

Article 5 Zoning Districts

Sec. 5.1 Purpose and Applicability

The purpose of this ordinance is to establish zoning regulations and districts in accordance with the Town's Comprehensive Land Use Plan in order to promote the health, safety, morals, and general welfare of the Town. They have been designed to lessen congestion in the streets; to promote safety from fire, panic, flood, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of populations; and to facilitate the adequate provision of transportation, water, sewer facilities, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of each district and its suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town consistent with the Town of Northlake Comprehensive Land Use Plan. Nothing herein shall be construed to grant "permanent" zoning.

Sec. 5.2 Zoning Districts Established

The Town is hereby geographically divided into zoning districts and the boundaries of those districts herein are delineated upon the Official Zoning District Map of the Town. The use and dimensional regulations as set out in this article are uniform throughout each district. Zoning districts are established in compliance with the adopted Comprehensive Plan. The districts established shall be known as:

Symbol	District Name
RR	Rural Residential
CRO	Conservation Residential Overlay
RE	Rural Estate
MH	Manufactured Homes
MU	Mixed Use
C	Commercial
I	Industrial

Sec. 5.3 Initial Zoning Upon Annexation

- A. As soon as practical following annexation, but in no event more than one hundred (180) calendar days thereafter, the Town Council shall, on its own motion or by request of the property owners of the annexed area, initiate proceedings to establish the zoning on the newly annexed territory. Unless otherwise requested by application of the property owner, the zoning of newly annexed territory shall be Rural Residential (RR).
- B. The zoning of a land parcel, whether by motion of the Town Council or by request of the property owner shall be processed in the same manner as a request for a zoning change in accordance with section 5.4. Notification requirements and the responsibility of the Town Council shall be in accordance with a request for a zoning change.
- C. The owner of land to be annexed may submit an application for zoning the property concurrently with submission of the request for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification. The Town Council may act on an ordinance to establish the zoning of the property being annexed at the same meeting as the action on the annexation ordinance so long as final approval of the annexation ordinance occurs prior to final approval of the ordinance to establish the zoning.

Sec. 5.4 Zoning Change/Zoning Map Amendment

A. Applicability

1. The Town Council may, from time to time, on its own motion, by request of the Town Administrator, or by application from a property owner, establish or amend the boundaries shown on the Official Zoning Map of the Town. A zoning change or zoning map amendment is required to establish the use of land and the development associated with the proposed zoning classification for the purpose of establishing and maintaining sound, stable and desirable development within the Town.
2. Approval of a zoning change or zoning map amendment authorizes a property owner to submit subsequent development applications consistent with the amendment or zoning change.

B. Application Requirements

1. Application Required

Any request for a zoning change or zoning map amendment shall be accompanied by an application and zoning exhibit prepared in accordance with the application requirements of the Town.

2. Accompanying Applications

A request for a zoning change or zoning map amendment may be accompanied by an application for amendment of the Future Land Use Map or by a Preliminary Plat. Approval of a zoning change or zoning map amendment shall require all subsequent development applications to be consistent with the approved amendments.

C. Processing of Application and Decision

1. Submittal

An application for a zoning change or zoning map amendment shall be submitted to the Town Administrator or his/her designee. The Town Administrator or his/her designee shall review the application for completeness in accordance with section 4.2. The Town Administrator or his/her designee may, at its option, request a recommendation from any other Town Department or consultant. The Town Administrator or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the Town Administrator or his/her designee shall forward a written recommendation to the Town Council for consideration.

2. Notification Requirements

An application for a zoning change or zoning map amendment requires the following notification in accordance with section 4.3:

- a. Written notice
- b. Published notice.

3. Decision by Town Council

The Town Council may vote to approve, approve with conditions, or deny the amendment. The Town Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days from the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

4. Consideration of Previously Denied Amendment

A request for a zoning change or zoning map amendment for a tract of land shall not be considered by the Town Council within six (6) months of the Council's decision to deny the request unless the request is to a different zoning classification or there has been a substantial change in the conditions surrounding the parcel since the initial request. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties or there is a change in the nature of the development of the property or surrounding properties. The Town Administrator or his/her designee shall have the authority to determine whether the request is substantially different from the initial request.

D. Criteria for Approval

The Town Council, in considering final action on a zoning change or zoning map amendment, may, without limitation, consider the following criteria:

1. Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map;
2. Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the Town and the safe, orderly, efficient and healthful development of the Town;
3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;
5. Whether there have been environmental and/or economic changes which warrant the requested change;
6. Whether there is an error in the original zoning of the property for which a change is requested;
7. Other criteria which, in the discretion of the Town Council, in exercise of its legislative authority, are deemed relevant and important in the consideration of the amendment.

