



Zoning Ordinance

CITY OF AZLE, TEXAS

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SECTION 1 - GENERAL PROVISIONS

- 1.1 TITLE:** This ordinance shall be known as, and may be cited and referred to as, the "Azle Zoning Ordinance."
- 1.2 POWERS TO ZONE:** The City Council may divide the city into zoning districts of a number, shape, and size it considers best and within each zoning district may regulate the erection, reconstruction, alteration, repair, or use of structures or land. Each class or kind of structure in a zoning district shall be regulated by uniformity of zoning district regulations, even though the zoning districts may vary. These regulations reasonably consider the character of each zoning district and its peculiar suitability for particular uses, with a view of conserving the value of structures and encouraging the most appropriate use of land in the city.
- 1.3 PURPOSE:** The zoning regulations and zoning districts established in this ordinance have been made in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals, and general welfare of the city. They have been designed, among other things, to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, of the character of each zoning district and its peculiar suitability for the particular uses allowed therein and with a view to conserving the value of structures and encouraging the most appropriate use of land throughout the community.
- 1.4 PROVISIONS TO BE MINIMUM REQUIREMENTS:** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, or general welfare. It is not the intention of this ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances (except as the same may be specifically repealed by the terms of this ordinance) or with private restrictions placed upon property by covenants, deeds, easements, or other private agreements. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

1.5 COMPLIANCE REQUIRED: All land, buildings, structures, or appurtenances located within the city which are occupied, used, erected, maintained, altered, relocated, demolished, or converted shall be so done in conformance with the zoning regulations prescribed for the zoning district in which such land, building, structure, or appurtenance is located as provided in this ordinance, unless:

- Approved by the Zoning Board of Adjustment in the form of a variance or waiver, or
- Property is exempted from compliance due to special provisions defined in the Nonconforming Uses and Structures section of this ordinance.

1.6 CREATION OF STRUCTURE SITE: Except as otherwise provided in this ordinance no permit shall be issued for the construction of any structure within the city, except upon a platted lot.

1.7 ANNEXATION OF PROPERTY:

- A. All territory hereafter annexed into the city shall be temporarily classified as E-1, Estate One District unless a permanent zoning classification is placed upon the property at the time of annexation. In the event any zoning other than E-1, Estate One District is requested at the time of annexation, all requirements of Section 33 of this ordinance shall be complied with, including all public notices and public hearings as required by this ordinance or by State law.
- B. The procedure for changing the zoning of any newly annexed territory shall be the same as required in Section 33 of this ordinance.
- C. In an area classified as E-1, Estate One District, building permit and occupancy permits may be issued for all uses permitted in the E-1, Estate One District subject to all of the requirements and regulations specified for the zoning district.
- D. Building permits and occupancy permits for uses other than those permitted in the E-1, Estate One District may not be issued for annexed territory until proper rezoning for such property has been achieved.

1.8 APPLICATIONS FOR BUILDING PERMIT: All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of structures already existing, if any, and the locations and dimensions of the proposed structures or alterations. The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed structures or alterations, existing or proposed uses of the structures

and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

The copy of the plan shall be returned to the applicant by the Building Official, after he/she has marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. The original plan, similarly marked, shall be retained by the Building Official.

- 1.9 EXPIRATION OF BUILDING PERMIT:** If actual construction of the work described in any building permit has not begun within one hundred and eighty (180) days from the date of issuance thereof, said permit shall expire, it shall be cancelled by the Building Official, and written notice thereof shall be given to the original applicant at the address given in such application. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the structure involved.
- 1.10 COMPLETION OF STRUCTURE ALREADY APPROVED OR UNDER CONSTRUCTION:** Nothing herein shall require any change in the plans, construction, or designated use of a structure under construction on the effective date of this ordinance.
- 1.11 OCCUPANCY PERMIT:** No building hereafter erected, relocated, converted, enlarged, or structurally altered shall be used or occupied, and no land or building may be changed in use, unless or until an occupancy permit has been issued by the Building Official in accordance with Chapter 4.300 of the Azle Municipal Code. The occupancy permit shall state that the building or proposed use or occupancy of the land or building complies with the provisions of this ordinance, as well as ordinances relating to the health laws, building codes, and other development and health and safety ordinances of the city.
- 1.12 COMPLIANCE WITH PLANS, PERMITS, AND OCCUPANCY PERMITS:** Building permits or occupancy permits issued on the basis of plans and applications and approved by the Building Official shall authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction shall be permitted.
- 1.13 LOT TO HAVE ACCESS:** No structure shall hereafter be erected, reconstructed, altered, enlarged, or relocated onto a lot unless the lot is located adjacent to an approved public or private street and is so located so as to provide safe and convenient access for servicing, fire protection, and required off-street

parking. Nothing contained in this section shall prevent a structure from being erected, maintained, reconstructed, altered, enlarged, or relocated onto a lot which is zoned residential or agricultural and is not adjacent to an approved public or private street if such construction meets all other requirements of this ordinance and other regulations and is for any of the following purposes:

- A. Adding to an existing structure;
- B. Altering an existing structure;
- C. Adding an accessory building or structure;
- D. Restoring any structure previously destroyed by fire, explosion, or any other casualty or act of God, where the extent of the destruction is not more than fifty percent (50%) of its reasonable market value; or
- E. Construction of a new residential structure on a platted lot approved by the city.

1.14 LOCATION OF DWELLINGS AND OTHER BUILDINGS

- A. Unless otherwise stated in this ordinance only one (1) main building for one-family or two-family use, with permitted accessory buildings and their breezeways, may be located upon a lot. Every dwelling shall face or front upon a street
- B. Where a lot is used for multi-family, retail, office, commercial, or industrial purposes or a combination of same, or for a combination of retail and dwelling purposes, more than one (1) main building may be located upon the lot, but only when such buildings conform to all of the open space, parking and density requirements applicable to the uses and zoning districts
- C. No required open space, yard, or area requirement for one (1) building or use shall be computed as being the open space, yard, or area requirement for any other building or use.

1.15 DIMENSIONS/LOT AREA: No lot existing on the effective date of this ordinance shall be reduced in area, width, or depth below the minimum requirements set forth in this ordinance. A lot having less area, width, or depth than required in this ordinance which was platted prior to the adoption of this ordinance shall be considered to be a conforming lot.

- 1.16 LOT COVERAGE:** The maximum percentage of any lot area covered by the main structure and all accessory buildings shall not exceed the maximum permitted in that zoning district, except where the structure or accessory buildings existing on the effective date of this ordinance have a greater percentage of a lot covered than herein prescribed, such structure or structures shall be considered to be conforming.
- 1.17 FLOOR AREA RATIO:** The maximum floor area ratio of a lot on which a structure or structures are located shall not exceed the maximum permitted in that zoning district, except where a structure or structures existing on the effective date of this ordinance may have a higher floor area ratio than herein prescribed, such structure or structures shall be considered to be conforming.
- 1.18 HEIGHT:** Height regulations established in this ordinance shall apply to all structures within all of the zoning districts respectively. When height requirements are specified in stories and feet, the more restrictive shall apply.

SECTION 2 - INTERPRETATION, ADMINISTRATION, AND ENFORCEMENT

- 2.1 INTERPRETATION:** Questions of interpretation of this ordinance shall be referred to the Zoning Administrator who shall have the authority to determine the meaning and interpretation of any provision of this ordinance. Any person aggrieved, or any officer, department, or Board of the city affected by any interpretation of the Zoning Administrator may appeal said interpretation to the Zoning Board of Adjustment, whose decision in the matter shall be final.
- 2.2 ADMINISTRATION AND ENFORCEMENT:** The Zoning Administrator shall administer and enforce this ordinance. He/She shall be provided with the assistance of such other persons or consultants as the City Council may direct. If the Zoning Administrator should find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the landowner or person responsible for the violation indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of any illegal use of land, buildings or structure, removal of illegal buildings or structures, or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done, or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
- 2.3 COMPLAINTS REGARDING VIOLATIONS:** Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator, such complaint stating fully the causes and basis thereof. The Zoning Administrator shall properly record such complaint, immediately investigate, and take action thereon as provided by this ordinance. The Zoning Administrator, or his/her duly authorized representative, shall have the right to enter upon any premises in the city at reasonable times for the purpose of making inspections of buildings or premises necessary to carry out the enforcement of this ordinance.

SECTION 3 - DEFINITIONS

3.1 **INTERPRETATION OF CERTAIN WORDS AND PHRASES:** For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The word person includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word shall is mandatory, the word may is permissive.
- D. The word used or occupied includes the words intended, designed, or arranged to be used or occupied.
- E. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

3.2 **DEFINITIONS:** For the purpose of this ordinance, the following definitions shall apply:

ABANDONED: When a building, lot, or structure has become vacant or out of use for a continuous period as specified in this ordinance, or when the intention of the owner to permanently discontinue occupancy of the premises is apparent.

ABUTTING, ADJACENT, ADJOINING: Contiguous or sharing a common border or boundary with other property. Abutting, adjacent, and adjoining shall include property immediately across an alley, but shall not include property across a street.

ACCESSORY BUILDING: A subordinate building, excluding garages, having a use customarily incidental to the main structure. A structure housing an accessory use is considered part of the main structure and not an accessory building when it has any part of a wall in common with the main structure or is under an extension of the main roof and designed as part of the main structure.

ACCESSORY DWELLING: A single family dwelling ancillary to the primary commercial use of the property that is attached to the structure housing the primary business.

ACCESSORY USE: A land use subordinate to and customarily incidental to the primary use of the main structure or the premises.

ADMINISTRATIVE OR RESEARCH FACILITIES. A facility used for the management of an enterprise or research and development activities such as improving technologies, developing products and scientific research.

AGRICULTURAL ACTIVITY. Land used exclusively as a bonafide agricultural operation by the owner or tenant. The use of land for agricultural purposes including farming, horticulture, animal and poultry husbandry, and the necessary accessory uses, provided that the operation of the accessory use is clearly incidental to the agricultural activity. An accessory use shall include incidental sales by the producer of products raised on the farm.

ALLEY: A minor way which is used primarily for vehicular service access to the back or side of properties also abutting on a street.

ANTENNA: Any apparatus external to or attached to the exterior of a structure, together with any supporting structure for sending or receiving electromagnetic waves.

AREA OF THE LOT: That net portion of the lot which does not include portions of streets or alleys.

ASSISTED LIVING CENTER: A quasi-residential facility where room, board, and personal care services are provided within a structure containing multiple living quarters for seven (7) or more elderly persons who are not related to the owner. Personal care services include assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, or administration of medication by a person licensed to administer medication, as defined by the Personal Care Facility Licensing Act, Section 247.002, Texas Health and Safety Code, V.T.C.A.

AUTOMOBILE AND RV SALES. A structure and/or lot dedicated to the retail sale of new or used motor vehicles and boats.

AUTOMOTIVE WRECKING AND SALVAGE YARD. A business that stores three (3) or more wrecked vehicles outdoors for the purpose of selling the vehicles whole; or dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.

BAKERY: A place for baking or selling baked goods.

BAR: An establishment where 51% or more of the revenues are from the sale of alcoholic beverages.

BARN (OR STABLE): An accessory building having an agricultural or livestock use incidental to the main structure.

BASEMENT: A building story which is partly underground, but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

BASIC UTILITIES. Infrastructure services and the structures necessary to provide those services including electricity, natural gas, telephone, telecommunications, water, or sewer.

BED AND BREAKFAST FACILITIES. A detached dwelling in which rooms are rented and meals may be served to transient guests on an overnight basis.

BLOCK: An area enclosed by streets, or if said word is used as a term of measurement, it shall mean the distance along a side of a street between two (2) intersecting streets, or if the street is of a dead-end type, a block shall be considered to be measured between the nearest intersecting street and the end of such dead-end street. In cases where platting is incomplete or disconnected, the Zoning Administrator shall determine the outline of the block.

BOARD OF ADJUSTMENT/BOARD. The Board of Adjustment of the City of Azle, Texas.

BOARDING HOUSE: A building where lodging and meals for five (5) or more persons are served for compensation.

BREEZEWAY: A covered passage six (6) feet or more in length connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

BROADCASTING OR PRODUCTION STUDIOS: A structure designed for making and transmitting programs for radio or television or for the production/editing of films, videos, commercials, etc.

BUILDING. Any permanent structure designed, used, or intended to be used for human occupancy or use or to support the human occupancy or use of land, including manufactured homes.

