised of the PD Development Map and PD Development Statement.

Planning and Zoning Commission

The Planning and Zoning Commission of the City of Duncanville.

Playground

A civic/open space designed and equipped for children's recreation. A playground shall be fenced and may include an open shelter. Playgrounds shall be located within residential areas and may be placed within a block as illustrated. They may included in other open spaces.

Plaza

A primarily hardscaped civic/open space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings.

Porte Cochere

A permanent structure that is structurally and aesthetically integrated into a residence, and that is erected over a driveway to allow for the parking of vehicles. Such structure is open on two (2) sides and provides covered, direct access to a primary or secondary entrance to the structure.

Private Property

Private property means any property not dedicated to public use, except that "private property" does not include the following:

1. A private street or alley
2. Property on which a utility or public service use such as a commercial radio or transmitting station, electrical generating plant, electrical substation, water tower, local utility, drainage easement, post office or government installation is being conducted as a main use
3. A railroad right-of-way
4. A cemetery or mausoleum
5. A church
6. A school

Professional Engineer

A person licensed as a Professional Engineer in the State of Texas.

D. Terms R-Z

Regulating Plan

A plan for the DD, Downtown Duncanville District that establishes the location of frontages, streetscape standards, and other development standards within such frontages, subject to changes within such plan pursuant to the terms of this Zoning Ordinance.

Restricted Building or Structure

A building or structure whose height is restricted by a Residential Proximity Slope.

Rezoning

See Zoning Map Amendment.

Right-of-Way

A parcel of land occupied or intended to be occupied by a street or alley. A right-of-way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use. The use of right-of-way shall also include parkways and medians outside of pavement.

Shade Tree

A plant having at least one well-defined stem or trunk at least three (3) inches in caliper and has a canopy that screens and filters the sun. See the Approved Plant List maintained by the City Planner.

Shrub

A woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like or single-stemmed. See the Approved Plant List maintained by the City Planner.

Site of Origination

1. Any private property in:
    a. Residential Zoning Districts or have a residential use
    b. An identifiable portion of a PD, Planned Development District, which portion is restricted to residential uses not exceeding 36 feet in height.
2. Exception
    a. A lot or tract zoned residential (except Multi-Family Zoning Districts) or less intensive density and which are developed and are three acres or less in size, or undeveloped and five acres or less in size, and are surrounded on at least three sides by nonresidential zoning and/or uses are not considered a Site of Origination.
    b. For the purpose of this definition, "developed" means property that has a habitable structure on it.

Site Plan

A detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the Zoning Ordinance.

Special Exception

An adjustment in application of the specific regulations of the zoning regulations to a particular parcel of property that has been pre-defined by these zoning regulations and does not require a hardship.

Specific Use Permit

A zoning designation for certain uses that may require additional review or standards to avoid conflicts with adjacent development. See **Section 6.05. Specific Use Permits**.

Story

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

SUP

See Specific Use Permit.

Telecommunications Facility System

A facility consisting of equipment for the reception, switching and/or transmitting of wireless telecommunications. Such facility may be elevated (either building-mounted or ground-

mounted) transmitting and receiving antennas, low power mobile radio service base station equipment, and interconnection equipment. The categories of system types may include, but not limited to: 1) roof and/or building mounted facilities; 2) telecommunication facilities; 3) accessory buildings); 4) concrete parking pad; and 5) fencing/landscaping.

Tower

Any structure, other than alternative tower structures, that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereto.

Transit-Oriented Development

A development focused on a particular transit destination – typically a train station. Such developments are pedestrian-oriented and typically include medium- to high-density housing, retail, and other office and/or commercial uses in a vertical mixed-use development configuration.

Variance

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

Yard

1. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
2. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

Yard, Front

A yard across the full width of a lot extending from the front line of the main building to the front property line of the lot.

Yard, Rear

A yard extending across the full width of the lot and measured between the rear property line of the lot and rear line of the main building, except that area included in the side yard as defined below.

Yard, Side

A yard between the building and the side property line of the lot and extending from the front yard to the required minimum rear yard.

Zoning Board of Adjustment

The City's Board of Adjustment, which is established in **Section 5.03. Zoning Board of Adjustment**.

Zoning Districts

1. SF-43

   See **Section 2.03.A. SF-43 Estate Single-Family Residential District**.
2. SF-13

   See **Section 2.03.B. SF-13 Single-Family Residential District**.
3. SF-10

   See **Section 2.03.C. SF-10 Single-Family Residential District**.
4. SF-7

   See **Section 2.03.D. SF-7 Single-Family Residential District**.
5. TF-7

   See **Section 2.03.E. TF-7 Duplex Residential District**.
6. MF-14

   See **Section 2.03.F. MF-14 Multi-Family Residential District**.
7. MF-21

   See **Section 2.03.G. MF-21 Multi-Family Residential District**.
8. NOR

   See **Section 2.04.A. NOR Neighborhood Office/Retail District**.

9. LOR

   See **Section 2.04.B. LOR Local Office/Retail District**.

10. GOR

    See **Section 2.04.C. GOR General Office/Retail District**.

11. C

    See **Section 2.04.D. C Commercial District**.

12. I

    See **Section 2.04.E. I Industrial District**.

13. DD

    See **Section 2.05.A. DD, Downtown Duncanville District**.

14. PD

    See **Section 2.05.B. PD, Planned Development District**.

Zoning District Map

The official certified map upon which the boundaries of the various zoning districts are drawn and that is an integral part of the Zoning Ordinance, which may also be cited as the Zoning Map. See **Section 1.05. Zoning District Map**.

Zoning Map Amendment

An amendment or change to the Zoning District Map. May also referred to as a rezoning.

Zoning Ordinance

The adopted Zoning Ordinance of the City of Duncanville, as may be amended.

Zoning Text Amendment

An amendment or change to the text of this Zoning Ordinance.