E. Protests

1. If a proposed zoning change or zoning map amendment is protested in accordance with this section, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths (3/4) of all members of the Town Council according to LCG §211.006(d). The protest must be written and signed by the owners of at least twenty (20%) percent of either:
 - a. The area of the lots or land covered by the proposed zoning change or zoning map amendment; or
 - b. The area of the lots or land immediately adjoining the area covered by the proposed zoning change or zoning map amendment and extending two hundred (200) feet from that area.
2. In computing the percentage of land area under section 5.4.E.1.a above, the area of streets and alleys shall be included.

Sec. 5.5 *Statement of Purpose and Intent for Zoning Districts*

A. Rural Residential District (RR)

The rural residential areas are characterized by large lot, single family residential, ranch and farm development typically with asphalt roads with bar ditch drainage. Rural residential areas most closely maintain the existing rural character currently within Northlake. Minimum lot sizes are five acres.

B. Conservation Residential Overlay (CRO)

Conservation residential overlay areas are to be utilized in areas where the tract of land contains environmentally sensitive features. The use of the overlay district has the specific intention to conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands and setting them aside from development. Neighborhoods created within this district are intended to have direct or visual access to open land with amenities in the form of neighborhood open space, and with a strong neighborhood identity.

C. Rural Estates (RE)

The rural estate district is intended to be utilized as a single-family district with densities of approximately one (1) unit per acre which would serve as buffer areas between the rural residential areas and areas of higher intensity such as mixed use areas and industrial areas. The rural estate district is intended to be utilized specifically where natural features such as streams and floodplains are not available to be utilized as buffer areas.

D. Manufactured Homes (MH)

The purpose of this district is to provide adequate space and restrictions for the placement of HUD-Code manufactured homes in the Town within designated subdivisions. This does not include mobile homes as defined in this UDC. The MH District is also established to provide housing densities compatible with existing and proposed neighborhoods by providing alternative housing types both in construction and economy within the MH District. No HUD-Code manufactured home shall be allowed on any parcel or lot except on parcels or lots within the MH District. It is the intent of the MH HUD-Code Manufactured Homes District to provide the

maximum amount of freedom possible in the design of such developments and the grouping and layout of homes within such developments in order to provide amenities normally associated with planned residential areas.

E. Mixed Use (MU)

The primary location for commercial and higher density housing within the Town is intended to be located within the Mixed Use district. The district encourages a compact pedestrian-oriented mix of uses. The uses are office, retail, service, civic and higher density residential uses located in close proximity to each other in order to create an attractive environment in which to live, work and play. The mix of uses is anticipated to create a sense of place, organized around one or more public or civic uses that serve to unify the overall development. Environmental features should be preserved and integrated into the plan of development. The major land uses shall be linked by way of pedestrian linkages, trails and greenways that connect the businesses, residences and open space. The pedestrian-oriented nature of the district should be emphasized by the building scale and design, block sizes, pedestrian-oriented uses and pedestrian-friendly streetscapes. Mixed use districts must be master planned, and therefore, mixed use districts may only be designated through the Planned Development process by utilizing Mixed Use as the base zoning district.

F. Commercial District (C)

The commercial district is established to provide retail and services for the town residents as well as providing regional serving development along major freeways. Commercial development should be located in nodes at appropriate intersections with limited or no strip development, promoting a main street theme. It is intended for commercial developments to provide access off main thoroughfares and not through residential areas.

G. Industrial District (I)

The industrial district is established to accommodate industrial development which represents a type of economic development appropriate for the diversification of the employment base of the Town. The range of industry which may be classified as industrial is rapidly expanding as a result of developments in modern technology. To take full advantage of new industrial potential for clean compatible types of industry, performance standards are specified covering noise, smoke, and particulate matter, other air contaminants, hazardous materials, fire and explosive hazard, glare, and vibration.

Sec. 5.6 *Dimensional and Developmental Standards Summary*

A. General

All projects or developments shall comply with all of the applicable dimensional and development standards of this Article. Additional requirements may also apply as required in other sections of this UDC. All area requirements and lot sizes shall be calculated based on gross acres.