BUILDABLE AREA: That portion of a building site, exclusive of the required yards, on which a structure or building improvement may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.

BUILDING: Any structure built for the support, shelter, and/or enclosure of persons, animals, possessions, or movable property of any kind.

BUILDING LINE: A line established beyond which no part of a building shall project, except as otherwise provided in this Chapter.

BUILDING PERMIT: A document signed by the Building Official or their authorized representative as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, repair, remodeling, rehabilitation, alteration, conversion, demolition, moving, installment, or portion of a structure or building, which acknowledges that such use or building complies with the provisions of this Chapter or an authorized variance or Specific Use Permit there from.

BUILDING SETBACK: The minimum horizontal distance between the front property line and the front wall of any projection of the structure, excluding steps and unenclosed porches.

BUSINESS: Includes retail, commercial, industrial, and manufacturing uses and zoning districts.

BUSINESS OR TRADE SCHOOL: A secondary school offering instruction in a professional, vocational, or technical field.

CARPORT. A partially enclosed structure used for the housing of motor vehicles, the property of, and for use only by the occupants of the lot upon which such structure is located. For purposes of zoning, a carport attached to a principal structure shall be regarded as part of that principal structure and not as an accessory structure. A detached carport shall be classified as an accessory structure.

CELLAR: A building story with more than one-half (1/2) of its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

CERTIFICATE OF OCCUPANCY. Certificate issued by the Building Official for the use of a building, structure or land, when it is determined by the Building Official that the building, structure or proposed land use complies with the provisions of all applicable Codes of the City of Azle.

CHURCH: A place of public worship and religious training including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel.

CITY COUNCIL: The governing body of the City of Azle, Texas.

CLINIC: Offices for one or more physicians, or other health care personnel, engaged in treating the sick or injured, but not including rooms with hospital beds for overnight care.

COLLEGE OR UNIVERSITY: An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees

COMMERCIAL PARKING LOTS: An area devoted to the standing, maneuvering, and circulation of motor vehicles in commercial areas.

COMMUNITY HOME FOR DISABLED PERSONS. A community-based residential home containing not more than six (6) disabled persons with two (2) supervisory personnel which meets the requirements of the Community Homes for the Disabled Persons Location Act, Tex. Hum. Res. Code Chapter 123.001, et seq. (Vernon 1990), as amended. `

COMMUNITY HOME: A home as defined in Chapter 123 of the Texas Human Resources Code.

COMMUNITY SERVICE. A structure or group of structures for a community's governmental, social, educational, and/or recreational activities. Community Service facilities include federal, state, county, and local government activities.

COMPREHENSIVE PLAN: The Comprehensive Plan of the city as adopted by the City Council. The Comprehensive Plan shall consist of a Land Use Plan, a Thoroughfare Plan, a Water System Plan, a Sanitary Sewer Plan, a Storm Drainage Plan, a Park System Plan, and such other plans as may be adopted from time-to-time by the City Council.

CONFERENCE/CONVENTION CENTERS: A facility with a capacity of greater than 500 seats used for conferences, conventions, seminars, or similar functions.

CONSTRUCTION EQUIPMENT SALES/STORAGE: A business involved in the sale or storage of construction equipment including backhoes, excavators, loaders, compactors, dozers, etc.

CONSTRUCTION MATERIALS SALES: A business involved in the sale of structure supplies and services including lumber, plywood, drywall, siding, windows, molding, cabinets, insulation, etc.

DAY CARE, ADULT : A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

DAY CARE, CHILD : means an establishment licensed by the state that provides care, protection and supervision for four or more children for periods of less than 24 hours per day on a regular basis for a fee or other compensation. This classification shall not include overnight lodging, medical treatment, counseling, and/or rehabilitative services and does not apply to any public school.

DISH ANTENNA: Any antenna which incorporates a reflective surface that is designed to transmit or receive microwave signals from terrestrial and/or orbital based uses.

DISTRIBUTION CENTER/WAREHOUSE, GENERAL: A facility where goods or products that are manufactured or assembled off-site are received and stored in bulk, and are then distributed to customers. .

DISTRICT, ZONING: A section of the city for which the regulations governing the use and development of properties are uniform for each type and class of structure.

DISTURBED AREA: An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including but not limited to filling.

DWELLING, ATTACHED: A building attached to another building by a common wall, such wall being a solid wall with or without windows and doors and a common roof.

DWELLING, DETACHED: A dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings without a common roof.

DWELLING, DUPLEX: A structure that contains two (2) attached dwellings that are separated by a fire-rated wall.

DWELLING, HUD-CODE MANUFACTURED HOME: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used

as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

DWELLING UNIT: A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters for one family and including facilities for food preparation and sleeping.

DWELLING, MULTI-FAMILY: A structure that contains three (3) or more dwellings and any ancillary uses.

DWELLING, SINGLE-FAMILY: A building arranged, intended or designed for one-family occupancy.

DWELLING, TWO-FAMILY: A building arranged, intended or designed for two-family occupancy.

EASEMENT: A grant of the right to use a strip of land for specific purposes.

EFFICIENCY APARTMENT: A dwelling unit having a combination living and bedroom, with no separate bedroom.

ELDERLY HOUSING: A structure licensed by the Texas Department of Aging and Disability, eighty (80) percent of whose occupants are fifty-five (55) years of age and older, and that; meets the definition of one (1) of the three (3) uses listed below:

Elderly Housing, Assisted Living: Services in these establishments include assistance with daily activities, such as dressing, grooming, bathing, etc.

Elderly Housing, Congregate Care Facility: A facility for long-term residence generally for persons fifty-five (55) years of age or older, and which shall include, without limitation, common dining, social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which shall include at least two (2) of the following: meals services, transportation, housekeeping, linen, and organized social activities.

Elderly Housing, Life Care Housing and Services: A residential complex, which may contain multi-family dwellings, attached dwellings, single-family dwelling and other types of dwellings and structures

designed for and principally occupied by senior citizens. Such facilities will include one of the following: A congregate meals program in a common dining area, assisted living housing, nursing home facilities, congregate care facilities, or medical facilities.

EQUESTRIAN FACILITIES: A structure or area for horseback riding activities including boarding, training, lessons, and shows.

EXTRATERRITORIAL JURISDICTION: The unincorporated area outside of and contiguous to the corporate boundaries of the City as defined and established in accordance with Chapter 42 of the Texas Local Government Code.

FABRICATING: The process of assembling using standardized parts.

FAMILY: One or more persons who are related by blood or marriage, living together, and occupying a single housekeeping unit or a group of not more than five (5) persons living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a non-profit, cost-sharing basis.

FEEDLOT: A lot, corral, yard, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term shall not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze, nor shall it allow the slaughter of said animals and livestock on premises.

FESTIVAL, CARNIVAL, OR FAIR: A temporary public or commercial gathering where entertainment, food, crafts, amusement rides, games of chance, and the like are offered to the public for viewing or sale.

FIELD OR CONSTRUCTION OFFICE: A temporary modular building located at a construction site which serves only as an office until the given construction work is completed.

FLOOR AREA: The total (net) usable square footage of floor space within the interior wall of a structure or room, including each floor level, but excluding cellars, mechanical rooms, attics, carports, or garages that are not designed for residential or business occupancy.

FLOOR AREA RATIO (FAR): The ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located.

FOOD PROCESSING FACILITIES: Industrial operations in which raw food is made suitable for consumption, cooking or storage. Such facilities include commercial slaughterhouses for poultry, livestock, or other animals, hog farms, and egg farms.

FREE STANDING EMERGENCY MEDICAL CARE FACILITY / URGENT CARE FACILITY: is a facility operating 24 hours a day, seven days a week, that is structurally separate and distinct from a hospital and which receives an individual and provides emergency care. Emergency care is defined as health care services provided in a freestanding emergency care facility to evaluate and stabilize a medical condition of a recent onset and severity, including severe pain, psychiatric disturbances, or symptoms of substance abuse, that would lead a prudent layperson possessing an average knowledge of medicine and health to believe that the person's condition, sickness, or injury is of such a nature that failure to get immediate medical care could result in:

- Placing the person's health in serious jeopardy
- Serious impairment to bodily functions
- Serious dysfunction of a bodily organ or part
- Serious disfigurement
- Or in the case of a pregnant woman, serious jeopardy to the health of the woman or fetus

GAMES OF CHANCE: Any electronic, electromechanical, or mechanical contrivance that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill.

GAMES OF SKILL: Any other electronic, electromechanical, or mechanical contrivance not deemed as a game of chance.

GARAGE, ATTACHED: A building designed primarily for storage of motor vehicles which shares a common wall with the main structure or is attached to the main structure by a breezeway.

GARAGE, DETACHED: A free standing building of similar construction and architecturally compatible with the main structure and designed primarily for storage of motor vehicles.

GARAGE, PUBLIC: A building or portion designed or used for the storage, sale, care, or repair of motor vehicles operated for commercial business purposes.

GARAGE PRIVATE PARKING: An accessory building, portion of a main building, or building attached thereto, used for the storage of private motor vehicles.

GRADE: The average elevation or level of the finished surface of the ground adjacent to the exterior wall of the structure.

GROUP HOMES FOR DISABLED PERSONS: A shared residential living arrangement which provides a family-type environment for six (6) or more handicapped persons supervised by one or more primary caregivers and has obtained a license to operate under the Personal Care Facilities Licensing Act. Tex. Health & Safety Code § 247.001 et.seq. A Group Home for Disabled Persons does not include Community Homes for Disabled Persons.

GROUP HOME: A profit or nonprofit facility, home, or structure for the protective care of persons, both adult and adolescent, who need a watchful environment, but do not have an illness, injury, or disability which requires chronic or convalescent care, including medical and nursing services. Protective care and watchful oversight includes, but is not limited to, a daily awareness by management of the residents' whereabouts, the asking and reminding of residents of their appointments for medical checkups, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care, with a twenty-four (24)-hour responsibility for the well-being of residents of the facility.

GROSS FLOOR AREA: Measured as the outside dimension of the structure at each floor level, excluding the floor area of basements or attics not used for occupancy.

HEAVY MANUFACTURING: Industrial operations for the production of a good using raw materials and mechanical power and machinery.

HEIGHT: The vertical distance measured from the average finish ground level within five (5) feet of the building, to the highest point of the building. In measuring the height of the building, the following structures shall be excluded: chimneys, cooling tower, radio antennas, ornamental cupolas or spires, elevator bulk heads, tanks, water towers, and parapet walls (not exceeding four (4) feet in height). In measuring the height of a building having a roof inclining more than one inch (1) per foot the highest point of the building shall be the mean height level of the top of the main plates and highest ridge.

HOME OCCUPATION: Any occupation that does not involve a structural change in the building nor requires the employment of help or displaying a sign and shall not include beauty schools or parlors or doctors' offices. The use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling.

HOSPITAL: An establishment which provides sleeping and eating facilities to

persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis; or a nursing home (see definition).

HOTEL OR MOTEL: A facility offering transient lodging accommodations to the general public at a daily rate for a period of time not to exceed thirty (30) days, and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

INDOOR AMUSEMENT: A facility providing game equipment for entertainment and amusement as a source of income. Games contained in the facility may include coin operated machines utilizing balls, pins, and baskets, video equipment, and pin balls. Other equipment may include skill games such as pool, billiards, shuffleboard, darts, and batting cages. Any combination of these games may be used in the facility. However, the combination of one (1) or more games of chance and/or three (3) or more games of skill shall constitute an amusement center.

INDOOR RECREATION: Indoor commercial uses which by their nature are recreational. Examples include bowling alleys, skating rinks, health clubs, racquetball or squash courts, indoor swimming pools, video arcades, pool halls, shooting range, etc.

JUNKYARD: A business that stores, buys, or sells materials that have been discarded or sold at a nominal price by a previous owner and that keeps all or part of the materials outdoors until disposing of them.

KENNEL: Any shelter where dogs or cats are bred, boarded, or held in return for payment. It includes the term "boarding kennel". Please refer to Chapter 2, Article 2.10 of the City of Azle Code of Ordinances for additional requirements and/or restrictions.

KINDERGARTEN: A school for children of pre-public school age in which constructive endeavors, object lessons, and helpful games are prominent features of the curriculum.

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

LIGHT MANUFACTURING: Industrial operations relying on the assembly of

products using parts previously developed from raw material and not classified as a point source of objectionable pollutants.

LIVESTOCK: Facilities for the raising, breeding, or maintenance of domestic animals including, but not limited to cattle, horses, sheep, swine, goats, and poultry. This definition does not include feed lots or similar uses.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, and scaled to delivery vehicles expected to be used.

LOT: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required, and having frontage on an approved public or private street. A lot may consist of a parcel of land designated as a lot on a plat filed in the County Plat Records.

LOT AREA: The area of a lot within the lot lines, expressed in square feet or acreage, including easements, and not including portions of any public street or alley.

LOT COVERAGE: The percentage of the total area of a lot occupied by the base (first story floor) of structure located on the lot.

LOT DEPTH: The mean horizontal distance from the front lot line to the rear lot line.

LOT FRONTAGE: The side of a lot which is adjacent to a street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered front yards, and yards shall be provided as indicated under *YARD* in this section.

LOT WIDTH: The horizontal distance between side lot lines, measured at the front building line, as established by the minimum front yard requirement of this ordinance.

LOT, CORNER: A lot abutting two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension.

LOT, INTERIOR: A lot whose side lines do not abut upon any street.

LOT, REVERSED FRONTAGE: A lot which has setback lines on both streets

equal to the front setback line as required by this ordinance unless such lots align back-to-back which would allow both lots to show a side yard setback along the side street.

LOT, THROUGH: An interior lot having frontage on two (2) streets.

LOT LINES: The lines bounding a lot as defined herein.

LOT LINE, FRONT: The boundary between a lot and the street on which it fronts.

LOT LINE, REAR: The boundary line which is opposite and most distant from the front street line.

LOT LINE, SIDE: Any lot boundary not a front or rear line. A side lot line may be a party lot line, a line bordering on an alley, or side street line.

MAIN (PRINCIPAL) STRUCTURE: The structure or structures on a lot, which are occupied by the primary use.

MANUFACTURE OF NON-ODIFEROUS FOODS: Industrial operations for the manufacturing of non-odiferous foods.

MAJOR EVENT ENTERTAINMENT: A structure or area with a capacity of greater than one thousand (1,000) seats for public performances and sporting events. Major event entertainment facilities include concert halls, stadiums, and arenas.

MEDICAL CENTER: A walk-in facility for medical, obstetrical, or surgical care limited to day use only.

MINI-WAREHOUSE OR SELF-STORAGE FACILITY: A totally enclosed facility involving one (1) or more buildings that contain individual, compartmentalized, and controlled access stalls or lockers of varying sizes not to exceed six hundred (600) square feet inside, designed and used for the purpose of individual storage spaces for tenants for the sole purpose of the ~~dead~~ storage of the tenants' goods, wares, or personal property. No retail, wholesale, manufacturing, fabrication, service, repair, office, transfer/storage business, or other business will be allowed. Additionally, the operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or similar equipment shall not be allowed. The storage of hazardous or flammable materials as designed by the Fire Marshal is expressly prohibited.

MINIMUM LIVING SPACE: The least amount allowed for a dwelling area. See

floor area in these definitions.

MOBILE HOME: A structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

NONCONFORMING USE OR STRUCTURE: Any structure or use of land lawful at the time of passage or amendment of this Chapter which does not conform, after the passage or amendment of this Chapter, with the regulations of the district in which it is located.

OCCUPANCY PERMIT: An official certificate issued by the city which indicates conformance with building, zoning, and health and safety regulations and authorizes legal use and occupancy of the premises for which it is issued.

OPEN SPACE: The area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves, or porches. Parking space is not considered open space.

OUTDOOR RECREATION: Outdoor commercial uses which by their nature are recreational such as golf courses, outdoor swimming pools, tennis courts, and basketball courts.

OUTDOOR STORAGE: The storage of any equipment, machinery, commodities, raw or semi finished materials, and building materials which are not within a fully enclosed building.

PARKING AREA: An open, unoccupied space exclusively for the parking of vehicles.

PARKING LOT: An off-street, all weather paved open surface area used exclusively for the parking of motor vehicles for less than a twenty-four (24) hour period.

PARKING SPACE: An unobstructed area for the storage of cars which meets the requirements of this ordinance.

PARK OR RECREATION, PUBLIC: The real property and improvements thereon owned, operated, or maintained by the City, university, or other public

entity, which are designed or used for recreational purposes and are available to the general public. The recreational purposes includes, but is not limited to public swimming pools, golf courses, tennis courts, stadiums, and recreational centers.

PARK OR RECREATION, PRIVATE: A noncommercial, not for profit facility designed to serve the open space and recreation needs of the residents of a development.

PERMITTED USES: Any use allowed in a zoning district without additional approval and subject to the restrictions applicable to a particular zoning district.

PERSON: Any corporation, partnership, association, or other artificial entity; or any individual; or any agent or employee of the foregoing.

PLANNING AND ZONING COMMISSION: The agency appointed by the City Council as an advisory body to it, and which is authorized to recommend to the City Council changes in zoning boundaries and the text of this ordinance.

PLAT: A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the city. The plat must be prepared by a professional civil engineer registered in the State of Texas or a Public Surveyor registered in the State of Texas. Reference to a plat in this ordinance means an official plat of record which has been approved by the Planning and Zoning Commission and filed in the plat records of Tarrant or Parker County.

PLAYGROUND: An outdoor area used for recreation.

PREMISES: Land together with any structures occupying it.

PRINTING/PUBLISHING: An establishment where printed material is produced, reproduced and/or copied by either a printing press, photographic reproduction techniques, or other similar techniques. This use does not include copy shops.

PRIVATE RECREATION: Belonging to or concerning a particular person or a group of persons.

PRIVATE CLUB: A group of people associated with or formally organized for a common purpose, interest or pleasure, including organizations with facilities for the storage, sale, possession, or serving of any alcoholic beverage permitted by the law of the State of Texas and where none of such facilities are available except to a member or their guests.

PROFESSIONAL SERVICES AND OFFICES: Offices used for the conduct of business-related activities, excluding the sale of merchandise or storing of merchandise on the premises.

QUICK VEHICLE SERVICING: A business providing service to the motoring public. Such uses can include gasoline sales, light repair, tune-ups, oil changes, transmission or drive train repairs to automobiles or light trucks. No outside storage of any automobiles or materials such as tires, auto parts, etc., is allowable. The sale of motor vehicles shall be prohibited

RECREATIONAL VEHICLE: A motorized vehicle, designed or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

RECREATIONAL VEHICLE PARK: A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle that is not a mobile home or HUD-code manufactured home.

RECYCLING BUSINESS: A business that is primarily engaged in:

- A. Converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value;
- B. Using raw material products of that kind in the production of new products; or
- C. Obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by Paragraph A or B.

RESIDENCE: A building occupied as the abiding place of one (1) or more persons which contains sleeping quarters, all appliances for cooking, ventilating, heating or lighting, and which shall be the principal building on any lot in residential zoning districts.

RESTAURANT: A structure that prepares and serves food to customers, including sit down, fast food, drive-through, and drive-in facilities.

RETAIL SALES AND SERVICE: A business established for the sale of goods or services to consumers, usually in small quantities (as opposed to wholesale) and does not include wholesale goods or services.

ROOM: A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters, but not including toilet or

cooking facilities.

SALVAGE YARD: Any lot or parcel of land on which wastes or used secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials include but are not limited to: scrap iron and other ferrous metals, paper; rags, rubber tires, bottles, discarded goods, machinery, or two (2) or more inoperable motor vehicles.

SANITARY LANDFILLS: A system of trash and garbage disposal in which the waste is buried between layers of earth.

SEXUALLY ORIENTED BUSINESS: Means:

(1) An adult arcade, adult bookstore, adult video store, adult novelty store, adult service establishment, adult cabaret, adult motel, adult theater, adult motion picture theater, escort agency, nude model business, sex parlor, or sexual encounter center, and/or

(2) Any establishment whose principal or primary business is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or whose employees or customers appear in a state of nudity, semi-nudity, or simulated nudity.

(3) The term "sexually oriented business" shall not be construed to include:

(A) Any business operated by or employing licensed psychologists, licensed physical therapists, registered massage therapists, registered nurses, licensed athletic trainers in the practice of their professions;

(B) Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts;

(C) Any retail establishment whose principal or primary business is the offering of wearing apparel for sale to customers and which does not exhibit merchandise on live models; or

(D) Any activity conducted or sponsored by any Texas Independent School

District, licensed or accredited private school, or public or private college or university.

Please refer to Chapter 4, Article 4.1100 of the City of Azle Code of Ordinances for additional requirements and/or restrictions.

SEXUALLY ORIENTED BUSINESS- ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

SEXUALLY ORIENTED BUSINESS- ADULT BOOKSTORE/ADULT VIDEO STORE:

- A. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter, or photo-graphs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; or
 - 2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
- B. For the purpose of this definition, a commercial establishment shall be considered to have as "one of its principal business purposes" the sale or rental of the materials described in (A) above, if:
 - 1. The establishment makes use of a sign visible from any public street, whether located on or off the property of the establishment, advertising the availability at the establishment of any materials described in (A);
 - 2. The establishment devotes more than thirty (30) percent of its total floor area which is open to the public to the display of items for sale or rental that are materials described in (A);
 - 3. More than thirty (30) percent of the total number of items displayed for sale or rental by the establishment are materials described in (A); or
 - 4. The establishment regularly maintains on the property for

sale or rental materials described in (A) whole total retail value is more than fifty (50) percent of the total retail value of all materials kept on the premises for sale or rental.

SEXUALLY ORIENTED BUSINESS- ADULT CABARET: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; or
- B. Live performances which are distinguished or characterized by an emphasis on "specified sexual activities" or the exposure of "specified anatomical areas"; or
- C. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

SEXUALLY ORIENTED BUSINESS- ADULT MOTEL: A hotel, motel, or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

SEXUALLY ORIENTED BUSINESS- ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

SEXUALLY ORIENTED BUSINESS- ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are distinguished or

characterized by an emphasis on "specified sexual activities" or the exposure of "specified anatomical areas."

SPECIFIC USE PERMIT: A permit recommended by the Planning and Zoning Commission and authorized by the City Council for the use of land or structures in accordance to the provisions of this ordinance.

STREET: A public way between two (2) right-of-way lines, other than an alley or private drive, which has been dedicated or deeded to the public and accepted by the city for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.

STORY: That part of a structure included between the surface of one (1) floor and the surface of the floor next above, or if there is no floor above, the part of the structure which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the adjoining ground level. The standard height for a story is eleven (11) feet, six (6) inches.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, and poster panels.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders, or any substantial changes in the roof or exterior walls excepting such repair or replacement as may be required for the safety of the structure, but not including openings in bearing walls as permitted by the city building code.

TRACT: An un-platted parcel of land described by metes and bounds and typically recorded in the County Deed Records.

VARIANCE: A modification or variation of the provisions of this ordinance, which may be approved by the Zoning Board of Adjustment as to a specific piece of property, in accordance with this ordinance.

VEHICLE: Every mechanical device in, upon, or by which any person or property is or may be transported or drawn upon a public highway except devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE STORAGE FACILITY: A garage, parking lot, or any type of facility used for the storing or parking of vehicles. The storing or selling of vehicle parts, the removal of vehicle parts from stored vehicles, and the repair or reconstruction of vehicles is prohibited. A vehicle storage facility does not include an “automobile graveyard” as defined in Section 391.001, Texas Transportation Code.

WHOLESALE NURSERIES: An area where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale in large quantities for resale purposes. The business may have up to fifty (50) percent retail sales in conjunction with the wholesale sales

WIND GENERATOR: is a machine that, powered by the energy of the wind, to power an electrical generator for making electricity.

WRECKER SERVICE: A wrecker or tow truck operator registered as such with the State of Texas.

YARD: An open space at grade between a structure and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except driveways and sidewalks and as otherwise provided.

YARD, FRONT: An open, unoccupied landscaped space on a lot facing a street between a building and a street line.

YARD, LAKE: A yard on a lot in a Lake Front Overlay District which is located between the structure and the property line which abuts the lake.

YARD, REAR: A yard between the rear lot line and the rear line of the main structure and the side lot lines.

YARD, SIDE: A yard between the structure and the side line of the lot and extending from the front yard to the required minimum rear yard.

ZONING ADMINISTRATOR: The administrator or the designee, appointed by the City Manager, to enforce and administer the terms of this ordinance. The individual whose decisions and interpretations may be appealed to the Zoning Board of Adjustment.