Table 5.1 – Dimensional Requirements								
Requirements		Zoning Districts						
		RR	CRO	RE	MH	MU	C	I
		Rural Residential	Conservation Residential Overlay	Rural Estates	Manufactured Homes	Mixed Use	Commercial	Industrial
Minimum Lot Size and Dimensions	Area	5 acres	2 acres	1 acre	7,500 sq. ft.	Per PD	None	None
	Width at BL	150 ft.	100 ft.	100 ft.	60 ft.	Per PD	None	None
	Depth	200 ft.	200 ft.	200 ft.	100 ft.	Per PD	None	None
Minimum Yard Setbacks	Front	50 ft.	25 ft.	25 ft.	25 ft.	Per PD	30 ft.	20 ft.
	Side	25 ft.	10 ft.	10 ft.	15 ft.	Per PD	10 ft.	10 ft.
	Side Adj. to Street	25 ft.	25 ft.	15 ft.	10 ft.	Per PD	10 ft.	10 ft.
	Rear	40 ft.	40 ft.	25 ft.	25 ft.	Per PD	10 ft.	10 ft.
Miscellaneous Lot Requirements	Minimum Dwelling Unit Area	1,500 sf	1,500 sf	1,500 sf	None	Per PD	None	None
	Maximum Height	35 ft.	35 ft.	35 ft.	35 ft.	Per PD	40 ft.	65 ft.
	Maximum Impervious Cover	25%	25%	35%	25%	Per PD	FAR 0.5	FAR 0.5
	Key	a, b, c	a, b, c, d, e	a, b, c	a	a, b,	a, f	a, f, g

Key:

- a. Refer to Article 9 for additional design requirements
- b. All single family residential dwelling units constructed within this district shall be constructed with an enclosed garage.
- c. 50 ft. maximum height for agricultural structures such as barns and silos. Height may be increased upon approval of a Specific Use Permit.
- d. Maximum density of 1 unit per 5 acres of gross development acreage.
- e. Minimum 40% of gross development acreage preserved as open space
- f. Minimum 20 ft. side or rear yard plus 1 foot for each for each foot of building height above 40 ft. when adjacent to a single-family use or zoning district.
- g. All uses must be in compliance with performance standards as listed in section 8.8

B. Additional Dimensional and Development Standards

1. All lots developed for residential purposes shall comply with the lot area, minimum setbacks and height requirements established in Table 5.1 for the zoning district(s) in which the lot(s) is/are located. All lots developed for allowed non-residential purposes, within residential zoning districts, shall comply with lot, area and height requirements established in Table 5.1 for the zoning district(s) in which the lot(s) is/are located.

2. All lots developed for non-residential purposes shall comply with lot, area, minimum setbacks, and maximum height requirements established for the zoning district(s) in which the lot(s) is located.
3. All lots shall have at least the minimum area, width and depth as indicated in the Table 5.1 in this section.
4. Platted subdivisions established by a duly approved plat filed with the County prior to adoption of this UDC shall be exempt from meeting any new lot width, depth, and/or square footage requirements.
5. No lot existing at the time of passage of this UDC shall be reduced in size below the minimum area requirements set forth in Table 5.1.
6. Minimum lot size requirements shall not apply to previously platted lots that are annexed into the Town, but shall apply in the event of a vacation and replat of such property. All other requirements of this UDC shall nevertheless apply.
7. No portion of any building on a residential lot may be located on any lot closer to any lot line or to the street right-of-way line than is authorized in Table 5.1 set forth in this section unless otherwise listed below:
 - a. Where the frontage on one side of a street is divided by two or more zoning districts, the front yard setback shall comply with the requirements of most restrictive district for the entire frontage between the nearest intersecting streets.
 - b. Where the building setback line has been established by a recorded plat and is in conflict with the requirements of this UDC, the plat shall control.
 - c. The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory building. Eaves and roof extensions may project into the required front yard, not to exceed two (2') feet.
 - d. Side Yards: Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12") inches into the required side yard, and roof eaves projecting not to exceed twenty-four (24") inches into the required side yard.
 - e. Rear Yards: Every part of a required rear yard shall be open and unobstructed to the sky from a point thirty (30") inches above the general ground level of the graded lot, except for accessory buildings and landscaping as permitted and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed twenty-four (24") inches into the required rear yard.
 - f. Where lots have double frontage, running from one street to another, a required front yard setback shall be provided on both streets.
 - g. Mixed Use Building: In a building serving dwelling and other uses, in any district, the height and area regulations applicable to non-residential buildings shall apply.

Sec. 5.7 Permitted Use Table

A. Use of Land and Buildings

Structures, land or premises shall be used only in accordance with the use permitted in the following use table subject to compliance with the dimensional and development standards for the applicable zoning district and all other applicable requirements of this UDC.

B. Permitted Principal Uses

No principal use shall be permitted in any district unless it appears in the following permitted use table.