SECTION 4 - ZONING DISTRICTS REGULATIONS

4.1 ZONING DISTRICTS ESTABLISHED: For the purpose of this ordinance, the city is divided into the following zoning districts:

- E-1 Estate One District:** Single-family, detached, large-lot housing with minimum lot sizes of 43,560 square feet, with minimum lot widths of 200 feet, and with minimum living space of 2,200 square feet. (See Section 5 of this ordinance).
- E-2 Estate Two District:** Single-family, detached, large-lot housing with minimum lot sizes of 32,670 square feet, with minimum lot widths of 160 feet, and with minimum living space of 2,000 square feet. (See Section 6 of this ordinance).
- E-3 Estate Three District:** Single-family, detached, large-lot housing with minimum lot sizes of 20,000 square feet, with minimum lot widths of 100 feet, and with minimum living space of 1,800 square feet. (See Section 7 of this ordinance).
- SF-1 Single-Family One District:** Single-family, detached, medium size lots with minimum lot sizes of 10,000 square feet, with minimum lot widths of 75 feet, and with minimum living space of 1,800 square feet. (See Section 8 of this ordinance).
- SF-2 Single-Family Two District:** Single-family, detached, medium size lots with minimum lot sizes of 7,500 square feet, with minimum lot widths of 75 feet, and with minimum living space of 1,600 square feet. (See Section 9 of this ordinance).
- SF-3 Single-Family Three District:** Single-family, detached, medium size lots with a minimum lot sizes of 7,500 square feet, with minimum lot widths of 65 feet, and with minimum living space of 1,400 square feet. (See Section 10 of this ordinance).
- SF-3.5 Single-Family Three Point Five District:** The SF-3.5, Single Family 3.5 District, provides for smaller detached homes on medium sized lots in the city. This zoning district is limited to single-family homes with lots sizes of 6,500 square feet, with minimum lot widths of 65 feet and with minimum living space of 1,200 square feet. (See Section 10 of this ordinance).

- SF-4** **Single-Family Four District:** Single-family, detached, medium size lots for zero lot line, garden homes, or other with minimum lot sizes of 6,000 square feet, with minimum lot widths of 40 feet, and with minimum living space of 1,000 square feet. (See Section 11 of this ordinance).
- SF-5** **Single-Family Five District:** Single-family, detached, HUD code manufactured housing allowed as well as conventional homes, with minimum lot sizes of 6,000 square feet, with minimum lot widths of 60 feet, and with minimum living space of 900 square feet. (See Section 12 of this ordinance).
- SF-MHP** **Single-Family (HUD Code) Manufactured Home Park District:** Each home approved by the Building Official as meeting standards set by the U. S. Department of Housing and Urban Development is situated on a well-designed, master planned site containing special landscape design amenities. (See Section 13 of this ordinance).
- MD-1** **Medium Density One District:** Single-family, attached, small size lots for zero lot line, garden homes, or other with minimum lot sizes of 4,000 square feet, with minimum lot widths of 36 feet, and with minimum living space of 800 square feet. (See Section 14 of this ordinance).
- MD-2** **Medium Density Two District:** Town homes with minimum lot sizes of 3,600 square feet, with minimum lot widths of 36 feet, and with minimum living space of 800 square feet per dwelling unit. (See Section 15 of this ordinance).
- MF-1** **Multi-Family One District:** Multi-family dwelling units having site amenities at 16 dwelling units per acre maximum, with interconnected landscaped open spaces. (See Section 16 of this ordinance).
- MF-2** **Multi-Family Two District:** Multi-family dwelling units having site amenities at 24 dwelling units per acre maximum, with interconnected landscaped open spaces. (See Section 17 of this ordinance).
- O** **Office District:** Office uses with controlled small scale buildings and landscaped area design. (See Section 18 of this ordinance).

- C** **Commercial District:** Commercial, retail, and service shops and uses in either strip centers or free standing buildings. (See Section 19 of this ordinance).
- HC** **Heavy Commercial District:** Allows for commercial uses with the greatest impact upon public utilities, traffic and noise. (See Section 20 of this ordinance).
- CBD** **Central Business District:** Provides for a mixture of uses in the downtown area of the city. As a result, this zoning district will function as the true center of the city. (See Section 21 of this ordinance).
- IND** **Industrial District:** Warehousing, manufacturing, and office-warehousing buildings free from adverse aesthetic and environmental effects. (See Section 22 of this ordinance).
- INS** **Institutional District:** Churches, schools, community homes, health care housing, public buildings, parks, and related facilities are designated uses in this special zone. (See Section 23 of this ordinance).
- PD** **Planned Development District:** Promotes site plan design innovation, mixed uses and densities, and open space areas. (See Section 24 of this ordinance).
- LFO** **Lake Front Overlay District:** Applies special regulations to lots that abut on a lake. (See Section 25 of this ordinance).

4.2 RELATIONSHIP OF ZONING DISTRICTS: The term “more restricted zoning district” means one with fewer permitted uses, and the term “less restricted zoning district” means one with more permitted uses.

4.3 PERMITTED USES: All uses permitted in a particular zoning district are specifically listed in that zoning district. Any use not expressly listed is expressly prohibited. No structure shall hereafter be erected, altered, relocated, or converted, nor shall any building or land be occupied, used, or maintained for any purpose other than is permitted in the zoning district in which such structure or land is located. Manufactured housing is permitted only in zoning districts where it is specifically listed.

4.4 SPECIFIC USE PERMITS: Specific use permits may be approved by the city as specifically authorized in Section 32 of this ordinance, subject to full and

complete compliance with any and all conditions required in Section 32 of this ordinance, together with any other conditions as the City Council may impose. Any use accessory to an approved specific use permit shall be permitted without specific approval if it complies with the conditions for an accessory use as defined in this ordinance.

4.5 COMPLIANCE WITH DEVELOPMENT REGULATIONS: No structure that is hereafter erected, altered, relocated, or converted shall exceed the height, setback, floor area, lot coverage, density, or other development regulations of the zoning district in which it is located.

4.6 ACCESSORY USES: Any use may be established as an accessory use to a permitted use, Specific Use Permit, or temporary use in any zoning district when it complies with the conditions for an accessory use as defined in this ordinance.

4.7 OFFICIAL ZONING MAP:

A. GENERAL:

1. Zoning district boundaries shall be delineated on the current official zoning map of the city, with the map being considered to be a component of this ordinance as fully as if the map were drawn updated in detail herein. The zoning map shall be maintained up-to-date by the Zoning Administrator.
2. One (1) copy of the official zoning map shall be filed with the City Secretary and retained as the original record and shall not be changed in any manner.
3. Reproduction for information purposes may, from time-to-time, be made of the official zoning map.
4. Information items, such as school and park locations, may be placed on the official zoning map as deemed appropriate by the Zoning Administrator.

B. INTERPRETATION OF THE OFFICIAL ZONING MAP: The zoning district boundary lines shown on the official zoning map are usually along streets, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:

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

2. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
3. Boundaries indicated as approximately following railroad right-of-way lines shall be construed to be midway between the right-of-way lines.
4. Boundaries indicated as approximately following city limits shall be construed as following city limits.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
6. Boundaries indicated as approximately following shore lines shall be construed to follow such shore lines, in the event of change in the shore line, shall be construed as moving with the actual shore line, and boundaries indicated as approximately following the centerlines of streams rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
7. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval it is stated that the zoning classification shall not apply to the street.
8. Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such area is leased or contracted for building purposes, the zoning district line adjoining each side of that street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or public way, and all areas so involved shall then and henceforth be subject to all regulations of the extended zoning districts.
9. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by subsections 1 through 8 above, the City Council shall interpret the zoning district boundaries.

- 4.8 PERMITS:** No building permit, occupancy permit, or other permit shall be issued, nor shall any use be made of land or any structure within the city unless such land is located in one of the aforesaid zoning districts. If, because of error or omission in the official zoning map, any property in the city is not shown as being in a zoning district as defined in this ordinance, or if for any other reason the zoning cannot be properly determined on any property in the city, such property shall be classified as E-1, "Estate One" until changed by amendment.

4.9 NEW AND UNLISTED USES:

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

1. The Zoning Administrator shall refer the question concerning any new or unlisted use to the City Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation questions shall be accompanied by a statement of the facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount of nature thereof, enclosed or open storage, anticipated employment, and amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated.
2. The City Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district within which such use should be permitted.
3. The City Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendations of the City Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate.

- B.** Uses not listed may be permitted in any district where similar uses are permitted upon receiving a permit from the administration. The function and location requirements of the unlisted use must be consistent with the purpose and description of the zoning district, compatible with permitted

uses in the district, and similar in traffic generated capacity, noise, vibration, dust, odor, glare, and other characteristics.

4.10 PERMITTED USE SCHEDULE:

PERMITTED USES	Agriculture	Lake front Overlay	Estate -1	Estate - 2	Estate - 3	Single Family - 1	Single Family - 2	Single Family - 3	Single Family - 3.5	Single Family - 4	Single Family Manufactured Home	SF-MHP	Medium Density -1	Medium Density -2	Multi Family - 1	Multi Family - 2	Office	Central Business District	Institutional	Commercial	Heavy Commercial	Industrial
Residential Uses																						
Agriculture Activity	P																					
Livestock	L-1	L-1	L-1	L-1	L-1	L-1	L-1	L-1	L-1	L-1	L-1	L-1	L-1	L-1	L-1	L-1						
Single Family Detached	P	P	P	P	P	P	P	P	P	P												
Two Family / Duplex													P	P	P	P						
Accessory Dwellings																		L-4				
HUD Code Manufactured Homes										L-2	P	P										
Community Homes for the Disabled	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Multi-Family 3 or more units													S	S	P	P						
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Group Homes / Halfway House	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						
Accessory Buildings	L-3	L-3	L-3	L-3	L-3	L-3	L-3	L-3	L-3	L-3	L-3	L-3	L-3	L-3	L-3	L-3						
Educational Uses																						
Public Schools	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
College or University																	P	P	P	P	P	P
Private School														S	S	S	S	S	P	S	S	S
Trade School																	S	S	P	S	P	P
Adult or Child Day Care																	S	P	P	P	P	P
Child Day Care 12 children or less	S	S	S	S	S	S	S	S	S	S	S	S	S	S								
Institutional Uses																						
Basic Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Churches	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Conference / Convention Centers																	S	S	P	S	P	P
Cemeteries																			P			
Elderly Housing															P	P			P			
Hospital																			P	P	P	
Medical Centers																	P	P	P	P	P	P
Parks and Recreation (Public or Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wind Generator (Building Mounted)																	L-5	L-5	L-5	L-5	L-5	L-5
Wind Generator (Free Standing Monopole)	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6	L-6

PERMITTED USES	Agriculture	Lake front Overlay	Estate - 1	Estate - 2	Estate - 3	Single Family - 1	Single Family - 2	Single Family - 3	Single Family - 3.5	Single Family - 4	Single Family Manufactured Home	SF-MHP	Medium Density - 1	Medium Density - 2	Multi Family - 1	Multi Family - 2	Office	Central Business District	Institutional	Commercial	Heavy Commercial	Industrial
Commercial Uses																						
Auto and RV Sales																				P		P
Bar																		S		S	S	S
Bed and Breakfast	S	S	S	S	S													S				
Broadcasting or Production Studio																				P	P	P
Car Wash																				S	P	P
Commercial Parking Lots																	P	P	P	P	P	P
Equestrian Facilities	P																					
Equipment Rental																					P	P
Free Standing Emergency Medical Care Facility / Urgent Care																	L-12	L-12	L-12	L-12	L-12	L-12
Hotel / Motel																	S	S	S	P	P	P
Indoor Recreation																		P	P	P	P	P
Laundry Facilities																				S	P	P
Major Event Entertainment	S																			P	P	P
Medical Laboratories																	P	P	P	P	P	P
Movie Theaters																				P	P	P
Outdoor Recreation	P																			P	P	P
Private Club																		S		S	S	S
Professional Services and Offices																	P	P	P	P	P	P
Quick Vehicle Servicing																		P		P	P	P
Restaurant																	P	P	P	P	P	P
Retail Sales and Service																	S	P	P	P	P	P
RV Camp Ground/Park																				S	S	
Scientific Research																	P	P		P	P	P
Sexually Oriented Business																						S
Temporary Construction Office	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8	L-8
Vehicle Repair																					P	P
Industrial Uses																						
Bakeries																		P		P	P	P
Construction Material Sales																					P	P
Construction Equipment Sales / Storage																						P
Distribution Center																				P	P	P
Feed Lots	S																					
Food Processing	S																					S
Gas Wells/Oil Wells	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Junk Yards and Auto Wrecking																						S
Kennels	S																			L-11	L-11	L-11