1. Legend for the Permitted Use Table:

P	Use is permitted in district indicated
S	Use is permitted in district indicated upon approval of Specific Use Permit
	Use is prohibited in district indicated

Table 5.2 – Permitted Use Table							
USES	DISTRICTS						
	Rural Residential	Conservation Residential Overlay	Rural Estate	Manufactured Homes	Mixed Use	Commercial	Industrial
	RR	CRO	RE	MH	MU	C	I
AGRICULTURAL USES	RR	CRO	RE	MH	MU	C	I
Farm, ranch, or orchard	P	P	P		P	P	P
Livestock auction	S						P
Recreational ranch or farm (Dude Ranch)	S	S					
Stables, Commercial	P	P					
Stables, Private	P	P					
RESIDENTIAL USES	RR	CRO	RE	MH	MU	C	I
Assisted Care or Living Facility					P	P	
HUD-Code manufactured home				P			
Family or Group Home	S				S		
Multi-family dwelling					P		
Recreational Vehicle (includes RV parks)				P			
Single-family attached dwelling (Townhouse)					P		
Single-family detached dwelling	P	P	P	P	P		
Two family dwelling (Duplex)					P		
Vacation / Short Term Rental	S	S	S		S		

Table 5.2 – Permitted Use Table							
EDUCATIONAL AND INSTITUTIONAL USES	RR	CRO	RE	MH	MU	C	I
Cemetery or mausoleum	S						
Church / Place of Worship	S	S	S		P	P	
Community Service					P	P	
Hospital, Sanitarium, nursing or convalescent home					P	P	P
Museum					P	P	
Parks and Playgrounds	P	P	P	P	P	P	P
School, College or Trade (Private)					S	S	S
School, College or Trade (Public)	P	P	P		P	P	P
School, primary and secondary (Private)	S	S	S		P	P	
School, primary and secondary (Public)	P	P	P		P	P	P
Semi-public Halls, Clubs and Lodges	S	S			P	P	P
Transit Facility					P	P	P
COMMERCIAL, OFFICE AND SERVICE USES	RR	CRO	RE	MH	MU	C	I
Alternative Financial Services					S	S	
Amusement / Gaming Devices (Arcade)					S	S	
Amusement / Recreation (Indoor)					P	P	
Amusement / Recreation (Outdoor)					S	S	S
Auto Repair and Service					S	P	P
Auto Sales					S	S	S
Bank					P	P	
Bed and Breakfast	S	S			S		
Car wash					S	P	P
Day Care	S	S			S	P	S
Fueling Station (Automobiles)					S	P	P
Fueling Station (Trucks)					S	S	P
Greenhouse or nursery	S					S	P
Heavy Equipment Sales, Service or Rental						S	P
Hotel or motel					P	P	
Laundry/dry cleaning; pick-up and/or self-service					P	P	
Office / Professional Service					P	P	P
Pawn Shop						S	S
Personal Services					P	P	P
Restaurant					P	P	
Retail / Commercial					P	P	
Sexually Oriented Business							S
Tattoo Parlor						S	S
Truck Stop							S
Veterinarian Clinic and/or Kennel						S	S

Table 5.2 – Permitted Use Table							
MANUFACTURING AND INDUSTRIAL USES	RR	CRO	RE	MH	MU	C	I
Asphalt/concrete batching plant							S
Asphalt/concrete batching (temporary)	S	S	S	S	S	S	S
Aviation Facility	S	S					P
Gas Drilling/Production	S	S			S	S	S
Heavy Manufacturing							S
Laundry or Dyeing Plant							S
Light Manufacturing or Assembly							P
Outdoor Storage						S	S
Research Facility							P
Warehousing / Distribution Center							P
Self-Storage / Mini warehouses						S	P
UTILITY, ACCESSORY & INCIDENTAL USES	RR	CRO	RE	MH	MU	C	I
Accessory Building	P	P	P	P	P	P	P
Accessory Dwelling	See Sec. 8.3						
Basic Utilities	P	P	P	P	P	P	P
Home Occupation	P	P	P	P	P		
Outdoor Recreation Area	P	P	P	P	P	P	P
Outdoor Recreation Area (lighted)	S	S	S	S	S	S	S
Satellite Transmit Station	S	S	S	S	S	S	S
Telecommunications Antennas	See Sec. 8.6						
Wind Energy Conversion Systems	See Sec. 8.7						

Sec. 5.8 Conservation Residential Overlay District Permitted Uses and Development Standards

A. General Purpose and Description

This district provides flexibility in designing new rural residential subdivisions with certain open space and floodplain preservation and integration into the design of the subdivision. The district provides for a density of 1 unit per 5 acres but allows for a minimum lot size of 2 acres. The remaining open space areas must constitute a minimum of 40% of the total area.

B. General Regulations

The design of all new subdivisions in the Conservation Residential Overlay District shall be governed by a minimum density of 1 unit per 5 acres and a minimum 2 acre lot size in addition to the following minimum standards:

1. Ownership

The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.