PERMITTED USES	Agriculture	Lake front Overlay	Estate -1	Estate - 2	Estate -3	Single Family - 1	Single Family - 2	Single Family - 3	Single Family - 3.5	Single Family - 4	Single Family Manufactured Home	SF-MHP	Medium Density -1	Medium Density -2	Multi Family - 1	Multi Family - 2	Office	Central Business District	Institutional	Commercial	Heavy Commercial	Industrial
Industrial Uses (Continued)																						
Manufacturing, Light																		L-7		L-7	L-7	P
Manufacturing, Heavy																					L-7	P
Manufacturing of Non-odoriferous Foods																						P
Motor Freight Terminal																						P
Printing / Publishing																		P			P	P
Radio, TV or Cellular Towers																	S	S	S	S	S	S
Recycling Business																					S	P
Sanitary Landfills, Commercial Incinerators, Transfer Stations	S																					S
Self-service Storage																					P	P
Temporary Concrete Batch Plant	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Veterinary Clinics	P																			P	P	P
Wholesale Sales																				S	P	P
Wholesale Nurseries	P																					
Wholesale Storage and Distribution																					P	P
Wrecker Services and Impound lots																	L-9	L-9	L-9	L-9	L-9	L-10
Service Uses																						
Barber, Beauty & Nail Salon																	P	P		P	P	P
Dance Studio																	P	P		P	P	P
Fitness Facility																	P	P	P	P	P	P
Health Studio																	P	P	P	P	P	P
Tattoo Parlor																				P	P	P
Tanning Salon																		P		P	P	P

P- Permitted Use

S – Specific Use Permit Required

L – Permitted Use with designated limitations

L1 – Live stock are permitted in accordance with Chapter 2 of the City of Azle Code of Ordinances

L2 - HUD Code manufactured homes are allowed in the SF-4 district only when replacing an existing non-HUD Code trailer house.

L3 - Accessory structures directly related to an agriculture function are allowed without a primary structure on platted land greater than 5 acres.

L4 - Accessory Dwelling shall not exceed the total square footage of the primary use, including all ancillary uses. Accessory Dwelling are only allowed on properties with frontage on and addressed from Main Street. Accessory Dwellings must be attached to the structure housing the primary use. Only 1 Accessory Dwelling is allowed per platted lot

L5 - Building mounted wind generators may not extend higher than ten (10 feet above where the wind generator is mounted on the building. The height shall be measured from the base of the wind generator where it is mounted on the building to the highest point of the arc of the blades' elevation. If the wind generator does not use blades, then height is measured from the base of the wind generator where it is mounted on the building to the highest point of the wind generator.

L6 - Lots where the proposed wind generators will be located shall have a minimum lot area of two (2) acres. A maximum of one (1) wind generators is permitted by right. Wind generators shall be located a minimum of 150 feet from the property lines. Multiple wind generators are permitted only with approval of a SUP. The maximum height of a wind generators shall not exceed the maximum height of a structure per the zoning district without an SUP

L7 - No outside storage of materials is allowed. No measurable increase in ambient sound shall be detectable at the property line.

L8 - Temporary Construction Office may be erected 30 days prior to construction activities and shall be removed within 10 days of completion of construction activity

L9 - No vehicle storage allowed

L10 – A maximum of 30 vehicles may be stored

L-11 – A minimum separation of 500' from any outdoor kennel or run shall be maintained to any adjacent residential use.

L-12 – A minimum separation of 300' shall be maintained to any adjacent residential use

SECTION 5 - E-1, ESTATE ONE DISTRICT

5.1 INTENT: The E-1, Estate One District, provides for the largest lot sizes in the city. With wide lots and deep setbacks to the facades, luxury neighborhoods are created. This zoning district is limited to large-lot, single-family, detached homes with minimum lot sizes of 43,560 square feet, with minimum lot widths of 200 feet, and with minimum living space of 2,200 square feet.

5.2 PERMITTED USES: See Permitted Use Schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

5.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	43,560 square feet (1 acre)
B.	Minimum lot width	200 feet
	Of corner lot	210 feet
	Fronting cul-de-sac	60 feet
C.	Minimum front yard	50 feet
	On through lot	50 feet
D.	Minimum side yard	15 feet
	Of corner lot	35 feet
E.	Minimum rear yard	35 feet
F.	Maximum lot coverage	35%
G.	Maximum height	2 ½ stories
H.	Minimum living space	2,200 square feet
I.	Maximum accessory bldg.	Cumulative square footage not to exceed 10 % of lot size.

5.4 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 6 - E-2, ESTATE TWO DISTRICT

6.1 INTENT: The E-2, Estate Two District, provides for spacious lot sizes for single-family, detached housing. With wide lots and typical setbacks to the facades, high quality neighborhoods are created. This zoning district is limited to large-lot, single-family, detached homes with minimum lot sizes of 32,670 square feet, with minimum lot widths of 160 feet, and with minimum living space of 2,000 square feet.

6.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

6.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	32,670 square feet
B.	Minimum lot width	160 feet
	Of corner lot	170 feet
	Fronting cul-de-sac	50 feet
C.	Minimum front yard	35 feet
	On through lot	35 feet
D.	Minimum side yard	15 feet
	Of corner lot	20 feet
E.	Minimum rear yard	30 feet
F.	Maximum lot coverage	30%
G.	Maximum height	2 ½ stories
H.	Minimum living space	2,000 square feet
I.	Maximum accessory bldg.	Cumulative square footage not to exceed 10 % of lot size

6.4 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 7 - E-3, ESTATE THREE DISTRICT

7.1 INTENT: The E-3, Estate Three District, provides for spacious lot sizes for single-family detached housing. With wide lots and typical setbacks to the facades, high quality neighborhoods are created. This zoning district is limited to large-lot, single-family, detached homes with minimum lot sizes of 20,000 square feet, with minimum lot widths of 100 feet, and with minimum living space of 1,800 square feet.

7.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

7.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	20,000 square feet
B.	Minimum lot width	100 feet
	Of corner lot	110 feet
	Fronting cul-de-sac	40 feet
C.	Minimum front yard	25 feet
	On through lot	25 feet
D.	Minimum side yard	8 feet
	Of corner lot	20 feet
E.	Minimum rear yard	25 feet
F.	Maximum lot coverage	30%
G.	Maximum height	2 ½ stories
H.	Minimum living space	1,800 square feet
I.	Maximum accessory bldg.	Cumulative square footage not to exceed 10 % of lot size

7.4 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 8 - SF-1, SINGLE-FAMILY ONE DISTRICT

8.1 INTENT: The SF-1, Single-Family One District, provides for quality detached homes on medium sized lots in the city. This zoning district is limited to single-family homes with minimum lot sizes of 10,000 square feet, with minimum lot widths of 75 feet, and with minimum living space of 1,800 square feet.

8.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

8.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	10,000 square feet
B.	Minimum lot width	75 feet
	Of corner lot	90 feet
	Fronting cul-de-sac	40 feet
C.	Minimum front yard	25 feet
	On through lot	25 feet
D.	Minimum side yard	6 feet
	Of corner lot	15 feet
E.	Minimum rear yard	20 feet
F.	Maximum lot coverage	40%
G.	Maximum height	2 ½ stories
H.	Minimum living space	1,800 square feet
I.	Maximum accessory bldg.	Cumulative square footage not to exceed 10% of lot size

8.4 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 9 - SF-2, SINGLE-FAMILY TWO DISTRICT

9.1 INTENT: The SF-2, Single-Family Two District, provides for smaller detached homes on medium sized lots in the city. This zoning district is limited to single-family homes with minimum lot sizes of 7,500 square feet, with minimum lot widths of 75 feet, and with minimum living space of 1,600 square feet.

9.2 PERMITTED USES: See permitted use schedule in Section 4.9 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

9.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	7,500 square feet
B.	Minimum lot width	75 feet
	Of corner lot	90 feet
	Fronting cul-de-sac	40 feet
C.	Minimum front yard	25 feet
	On through lot	25 feet
D.	Minimum side yard	6 feet
	Of corner lot	15 feet
E.	Minimum rear yard	20 feet
F.	Maximum lot coverage	50%
G.	Maximum height	2 ½ stories
H.	Minimum living space	1,600 square feet
I.	Maximum accessory bldg.	Cumulative square footage not to exceed 10% of lot size

9.4 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 10 – SF-3, SINGLE-FAMILY THREE DISTRICT

10.1 INTENT: The SF-3, Single-Family Three District, provides for smaller detached homes on medium sized lots in the city. This zoning district is limited to single-family homes with minimum lot sizes of 7,500 square feet, with minimum lot widths of 65 feet, and with minimum living space of 1,400 square feet.

10.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

10.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	7,500 square feet
B.	Minimum lot width	65 feet
	Of corner lot	90 feet
	Fronting cul-de-sac	40 feet
C.	Minimum front yard	25 feet
	On through lot	25 feet
D.	Minimum side yard	6 feet
	Of corner lot	15 feet
E.	Minimum rear yard	20 feet
F.	Maximum lot coverage	50%
G.	Maximum height	2 ½ stories
H.	Minimum living space	1,400 square feet
I.	Maximum accessory bldg.	Cumulative square footage not to exceed 10% of lot size

10.4 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 10.1 – SF-3.5, SINGLE-FAMILY 3.5 DISTRICT

10.1.1 INTENT: The SF-3.5, Single Family 3.5 District, provides for smaller detached homes on medium sized lots in the city. This zoning district is limited to single-family homes with lots sizes of 6,500 square feet, with minimum lot widths of 65 feet and with minimum living space of 1,200 square feet.

10.1.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

10.1.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	6,500 square feet
B.	Minimum lot width	65 feet
	Of corner lot	90 feet
	Fronting cul-de-sac	40 feet
C.	Minimum front yard	25 feet
	On through lot	25 feet
D.	Minimum side yard	6 feet
	Of corner lot	15 feet
E.	Minimum rear yard	20 feet
F.	Maximum lot coverage	50%
G.	Maximum height	2 ½ stories
H.	Minimum living space	1,200 square feet
I.	Maximum accessory bldg.	cumulative square footage not to exceed 10 percent of lot size

10.1.4 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 11 - SF-4, SINGLE-FAMILY FOUR DISTRICT

11.1 INTENT: The SF-4, Single-Family Four District, provides for smaller detached homes on medium sized lots in the city. Zero lot line, garden homes and other more dense housing patterns are encouraged. This zoning district is limited to single-family homes with minimum lot sizes of 6,000 square feet, with minimum lot widths of 60 feet and with minimum living space of 1,000 square feet.

11.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

11.3 DEVELOPMENT REGULATIONS: especially

A.	Minimum lot area	6,000 square feet
B.	Minimum lot width	40 feet
	Of corner lot	50 feet
	Fronting cul-de-sac	30 feet
C.	Minimum front yard	20 feet
	On through lot	25 feet
D.	Minimum side yard	0 on zero lot line side and 6 feet on the other
	Of a corner lot	15 feet
E.	Minimum rear yard	20 feet
	On lake edge contour	0 feet
F.	Minimum distance between principal or accessory buildings on adjacent lots	6 feet
H.	Maximum lot coverage	60%
I.	Maximum height	2 ½ stories
J.	Minimum living space	1,000 square feet
K.	Maximum accessory bldg.	Cumulative square footage not to exceed 10% of lot size

11.4 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 12 - SF-5, SINGLE-FAMILY FIVE DISTRICT

12.1 INTENT: The SF-5, Single-Family Five District, provides for HUD-Code Manufactured Homes on residential lots in the city as well as traditionally built housing. This zoning district is limited to single-family homes with minimum lot sizes of 6,000 square feet, with minimum lot widths of 60 feet, and with minimum living space of 900 square feet.