2. Site Suitability

As evidenced in the Preliminary Plat and Final Plat of any subdivision developed in the Conservation Residential Overlay District, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and its configuration.

3. Sensitive Area Disturbance

The proposed design shall strictly minimize disturbance of Open Space areas as shown on the Northlake Comprehensive Plan Land Use Development Concept map. Lands within the 100 year floodplain, or having slopes in excess of twenty five (25%) percent, constitute such open spaces where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to the approval of both the Preliminary Plat and the Final Plat.

C. Use Regulations

Land in the Conservation Residential Overlay District may be used for the following purposes:

1. Uses identified in Table 5.2.
2. Open space areas composing a portion of residential development as specified above and according to requirements of section 9.6
3. The following nonresidential uses in accordance with the standards of section 9.6
 - a. Farm, ranch, and orchard uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.
 - b. Woodlots, tree preservation lots, game preserve, wildlife sanctuary or other similar uses.
 - c. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills.

D. Design Standards

1. Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping that meets the landscaping requirements in section 9.10.
2. House lots shall generally be accessed from interior streets rather than from roads bordering the tract.
3. The open space areas shall be accessible to all property owners of the subdivision through common access easements.
4. Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the open space areas created under this Article are contained in section 9.6 and section 9.8 of this UDC.

Sec. 5.9 *Planned Development Standards*

Planned Developments shall be used in conjunction with base zoning districts. In the use of Planned Development Districts, the base district shall remain in effect if it is already in existence unless changed by zoning amendment. New base districts or changes in existing base districts may be requested at the same time a Planned Development District is requested. Unless otherwise specified, all uses in the base district are applicable for a Planned Development District.

A. General Purpose and Description

The Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing types or any appropriate combination of uses which may be planned, developed, or operated as integral land use units either by a single owner or a combination of owners. A Planned Development (PD) District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions, which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

B. Size and Location.

The minimum area of a Planned Development (PD) District with a base district other than Mixed Use (MU) shall be one (1) acre or the minimum lot size of the base district, whichever is greater.

Planned Development Mixed Use (PD-MU) Districts shall contain no fewer than twenty-five (25) acres and shall be located along an arterial or major collector roadway. PD-MU Districts shall be located in areas served by public water and sewer systems.

Contiguous additions of any size shall be allowed to any existing PD District if the applicant demonstrates that the addition is integrated with the district that was previously approved.

C. Permitted Uses.

An application for a PD District shall specify the base district(s) and the use or the combination of uses proposed. Uses which may be permitted in a PD must be specified if not permitted in the base district (Table 5.2). In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those allowed in the PD.

D. Mixed-Use Development Standards.

1. Development standards for each PD-MU shall be identified in the PD-MU ordinance and include but not be limited to:
 - a. Land Uses. The exact mix of uses, densities and locations of uses within a PD-MU district should reflect the desired development types identified in the comprehensive plan
 - b. Parks, Open Space and Common Areas
 - c. Central Plaza. A plaza that is strategically located within the district shall be provided and shall be proportional to the size of the district.
 - d. Vertical Mix. Buildings within the mixed use area of the district are encouraged to contain a vertical mix of at least two (2) different use categories.

- e. **Parking. On-Street Parking.** On-street parking can be counted towards meeting the required parking in Article 10, provided such parking is located within four hundred (400) feet of the subject principal use. Special street section designs to accommodate on-street parking may be incorporated.
 - f. **Principal Building Entrance.** The principal entrance of buildings shall be oriented towards the street or adjacent plazas, greens, parks, squares or pedestrian passageways.
 - g. **Sidewalks.** Continuous sidewalks shall be provided along both sides of all streets within the district.
 - h. **Access and Streets.** Streets shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks, while maintaining respect for the natural landscape.
 - i. **Minimum Lot Sizes**
 - j. **Minimum Yards (Front, side and rear).**
 - k. **Building Height.**
 - l. **Maximum Lot Coverage and Minimum Open Space**
 - m. **Floor Area Ratio (FAR) and Residential Density**
 - n. **Architectural Standards**
 - o. **Utility Requirements.** All utility lines shall be placed underground.
 - p. **Landscape Standards**
 - q. **Buffering and Screening.**
 - r. **Signage**
 - s. **Lighting**
- E. **Ownership, Operation and Management of Common Open Space and Common Facilities in a Planned Development.**
- 1. All common open space shall be preserved for its intended purpose as expressed in the Concept Plan. The developer shall choose, prior to approval of the final plat or site plan, whichever is first in time, one (1) or a combination of the following methods of administering common open space:
 - a. Public dedication to the Town of the common open space, subject to acceptance by the Town Council.
 - b. Establishment of a non-profit association, corporation, trust, or foundation of all owners of residential property within the planned development. Such organizations shall conform to the following requirements:
 - (1) The organization must be established prior to approval of the final plat or site plan in the proposed development. The documents establishing such organizations shall be reviewed and approved by the Town.

- (2) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate against members or shareholders.
 - (3) The organization shall manage maintain, administer and operate all open space and improvements and other land not publicly or privately owned and shall secure adequate liability insurance on the land and such improvements.
 - (4) Sales brochures or other literature and documents provided by the seller of all lots within a PD district shall include information regarding membership requirements and responsibilities of such organizations.
 - (5) Retention of ownership, control and maintenance of common open space and improvements by the developer.
- c. All common open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

Sec. 5.10 *Planned Development Application Process*

A. Application Requirements

1. Application Required

Any request for a PD shall be accompanied by an application prepared in accordance with the application requirements of the Town.

2. Accompanying Applications

A request for a PD may be accompanied by an application for amendment of the Land Use Development Concept Plan or a Preliminary Plat. Approval of a PD shall require all subsequent development applications to be consistent with the approved development regulations.

B. Processing of Application and Decision

1. Submittal

An application for a PD shall be submitted to the Town Administrator or his/her designee. The Town Administrator or his/her designee shall review the application for completeness in accordance with section 4.2. The Town Administrator or his/her designee may, at its option, request a recommendation from any other Town Department or consultant. The Town Administrator or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the Town Administrator or his/her designee shall forward a written recommendation to the Town Council for consideration.

2. Notification Requirements

An application for a Planned Development District requires the following notification in accordance with section 4.3:

- a. Written notice
- b. Published notice

3. Decision by Town Council

The Town Council shall hold a public hearing in accordance with the Texas Open Meetings Act and section 4.4. The Town Council may vote to approve, approve with conditions, or deny the amendment. The Town Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days from the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

C. Development Standards Included

1. Development standards for each PD shall be set forth in the ordinance granting the PD and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the Town Council may deem appropriate.
2. All PD applications shall list all requested variances from the standard requirements set forth throughout this UDC (applications without this list will be considered incomplete).
3. The PD shall conform to all other sections of the UDC unless specifically exempted in the granting ordinance.

D. Concept Plan, Detailed Site Plan and Preliminary Plat

In establishing a PD, the Town Council shall approve and file, as part of the amending ordinance, appropriate plans and standards for each PD. During the review and public hearing process a concept plan shall be submitted. A detailed site plan may be submitted either concurrently with the concept plan or as a separate submittal.

1. Concept Plan: The applicant shall submit a concept plan. The plan shall show the applicant's intent for the use of the land within the proposed PD in a graphic manner and shall be supported by written documentation of proposals and standards for development.
 - a. A concept plan for residential land use shall show general use, thoroughfares, and open spaces. A preliminary lot layout may be included to help visualize the proposed densities, but the final layout of lots will be determined on a preliminary plat. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type, and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.

- b. A concept plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the Town Council, may include, but is not limited to, the types of use(s), topography, and boundary of the planned development area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is used in drafting the final development plan.
- c. Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the Town Administrator or his/her designee. If an agreement cannot be reached regarding whether or not a change of detail conforms to the original concept plan, the Town Council shall determine the conformity.

2. Concept Plan Submission Requirements

The process for submitting a concept plan for a PD district shall follow the submission requirements of a zoning change as detailed within section 5.4 with additional information as follows:

- a. Location/Vicinity Map with North Arrow
- b. North arrow
- c. Graphic and written scale (minimum 1"=20')
- d. Approximate distance to the nearest cross street
- e. Site boundaries, bearings and dimensions, lot lines, site acreage and square footage
- f. Title Block located in lower right corner including subdivision name with lot and block number, acreage, complete legal description including survey name and abstract number, Town, County and preparation date
- g. Legend, if abbreviations or symbols are used
- h. Name, address and phone number of owner, developer, applicant, and designer
- i. For residential elements of the PD shall access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.
- j. For non-residential elements of the PD, drawing to accurately portray the types of use(s), topography, physical features of the site including open space and FEMA 100 year floodplain, existing streets, alleys, and easements, location of future public facilities, building heights and locations, and parking ratios.
- k. Other information as required by staff

3. Detailed Site Plan: This plan shall set forth the final plans for development of a non-single family PD and shall conform to the data presented and approved on the concept plan. Approval of the detailed site plan shall be the basis for issuance of a building permit. The detailed site plan shall be acted upon by the Town Council and does not require a public hearing. The detailed site plan may be submitted for the total area or any section of the planned development. The detailed site plan shall include:
 - a. A site inventory analysis including a scale drawing of existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.
 - b. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing and proposed streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five (5) feet.
 - c. A site plan in accordance with section 12.15 of this UDC.
 - d. A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.
 - e. An architectural plan showing elevations and signage style to be used throughout the development. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the Town Staff and the Town Council.
 - f. A unified development sign plan according to the standards set within Article 11.
4. Preliminary Plat: A preliminary plat shall set forth the final plans for development of areas designated for single family development within a PD and shall conform to the data presented and approved on the concept plan. Approval of the preliminary plat shall be the basis for subsequent submission of a final plat.