12.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

12.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	6,000 square feet
B.	Minimum lot width	60 feet
	Of corner lot	60 feet
	Fronting cul-de-sac	40 feet
C.	Minimum front yard	25 feet
	On through lot	25 feet
D.	Minimum side yard	6 feet
	Of corner lot	15 feet
E.	Minimum rear yard	20 feet
F.	Maximum lot coverage	40%
G.	Maximum height	1 story
H.	Minimum living space	900 square feet
I.	Maximum accessory bldg.	Cumulative square footage not to exceed 10% of lot size

12.4 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

12.5 SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES:

- A. UNDERPINNING:** The underpinning of a manufactured home is required and shall be of a material approved by and installed within the minimum specifications of the Texas Department of Labor and the Department of Housing and Urban Development of the United States of America. Such underpinning shall be installed immediately upon delivery of the manufactured home to the premises. Manufactured homes that are anchored by a permanent foundation will not require underpinning described in this Section.
- B. UNDER SKIRTING:** The under skirting of a manufactured home is required and shall be constructed from a material with characteristics equal to or exceeding that of the exterior siding of the manufactured home, and shall be of a material approved by the Building Official of the city. Such under skirting shall be of a material suitable for ground contact and shall be fitted with the necessary vents, screens, and/or openings, the number, size, and placement of which shall be approved by the Building Official. Such under skirting shall be installed prior to building final.
- C. BUILDING PERMIT:** A building permit must be obtained from the Building Official prior to the placement of any manufactured home on any lot, tract, or parcel of land in the SF-5, Single Family Detached Manufactured Home District.

SECTION 13 - SF-MHP, SINGLE-FAMILY (HUD CODE)
MANUFACTURED HOME PARK DISTRICT

13.1 INTENT: The SF-MHP, Single-Family Manufactured Home Park District provides for the well-planned placement of HUD Code manufactured homes within the city. Each home shall be situated within a master planned site in such a manner that proper light, air, and paved pedestrian and vehicular circulation is provided to each dwelling unit. Additionally, the appropriate amount of landscape materials shall be provided on-site as an amenity for all residents of that zoning district. When this zoning district abuts other zoning districts, an eight (8) foot high solid masonry, stockade-type fence, or permanent landscaped screening shall be provided and maintained in good condition.

13.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

13.3 DEVELOPMENT REGULATIONS:

- | | | |
|----|--|------------------|
| A. | Maximum density | 6 units per acre |
| B. | Minimum lot area | 5 acres |
| C. | Minimum lot width | 60 feet |
| D. | Minimum lot depth | 100 feet |
| E. | Minimum front yard | 20 feet |
| F. | Minimum side yard | 10 feet |
| G. | Minimum rear yard | 10 feet |
| H. | Maximum building height | 1 story |
| I. | Maximum lot coverage | 50% |
| J. | Parking distances - A minimum of two (2) off street parking spaces shall be provided for each dwelling unit. The off street parking space shall be located on the same lot as the dwelling unit. | |

13.4 DEVELOPMENT PLAN: All zoning applications for the SF-MHP shall conform to the submittal requirements of the Planned Development District.

13.5 EXCEPTIONS: The provisions contained in the Permitted Use Section of this Section shall not apply to temporary real estate sales offices, manufactured home sales lots where the sales office is a manufactured home of the type shown for sale on the sales lot, and contractor's temporary offices located on construction sites during periods of construction only.

13.6 APPLICATION FOR APPROVAL: The applications for approval shall be filed in triplicate and contain:

- A. Name and address of the applicant.
- B. Location and legal description of the manufactured home park.
- C. Complete plan of the park in conformity with the requirements established in the development plan.
- D. Preliminary plans and specifications of all buildings, improvements, and facilities to be constructed within the manufactured home park.
- E. Such further information that may be requested by the Building Official to determine if the proposed park will comply with legal requirements.

13.7 ADDITIONAL DEVELOPMENT REQUIREMENTS: Each manufactured home park shall conform to the following requirements:

- A. The manufactured home park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- B. Pad space for each manufactured home shall be 125% of total square footage area of the manufactured home.
- C. Each manufactured home shall be situated on each space so that there shall be at least a ten (10) foot side yard. The end clearance shall not be less than twenty (20) feet with manufactured homes parked end to end.
- D. Manufactured home spaces shall not abut any private drive or street less than twenty-eight (28) feet in width, which shall have unobstructed access to a public street, alley, or highway.

- E. Each manufactured home park shall be at least five (5) acres.
- F. All parking spaces, walk-ways, and internal vehicular circulation shall be asphalt or concrete surfaces.

13.8 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

13.9 SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES:

- A. **UNDERPINNING:** The underpinning of a manufactured home is required and shall be of a material approved by and installed within the minimum specifications of the Texas Department of Labor and the Department of Housing and Urban Development of the United States of America. Such underpinning shall be installed immediately upon delivery of the manufactured home to the premises. Manufactured homes that are anchored by a permanent foundation will not require underpinning described in this Section.
- B. **UNDER SKIRTING:** The under skirting of a manufactured home is required and shall be constructed from a material with characteristics equal to or exceeding that of the exterior siding of the manufactured home, and shall be of a material approved by the Building Official of the city. Such under skirting shall be of a material suitable for ground contact and shall be fitted with the necessary vents, screens, and/or openings, the number, size, and placement of which shall be approved by the building official. Such under skirting shall be installed prior to the building final.
- C. **INSPECTION:** The Building Official shall inspect and approve all structures placed in the SF-MHP, Single Family Manufactured Home Park District and shall prepare minimum specifications for the under skirting of homes in this district as described in Subsection B of this Section.
- D. **BUILDING PERMIT:** A building permit must be obtained from the Building Official prior to the placement of any manufactured home on any lot, tract, or parcel of land in the SF-MHP, Single Family Manufactured Home Park District.

SECTION 14 - MD-1, MEDIUM DENSITY ONE DISTRICT

14.1 INTENT: The MD-1, Medium Density One District, provides for smaller attached homes on smaller sized lots in the city. Zero lot line, garden homes and other more denser, clustered housing patterns are encouraged. This zoning district is limited to single-family homes with minimum lot sizes of 4,000 square feet, with minimum lot widths of 36 feet, and with minimum living space of 800 square feet.

14.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

14.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	4,000 square feet
B.	Minimum lot width	36 feet
	Of corner lot	50 feet
	Fronting cul-de-sac	30 feet
C.	Minimum front yard	25 feet
	On through lot	25 feet
D.	Minimum side yard	0 on zero lot line side and 6 feet on the other
	Of corner lot	15 feet
E.	Minimum rear yard	15 feet
F.	Maximum lot coverage	50%
G.	Maximum height	2 ½ stories
H.	Minimum living space	800 square feet
I.	Maximum accessory bldg.	10 % of lot size

14.4 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 15 - MD-2, MEDIUM DENSITY TWO DISTRICT

15.1 INTENT: The MD-2, Medium Density Two District, provides for duplex and townhomes with no more than eight (8) dwelling units per acre, allowing for maximum usable open space areas for communal use, and easy access from each dwelling unit.

15.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

15.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	3,600 square feet per unit
B.	Minimum lot width	36 feet
	Of corner lot	50 feet
	Fronting cul-de-sac	30 feet
C.	Minimum front yard	25 feet
	On through lot	25 feet
D.	Minimum side yard	None
	Of corner lot	15 feet
E.	Minimum rear yard	15 feet
F.	Maximum lot coverage	50%
G.	Maximum height	2 ½ stories
H.	Minimum living space	800 square feet per dwelling unit
I.	Maximum accessory bldg.	10 % of lot size

15.4 ADDITIONAL DEVELOPMENT REQUIREMENTS:

- A. All parking spaces, walkways, and internal vehicular circulation shall be asphalt or concrete surfaces.

15.5 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 16 - MF-1, MULTI-FAMILY ONE DISTRICT

16.1 INTENT: The MF-1, Multi-Family One District, provides for a housing density of sixteen (16) dwelling units per acre, allowing for maximum usable open space areas for communal use and having easy access to all residents. The MF-1, Multi-Family One District shall have frontage and direct access to major thoroughfares or collectors only, with no vehicular access to minor residential streets. As an option for residents of the city, the MF-1, Multi-Family One District intends to provide high quality, garden-like residential appearance, interconnected open spaces, and well-landscaped parking areas with internal circulation. When appropriate, the interconnected open spaces of the zoning district shall have access to parks, trails, and other open public areas.

16.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

16.3 DEVELOPMENT REGULATIONS:

A.	Maximum density	16 units per acre
B.	Minimum lot area	8,400 square feet
C.	Minimum lot width	60 feet
D.	Minimum front yard	25 feet
E.	Minimum rear yard	30 feet
F.	Minimum side yard	20 feet between buildings with 15 feet on a corner lot.
G.	Maximum building height	3 stories
H.	Maximum lot coverage	66%
I.	Minimum open space	600 square feet for the first bedroom; 300 square feet for each additional bedroom
J.	Parking distances	The off-street parking spaces designated for each dwelling unit shall be located within 100 feet of the dwelling unit served by such spaces.
L.	Minimum floor areas per	Efficiency – 500 square feet; one bedroom dwelling unit, 700 square feet; two bedrooms, 900 square feet; three bedrooms, 1,000 square feet

16.4 ADDITIONAL DEVELOPMENT REQUIREMENTS:

- A. All parking spaces, walkways and internal vehicular circulation shall be asphalt or concrete surfaces.

16.5 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 17 - MF-2, MULTI-FAMILY TWO DISTRICT

17.1 INTENT: The MF-2, Multi-Family Two District, provides for a housing density of twenty-four (24) dwelling units per acre, allowing for maximum usable open space areas having easy access to all residents. This zoning district is usually designed as two (2) story garden apartments with on-grade parking and well landscaped green areas, but other design variations for clustering are allowed. The MF-2 District shall have frontage and direct access to major thoroughfares or collectors only, with no vehicular access to minor residential streets. As an option for residents of the city, the MF-2 District intends to provide high quality housing, a garden-like residential appearance, interconnected open spaces, and well-landscaped parking areas with internal circulation. When appropriate, the interconnected open spaces of the zoning district shall have access to parks, trails, and other open public areas.

17.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

17.3 DEVELOPMENT REGULATIONS:

A.	Maximum density	24 units per acre
B.	Minimum lot area	None
C.	Minimum lot width	200 feet
D.	Minimum front yard	25 feet
E.	Minimum rear yard	30 feet
F.	Minimum side yard	20 feet between buildings with 15 feet on a corner lot.
G.	Maximum building height	3 stories
H.	Maximum lot coverage	40%
I.	Minimum open space	100 square feet for first bedroom and 50 square feet for each additional bedroom
J.	Parking distances	The off-street parking spaces designated for each dwelling unit shall be located within 100 feet of dwelling unit served.
L.	Minimum floor area per	Efficiency, 500 square feet; one bedroom - dwelling unit, 700 square feet, two bedroom, 900 square feet; three bedroom,

1,000 square feet; efficiency units shall not exceed 10% of total dwelling units

17.4 ADDITIONAL DEVELOPMENT REQUIREMENTS:

- A. All parking spaces, walkways, and internal vehicular circulation shall be asphalt or concrete surfaces.

17.5 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 18 - O, OFFICE DISTRICT

18.1 INTENT: The O, Office District, allows for the construction of small scale buildings of high quality which are well designed and coordinated with one another. This zoning district is designed to allow business uses compatible to the wooded, hilly, lake-oriented, residential design character of the city and that are compatible to the surrounding areas and adjacent land uses. This zoning district allows a lower overall intensity of use and development when compared to other commercial categories. It is particularly well suited for environmentally sensitive areas and those sites in which natural limitations make full area utilization unfeasible. It has been established to encourage and permit general professional and business offices of high site quality and appearance, in attractive landscaped surroundings. This zoning district should generally be located in areas abutting arterial and/or collector streets which are, because of location and development trends, suitable for the establishment of office uses that are compatible with residential uses, thereby maintaining the character and integrity of existing and developing neighborhoods. This zoning district also serves as a transitional zone between commercial and residential development.

18.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

18.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	None
B.	Minimum lot width	None
C.	Minimum front yard	10 feet
D.	Minimum rear yard	20 feet
E.	Minimum side yard	15 feet
F.	Maximum building height	3 stories
G.	Maximum lot coverage	35%
H.	Maximum floor area ratio	2:1
I.	Minimum open space	Shall be in accordance with Section 29

18.4 OUTSIDE STORAGE: No outside storage or display of goods, wares, or merchandise shall be allowed in this zoning district. Sidewalk sales are prohibited.

- 18.5 SIGNS:** Signs may be erected in accordance with the sign ordinance.
- 18.6 ARRANGEMENT OF USES:** Permitted uses, specific use permits, and accessory uses (Section 32 of this ordinance) may be located in separate structures or within the same building. A detached accessory building must conform in appearance to the main building with architecturally compatible construction and by utilizing like kind materials and design.
- 18.7 OFF-STREET PARKING AND LOADING:** Off-street parking and loading shall be in accordance with Section 28 of this ordinance.
- 18.8 SCREENING:** Screening shall be in accordance with Section 27 of this ordinance.
- 18.9 ACCESSORY BUILDINGS AND STRUCTURES:** Accessory buildings and structures shall be in accordance with Section 27 of this ordinance.
- 18.10 LANDSCAPING:** Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 19 - C, COMMERCIAL DISTRICT

19.1 INTENT: The C, Commercial District, allows for a mix of office, service, and retail shops and uses in either strip centers or free standing buildings. One of the purposes of the C, Commercial District, is to accommodate the development of shopping centers utilizing a single, unifying design theme for at least one (1) side of one contiguous city block. Well designed contemporary shopping areas shall be coordinated within each zoning district to accommodate different sized shops and stores.

19.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

19.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	None
B.	Minimum lot width	None
C.	Minimum front yard	25 feet
D.	Minimum rear yard	20 feet
E.	Minimum side yard	15 feet
F.	Maximum building height	3 stories
G.	Maximum lot coverage	75%
H.	Maximum floor area ratio	2:1
I.	Minimum open space	Shall be in accordance with Section 29

19.4 OUTSIDE STORAGE: Outdoor storage is permitted.

19.5 SIGNS: Signs may be erected in accordance with the sign ordinance.

19.6 ARRANGEMENT OF USES: Permitted uses, specific use permits and accessory uses (Section 32 of this ordinance) may be located in separate structures or within the same building. A detached accessory building must conform in appearance to the main building with architecturally compatible construction and by utilizing like kind materials and design.

- 19.7 OFF-STREET PARKING AND LOADING:** Off-street parking and loading shall be in accordance with Section 28 of this ordinance.
- 19.8 SCREENING:** Screening shall be in accordance with Section 27 of this ordinance.
- 19.9 ACCESSORY BUILDINGS AND STRUCTURES:** Accessory buildings and structures shall be in accordance with Section 27 of this ordinance.
- 19.10 LANDSCAPING:** Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 20 - HC, HEAVY COMMERCIAL DISTRICT

20.1 INTENT: The HC, Heavy Commercial District, allows for commercial uses with the greatest impact upon public utilities, traffic, and noise; as well as allowing all uses from the C, Commercial District.

20.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

20.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	None
B.	Minimum lot width	None
C.	Minimum front yard	25 feet
D.	Minimum rear yard	20 feet
E.	Minimum side yard	15 feet
F.	Maximum building height	3 stories
G.	Maximum lot coverage	75%
H.	Maximum floor area ratio	2:1
I.	Minimum open space	Shall be in accordance with Section 29

20.4 OUTSIDE STORAGE: Outdoor storage is permitted.

20.5 SIGNS: Signs may be erected in accordance with the sign ordinance.

20.6 ARRANGEMENT OF USES: Permitted uses, specific use permits and accessory uses (Section 32 of this ordinance) may be located in separate structures or within the same building. A detached accessory building must

conform in appearance to the main building with architecturally compatible construction and by utilizing like kind materials and design.

20.7 OFF-STREET PARKING AND LOADING: Off street parking and loading shall be in accordance with Section 28 of this ordinance.

20.8 SCREENING: Screening shall be in accordance with Section 27 of this ordinance.

20.9 ACCESSORY BUILDINGS AND STRUCTURES: Accessory buildings and structures shall be in accordance with Section 27 of this ordinance.

20.10 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 21 - CBD, CENTRAL BUSINESS DISTRICT

21.1 INTENT: The CBD, Central Business District, provides for a mixture of uses in the downtown area of the city. As a result of this mixing, it is expected that a special economic and social climate will be promoted. The mixture of uses and permissive regulations in this zoning district are designed to improve business, thus promoting an overall sense of community spirit and design imagery. As a result, this zoning district will function as the true center of the city. Since the zoning district extends along a major thoroughfare, the CBD, Central Business District may be considered as a linear corridor of mixed uses containing residential, commercial, manufacturing and assembly, and community facilities.

A variety of uses are allowed in this zoning district. However, no use should have obnoxious or offensive odors, soot, dust, noise, gas, or generate undue truck traffic. Public facilities and buildings, such as schools, lodges and civic clubs, parks, day care, and other community uses are encouraged to be mixed within the CBD, Central Business District.

21.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

21.3 DEVELOPMENT REGULATIONS:

- | | | |
|----|-----------------------------|--|
| A. | Maximum residential density | None |
| B. | Minimum lot area | None |
| C. | Minimum lot width | None |
| D. | Minimum front yard | None |
| E. | Minimum rear yard | 30 feet |
| F. | Minimum side yard | None |
| G. | Maximum building height | 3 stories |
| H. | Maximum lot coverage | None |
| I. | Minimum open space | Shall be in accordance with section 29 |

- J. **Parking distances** The off-street parking spaces designated for each dwelling unit shall be located within 100 feet of the dwelling unit served by such parking site.

21.4 OUTDOOR STORAGE: Outdoor storage is permitted.

21.5 SIGNS: Signs may be erected in accordance with the sign ordinance.

21.6 ARRANGEMENT OF USES: Permitted uses, specific use permits and accessory uses (Section 32 of this ordinance) may be located in separate structures or within the same building. A detached accessory building must conform in appearance to the main building with architecturally compatible construction and by utilizing like kind materials and design.

21.7 OFF-STREET PARKING AND LOADING: Off-street parking and loading shall be in accordance with Section 28 of this ordinance.

21.8 SCREENING: Screening shall be in accordance with Section 27 of this ordinance.

21.9 ACCESSORY BUILDINGS AND STRUCTURES: Accessory buildings and structures “excluding accessory dwelling” shall be in accordance with Section 27 of this ordinance.

21.10 LANDSCAPING: Landscaping shall be in accordance with Section 29 of this ordinance.

21.11 SPECIAL REQUIREMENTS:

- A. It is intended that the maximum area devoted to manufacturing be limited to 20% of the total area of the CBD.
- B. No manufacturing or assembly plants may be located within 250 feet of the property line of an existing manufacturing area within the CBD. These uses may be in separate structures or located within the same building as other residential, commercial, manufacturing and assembly plants, or community facilities.
- C. Accessory Dwellings shall not exceed the total square footage of the primary use, including all ancillary uses.

- D. Accessory Dwellings are only permitted on properties with frontage and addressed on Main Street.
- E. Accessory Dwellings must be attached to the structure housing the primary use.
- F. Only one (1) Accessory Dwelling is allowed per lot of record.

SECTION 22 - I, INDUSTRIAL DISTRICT

- 22.1 INTENT:** The I, Industrial District, is intended to provide the opportunity for warehousing, manufacturing and office-warehousing in the city. To promote the image of quality and properly blend with the buildings in other city zoning districts, buildings in the I, Industrial District, shall have all facades of quality, long-lasting patterns and materials, and landscaped front yards. Environmental performance standards shall be maintained in accordance with current city ordinances.

Sexually oriented businesses permitted in this district must be located:

- A. At least 1,000 feet from any school, church, day care, public park, public playground, residential district, or lot devoted to a residential use;
- B. 1,000 feet from other sexually oriented businesses

The distance requirements outlined above shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior walls of the structures in which the businesses are located to the nearest property line.

No more than one (1) sexually oriented business may be located in the same building, structure, or portion thereof.

- 22.2 PERMITTED USES:** See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

22.3 DEVELOPMENT REGULATIONS:

- | | | |
|----|-------------------------|--|
| A. | Minimum lot area | None |
| B. | Minimum lot width | 50 feet |
| C. | Minimum front yard | 25 feet |
| D. | Minimum rear yard | 20 feet |
| E. | Minimum side yard | 10 feet |
| F. | Maximum building height | 3 stories |
| H. | Minimum open space | Shall be in accordance with section 29 |

- 22.4 OUTDOOR STORAGE:** Outdoor storage is permitted.

- 22.5 SIGNS:** Signs may be erected in accordance with the sign ordinance.

- 22.6 ARRANGEMENT OF USES:** Permitted uses, specific use permits, and accessory uses (Section 32 of this ordinance) may be located in separate structures or within the same building. A detached accessory building must conform in appearance to the main building with architecturally compatible construction and by utilizing like kind materials and design.
- 22.7 OFF-STREET PARKING AND LOADING:** Off-street parking and loading shall be in accordance with Section 28 of this ordinance.
- 22.8 SCREENING:** Screening shall be in accordance with Section 27 of this ordinance.
- 22.9 ACCESSORY BUILDINGS AND STRUCTURES:** Accessory buildings and structures shall be in accordance with Section 27 of this ordinance.
- 22.10 LANDSCAPING:** Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 23 - INS, INSTITUTIONAL DISTRICT

- 23.1 INTENT:** The INS, Institutional District, is intended for those publicly-owned uses related to the public welfare or for those privately-owned uses related to the public welfare by nature of use and/or design.

Many privately-owned or governmental-type uses permitted in the INS, Institutional District, may be designed to obtain open space advantages by utilizing land that would otherwise be prohibited or difficult to develop.

Because the uses permitted in the INS, Institutional District may vary in size and number of structures and uses, an application for INS zoning on more than one acre shall include a development plan.

- 23.2 PERMITTED USES:** See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

23.3 DEVELOPMENT REGULATIONS:

- | | | |
|----|----------------------|-------------------|
| A. | Minimum lot area | 5,000 square feet |
| B. | Minimum lot width | 50 feet |
| C. | Minimum front yard | 25 feet |
| D. | Minimum rear yard | 25 feet |
| E. | Minimum side yard | 15 feet |
| F. | Maximum bldg. height | 4 stories |

*Any building in excess of 2 stories or thirty-five (35) feet in height shall be set back an additional five (5) feet from each property line for each story in excess of 2 stories or thirty-five (35) feet.

- 23.4 OUTDOOR STORAGE:** Outdoor storage is permitted.

- 23.5 SIGNS:** Signs may be erected in accordance with the sign ordinance.

- 23.6 ARRANGEMENT OF USES:** Permitted uses, specific use permits and accessory uses (Section 32 of this ordinance) may be located in separate structures or within the same building. A detached accessory building must conform in appearance to the main building with architecturally compatible construction and by utilizing like kind materials and design.
- 23.7 OFF-STREET PARKING AND LOADING:** Off-street parking and loading shall be in accordance with Section 28 of this ordinance.
- 23.8 SCREENING:** Screening shall be in accordance with Section 27 of this ordinance.
- 23.9 ACCESSORY BUILDINGS AND STRUCTURES:** Accessory buildings and structures shall be in accordance with Section 27 of this ordinance.
- 23.10 LANDSCAPING:** Landscaping shall be in accordance with Section 29 of this ordinance.

SECTION 24 - PD, PLANNED DEVELOPMENT DISTRICT

- 24.1 INTENT:** The planned development district, PD, is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations, and to permit growth flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood. A PD district may be used to permit new and innovative concepts in land utilization.

While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to ensure against misuse of the increased flexibility.

- 24.2 PERMITTED USES:** Any use shall be permitted if such use is specified in the ordinance granting a planned development district. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this ordinance.

24.3 DEVELOPMENT REQUIREMENTS:

- A. Development requirements for each separate PD district shall be set forth in the ordinance granting the PD district and may include but not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building size, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. In the PD district, if uses conform to the standards and regulations of the zoning district to which it is most similar, the particular district must be stated in the application. All applications to the city shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).
- C. The PD district shall conform to all other sections of the ordinance unless specifically excluded in the granting ordinance.

- D. The minimum acreage for a PD district request shall be two (2) acres for non-residential development and five (5) acres for residential development.
- E. For multi-family uses a common open space shall be designated for the leisure and recreational use of the occupants. The open space shall be a minimum of 10% of the total land area devoted to the multi-family use. This requirement may be varied downward by the City Council when a lesser amount of open space would be more appropriate based on the density of the development, the installation of private recreational amenities, or where the availability and nature of adjacent public open space is such that a lesser amount would adequately accommodate the development.

24.4 APPROVAL PROCESS: In establishing a PD district in accordance with this section, the City Council shall approve and file, as part of the amending ordinance, appropriate plans and standards for each PD district. During the review and public hearing process, the Planning and Zoning Commission and City Council shall require a conceptual plan and/or a detail site plan.

- A. Conceptual Plan: This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed PD district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
 - 1. A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. 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.
 - 2. A conceptual 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 Planning and Zoning Commission or City Council, may include but is not limited to the types of use(s), topography and boundary of PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building height and location, parking ratios, and other information to adequately

describe the proposed development and to provide data for approval which is to be used in drafting the final detailed plan.