E. Criteria for Approval

The Town Council, in considering final action on a PD, should consider the following criteria:

1. Whether the proposed PD implements the policies of the adopted Comprehensive Plan and other adopted master plans of the Town;
2. Whether the proposed PD promotes the health, safety, or general welfare of the Town and the safe, orderly, efficient and healthful development of the Town;
3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;

5. The extent to which the proposed PD will result in a superior development than could be achieved through conventional zoning; or,
6. Other criteria which, at the discretion of the Town Council are deemed relevant and important in the consideration of the PD.

F. Amendments

The Town Administrator or his/her designee may permit the applicant to make minor amendments to the Concept Plan without the necessity of amending the ordinance that established the PD. If the proposed amendments change and/or impact the nature or purposes of the approved PD, whether individually or cumulatively, the Town Administrator or his/her designee may deny the request for approval of the modifications and provide the applicant with the opportunity to revise the proposed amendments to bring them into compliance with the PD. If an applicant wishes to make any amendments to an approved Concept Plan other than minor amendments approved by the Town Administrator or his/her designee, the Town Administrator or his/her designee will submit the amendments to the Town Council for review and approval as a revised PD. Minor amendments shall only be as follows:

1. Corrections in spelling, distances and other labeling that do not affect the overall development concept;
2. Changes in building position or layout that are less than ten (10) feet or ten (10%) percent of the total building project or area;
3. Changes in proposed property lines as long as the original total project acreage is not exceeded, and the area of any base zoning district is not changed by more than five percent; and
4. Changes in parking layouts as long as the number of required spaces and general original design are maintained.

Sec. 5.11 Specific Use Permit (SUP)

A. Applicability

Specific Use Permits allow for discretionary Town Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this UDC. These uses and the districts where they may be located are listed in the Permitted Use Table 5.2. Approval of a specific use permit authorizes a property owner to submit subsequent development applications consistent with the approved SUP.

B. Application Requirements

1. Application Required

Any request for a SUP shall be accompanied by an application and SUP exhibit prepared in accordance with the application requirements of the Town.

2. Accompanying Applications

An application for a SUP shall be accompanied by a site plan prepared in accordance with section 12.15. Approval of a site plan as part of a SUP shall meet the requirements for site plan approval under section 12.15.

C. Processing of Application and Decision

1. Submittal

An application for a SUP shall be submitted to the Town Administrator or his/her designee. The Town Administrator or his/her designee shall review the application for completeness in accordance with section 4.2. The Town Administrator or his/her designee may, request a recommendation from any other Town Department or consultant. The Town Administrator or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the Town Administrator or his/her designee shall forward a written recommendation to the Town Council for consideration.

2. Notification Requirements

An application for a SUP requires the following notification in accordance with section 4.3:

- a. Written notice
- b. Published notice

3. Decision by Town Council

The Town Council shall hold a public hearing in accordance with the Texas Open Meetings Act and section 4.4. The Town Council may vote to approve, approve with conditions, or deny the SUP. The Town Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

D. Criteria for Approval

The Town Council, in considering final action on a SUP, should consider the following criteria:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties;

7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood;
8. The proposed use and associated site plan promote the health, safety or general welfare of the Town and the safe, orderly, efficient and healthful development of the Town; or;
9. Other criteria which, at the discretion of the Town Council are deemed relevant and important in the consideration of the SUP.

E. Conditions

1. The Town Council, in considering final action, may require such modifications in the proposed use and attach such conditions to the SUP as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.
2. No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit are willing to accept and agree to be bound by and comply with the written requirements of the specific use permit.
3. No building, premise, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alteration, or change.
4. The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification, or any other action taken relating to such specific use permit.

F. Expiration of SUP

A Specific Use Permit shall expire if any of the following occurs:

1. A building permit, if necessary, for the use has not been approved and issued and construction has not begun within twelve (12) months of the approval of the SUP;
2. A building permit approved as a result of the approval of the SUP expires within two (2) years of the approval of the SUP;
3. The use has been abandoned or discontinued for a period of time exceeding six (6) months; or,
4. The SUP expires in accordance with its terms.

Sec. 5.12 Temporary Use Permit (TUP)

A. Applicability

Certain temporary uses of land are essential to the full development and utilization of the land and are deemed to promote the health, safety, and general welfare of the Town. The temporary uses hereinafter enumerated shall not be deemed violations of this UDC when a permit has been issued and the temporary use is conducted under the conditions herein provided.

B. Permitted Temporary Uses

1. Construction Office - Temporary field or construction offices and temporary building material storage areas to be used solely for on-premise construction purposes in connection with the property on which they are erected or within the same platted subdivision may be permitted in all zoning districts. The TUP application shall include a scale drawing showing the location and size of the building(s), all outside storage areas, and proposed construction fencing. Such permit shall be issued for temporary buildings on construction sites for a period of six (6) months, with a renewal clause for a similar period. The temporary building shall be removed upon completion or abandonment of construction work or upon the request of the Town Administrator or his/her designee.
2. Temporary Asphalt/Concrete Batch Plant – The Town Administrator or his/her designee may issue a TUP for a temporary batch plant subject to the following conditions:
 - a. The batching plant site shall comply with all applicable provisions of Town, State and Federal laws.
 - b. The batching plant shall not be located within six hundred feet (600') of an inhabited residence.
 - c. Hours of operation will be limited to Monday through Friday, 7:00 am to 7:00 pm, and Saturday, 9:00 am to 5:00 pm. Aggregate trucks shall be prohibited from hauling to or from the site on Saturday.
 - d. The permit shall be valid for a period not to exceed six (6) months or the duration of the project, whichever is shorter.
 - e. The batching plant shall only furnish concrete, asphalt, or both, to the specific project for which the TUP is issued.
 - f. The batching plant shall be operated in a manner that eliminates unnecessary dust, noise, and odor.
 - g. The site must be cleared of all equipment, material, and debris within thirty (30) days of permit expiration.
3. Outdoor Sales - Temporary outdoor sales on properties zoned for nonresidential use may be permitted for a period not to exceed 30 days upon the application and granting of a TUP.
 - a. In no event shall such temporary uses be allowed for more than 30 consecutive days or more than once per year. All sales shall meet the special conditions, if any, imposed by the Town Administrator or his/her designee and/or fire marshal for the protection of public interest and the welfare of the community.

- b. No tent or similar structure shall be erected in any required setback or designated easement. Tents shall conform to the Fire Code and no tent shall be erected without first obtaining a permit. No outside use of property for sales will be allowed except by the existing occupants of the property. This includes parking of vehicles for a purpose other than conducting business on the premises.
4. Christmas Tree Sales - The temporary outdoor sale of Christmas trees may be permitted on properties zoned for nonresidential use for a period of 40 days prior to Christmas Day. The Town Administrator or his/her designee may issue a permit for such sale when it is found that there is available adequate off-street parking area, either improved or unimproved, as determined by the Town Administrator or his/her designee; and that location and layout of drives, parking areas, lighting, and sale signs will not constitute a hazard to public travel on the abutting public streets. Trees, stands, equipment, trash, signs, lighting and shelters shall be removed by the permit holder no later than January 4 following the Christmas holiday.
5. Carnivals and Circuses - Carnivals and circuses may be allowed as a temporary use for a period not exceeding three consecutive days. Such events shall be on a site in nonresidential zoning districts. Adequate parking and sanitary facilities shall be made available to the satisfaction of the Town Administrator or his/her designee. No carnival or circus shall begin operation before 8:00 a.m. and operation shall cease before 11:00 p.m. on all nights except on Saturday when the event shall cease operation at midnight. The Town Administrator or his/her designee shall establish the terms and conditions for the temporary use at the time of approval. In the event that a sponsor is dissatisfied with the town enforcement officer's decision, the sponsor may appeal the requested use to the Town Council.

C. Application Requirements

1. Application Required

Any request for a TUP shall be accompanied by an application and TUP exhibit prepared in accordance with the application requirements of the Town.

D. Processing of Application and Decision

1. Submittal

An application for a TUP shall be submitted to the Town Administrator or his/her designee. The Town Administrator or his/her designee shall review the application for completeness in accordance with Section 4.2. The Town Administrator or his/her designee may, request a recommendation from any other Town Department or consultant. The Town Administrator or his/her designee shall review the permit for compliance with all conditions and regulations provided within this Section and shall provide written notification of any items requiring correction or attention within ten (10) days after submittal of a complete application.

2. Decision by the Town Administrator or his/her designee

The Town Administrator or his/her designee may approve, approve with conditions, or deny the TUP.

3. Decision by Town Council

Any variances to the conditions and requirements of this section shall be referred to the Town Council for consideration. The Town Council shall consider the request as a Specific Use Permit (SUP) application in accordance with Section 5.11.