- B. Detailed Site Plan: This plan shall set forth the final plans for development of the PD district and shall conform to the data presented and approved on the conceptual plan. Approval of the detailed plan shall be the basis for issuance of a building permit. The detailed plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The detailed plan must be approved by the City Council upon recommendation of the Planning and Zoning Commission.

The detailed site plan shall include:

1. A site inventory analysis including a scale drawing showing 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.
2. 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 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 .
3. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between buildings and property lines, street lines and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
4. A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.

5. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the Planning and Zoning Commission or City Council, if deemed appropriate.
6. Any or all of the required information may be incorporated on a single drawing if one (1) drawing is clear and can be evaluated by the city manager or his designated representatives.
7. Supplemental data. All concept or detail site plans may have supplemental data describing standards, schedules, or other data pertinent to the development of the PD district which is to be included in the text of the amending ordinance. Additional information needed to adequately analyze the development may be required by planning staff, the Planning and Zoning Commission or the City Council.

24.5 ESTABLISHMENT OF DISTRICT: Procedure for establishing a PD district shall follow the procedure for zoning amendments as set forth in the code of ordinances. This procedure is further expanded as follows for approval of conceptual and development plans.

- A. Separate public hearings shall be held by the Planning and Zoning Commission and City Council for the approval of the conceptual plan and the detailed plan or any section of the detailed plan unless such requirement is waived by the City Council when it is determined a single public hearing is adequate. A single public hearing is adequate when:
 1. The applicant submits adequate data with the request for the PD district to fulfill the requirements for both plans.
 2. Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from this plan.
 3. The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
- B. The ordinance establishing the PD district shall not be approved until the conceptual plan is approved unless the conceptual plan step is bypassed.
 1. The detailed plan may be approved in sections. When the plan is approved in sections, then separate approvals by the Planning and Zoning Commission and City Council for the initial and

subsequent sections will be required. If the detailed plan is approved in phases a conceptual plan for the entire site shall be approved by the City Council upon recommendation of the Planning and Zoning Commission.

- 24.6 STAFF REPORT:** When a PD district is being considered, a written staff report shall be submitted to the Planning and Zoning Commission and City Council discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic.
- 24.7 ZONING MAP:** All PD districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such PD districts, shall be maintained in the appendix of this ordinance.
- 24.8 MINOR AMENDMENTS TO A DETAILED PLAN:** Upon request of the applicant, the city manager or his designee may authorize minor amendments to a detail plan so long as such minor amendments do not change the land use or substantially change the character, development standards, or design of the development as shown on the approved detailed plan. For purposes of this provision, a “substantial change” shall mean a change which will increase the number of proposed dwelling units, increase the floor to area ratio, size of structure, height, lot coverage, or number of stories or buildings, reduce lot, yard, or space size, decrease the amount of required off-street parking spaces, change types of buildings, setback, street access points, or lots, or increase density, change traffic patterns, or alter the basic relationship of the proposed development to adjacent properties. The city manager or his designee shall make such authorization only in writing and such document shall be placed in the ordinance file governing the specific plan.
- 24.9 PLANNED DEVELOPMENT ORDINANCES CONTINUED:** Prior to adoption of this ordinance, the City Council had established various PD districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations, and requirements which apply to the respective PD districts shown on the zoning map at the date of adoption of this ordinance

SECTION 25 - LFO, LAKE FRONT OVERLAY DISTRICT

- 25.1 INTENT:** The LFO, Lake Front Overlay District is intended to allow enjoyment of lake related activities by property owners while addressing unique characteristics of lake front property and providing reasonable protection for nearby property owners.

The LFO District applies to any lot that abuts a body of water under the jurisdiction of the Tarrant Regional Water District. Notwithstanding anything in this ordinance to the contrary, the following regulations shall apply to properties within the LFO District and shall supersede the regulations of the underlying zoning district to the extent of any conflict.

25.2 SPECIAL REGULATIONS:

- A. Uses in Front Yard: Any use permitted in a rear yard in the underlying zoning district is permitted in the front yard of LFO District property, subject to the following restrictions:
 - 1. The normal front yard building setback applies.
 - 2. Liquid propane tanks, water well equipment, water softeners, etc. shall be allowed behind the building setback line, provided they are screened against being viewed from the street by using landscaping materials architecturally compatible with the main structure. Such equipment shall be allowed between the building setback line and a line 75 feet from the building line provided they are screened from view. Such equipment will be allowed behind the aforementioned 75 foot line without screening.
- B. Uses in Lake Yard: Any use permitted in a rear yard in the underlying zoning district is permitted in the lake yard.
- C. The minimum required lake yard is 35 feet.
- D. Accessory buildings in the lake yard may abut the lake property line.
- E. Minimum lot width requirements may be waived during the platting or re-platting process.

SECTION 26 – AG, AGRICULTURAL DISTRICT

26.1 INTENT: The AG, Agricultural District, allows for the general continuation of certain farm, ranching, and non-urban uses of land which is not anticipated to be put to an urban-developed use in the immediate future. This district classification is to be used only in the outlying areas of the City's urban development, in newly annexed areas, or on major tracts of land containing five (5) or more acres of land.

26.2 PERMITTED USES: See permitted use schedule in Section 4.10 of this ordinance. NOTE: (S) indicates that a specific use permit must be issued in accordance with the requirements of Section 32 of this ordinance.

26.3 DEVELOPMENT REGULATIONS:

A.	Minimum lot area	5.0 acres
B.	Minimum lot width	150 feet
C.	Minimum front yard	25 feet
D.	Minimum rear yard	20 feet
E.	Minimum side yard	6 feet
F.	Maximum building height	2 stories
G.	Maximum lot coverage	25%
H.	Minimum living area	1,450 square feet

26.4 SIGNS: Signs shall be erected in accordance with the sign ordinance.

26.5 LIVESTOCK AND FOWL: Livestock and fowl may be maintained in accordance with the city Animal Control Regulations.

26.6 ACCESSORY BUILDINGS AND STRUCTURES: Accessory buildings and structures shall be in accordance with Section 27 of this ordinance.

26.7 SPECIAL EXCEPTION: After public notice and hearing and appropriate conditions, the Zoning Board of Adjustment may permit, as a special exception in AG District, the minimum lot area of 2.5 acres.

SECTION 27 - SUPPLEMENTARY REGULATIONS

27.1 GENERAL: Except as otherwise specifically provided in this ordinance, the regulations set forth in this Section shall apply in all zoning districts.

27.2 ACCESSORY BUILDING REGULATIONS:

- A. No accessory building shall exceed ten percent (10%) of total lot area except where otherwise provided in this ordinance.
- B. In shopping areas in the Commercial and Central Business Districts, the maximum number of kiosks and/or vendors' carts shall be one per 20,000 square feet of gross useable floor area of shopping area.
- C. No accessory building shall be constructed or placed upon a lot until construction of the principal building has commenced and no accessory building shall be used or occupied until the principal building is completed and is being used or occupied.

Exception. On properties greater than 5 acres an accessory building related to an agriculture activity may be constructed without a principal building.

- D. No accessory building shall exceed the height of the principal building.
- E. No accessory building shall be located forward of the principal building on the lot. Accessory buildings may be located in the required side or rear yard provided they are no closer than five (5) feet to any property line and ten (10) feet to the principal building.
- F. Mechanical equipment such as air conditioning compressors, swimming pool pumps and filters, and similar devices may be installed in the side yard at a maximum height of sixty (60) inches above the ground level of the graded lot.
- G. A detached garage is excluded from any accessory building maximum area restrictions, but shall be subject to the maximum lot coverage restrictions of the zoning district in which it is situated.

27.3 FRONT YARD REGULATIONS:

- A. When a building line has been established by an approved plat and such line requires a greater or lesser front yard setback than is prescribed by this ordinance for the zoning district in which the building line is located, the required front yard shall comply with the building line so established by such plat. The Zoning Board of Adjustment may grant a variance to the required front yard as in other cases.
- B. On through lots, a required front yard shall be provided on both streets. On through lots that are bounded on three (3) sides by streets, all yards between the main building and a street shall be regulated as front yards unless a front, side, and rear building line have been established by plat.
- C. Garages, carports, and similar structures shall meet the required front yard setback applicable to the principal building.
- D. Unobstructed line of sight provisions for safety shall be promoted and established by constructing or erecting fences, walls, screens, billboards, signs, structures, or maintaining growth of foliage in a manner to maintain a clear sight line for drivers of vehicles at elevations between thirty (30) inches and ten (10) feet above the average grade of the street. A triangular area of clear sight shall be developed by extending the side and front property lines at a corner lot for twenty-five (25) feet in each direction from their point of intersection and connecting these points with an imaginary line, thereby creating a triangle. In instances where streets do not intersect at approximate right angles, the Zoning Administrator shall have the authority to vary these requirements to provide safety for both vehicular and pedestrian traffic.

27.4 SIDE YARD REGULATIONS:

- A. On corner lots platted after the effective date of this ordinance a required front yard shall be provided on one street and the required side yard on the other street.
- B. When the side property line of any residential lot abuts the rear of another lot the side building line adjacent to the street shall be platted at the same depth as the adjacent front building line, unless an alley is constructed between the two (2) lots so as to provide a minimum fifteen (15) foot separation between the building lines.

27.5 HEIGHT REGULATIONS: In all zoning districts, the following items may exceed the height requirements for the main structure.

- A. Water standpipes and tanks, antennas, satellite dishes, church steeples, domes and spires may be erected in excess of the maximum height of the zoning district, provided each required yard shall be increased by one (1) additional foot for each foot that such structures exceed thirty-five (35) feet in height.
- B. Utility poles and towers, sports lighting, antennas, satellite dishes, and water tanks which exceed thirty-five (35) feet in height, require approval by specific use permit.
- C. Flagpoles and their structures shall be limited to a maximum height of thirty-five (35) feet except in the CBD, C, HC and I zoning districts where the maximum permitted height is fifty (50) feet.

27.6 SCREENING WALLS OR VISUAL BARRIERS: No fence, screen, wall, or other visual barrier shall be erected which may be deemed a hazard or threat to the public health, safety, and general welfare of the community. In the event that the side or rear yard of any property zoned INS, MF, C, HC, CBD, O, or I abuts upon any residential zoning district, a solid screening wall or fence at least eight (8) feet in height shall be erected on the property line separating these zoning districts. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

- A. The owner of such non-residential property shall be responsible for, and shall build and maintain the required wall or fence on the property line dividing the property from the residential zoning district.
- B. In instances where the Planning and Zoning Commission and/or City Council finds this requirement to be better met by an irrigated landscape materials screen or by a buffer of not less than fifty (50) feet of open space, the same may be substituted for the screening wall.

27.7 SIGNS: The height, spacing, size, location, illumination, construction, and other regulations of signs, shall be in conformance with the requirements of the sign ordinance.

SECTION 27A - NEW CONSTRUCTION DESIGN CRITERIA

27.1A INTENT: It is the intent of the design criteria to provide guidelines for construction materials for new residential and business construction in order to blend with surrounding structures and provide an esthetically, pleasing appearance, as well as, insure sound construction quality.

27.2A APPLICABILITY: All projects/developments platted after December 2004 shall be subject to the requirements of this section

- A. For the purposes of this section the term masonry shall include brick, stone, concrete, split faced concrete masonry units, and faux stone, cement siding or brick. The Building Official shall have the authority to approve alternate materials as meeting the definition of masonry.
- B. Concrete masonry units that do not have any distinctive architectural relief shall not be utilized to meet the minimum masonry requirements except for portions of the building that are not visible from the public right of way.

27.3A RESIDENTIAL DISTRICTS: For all new construction in the E-1, E-2, E-3 SF-1, SF-2, SF-3, SF-3.5, SF-4, SF-5, LFO, MD-1 and MD-2 zoning districts, the following is required:

- A. A minimum of sixty-five percent (65%) of the exterior walls, exclusive of doors and windows, of each dwelling unit shall be constructed of masonry.
- B. A minimum of a two (2) car garage shall be provided for each detached single family dwelling unit, a minimum one (1) car garage shall be provided for each unit of a duplex dwelling, and a minimum of one (1) covered parking space shall be provided for each unit of a triplex or four-plex dwelling.
- C. Subdivision screening fences shall be provided where the subdivision abuts an arterial or a collector street. The screening fence shall be constructed of masonry as defined in Section 27.2A. The fence shall be a minimum of six (6) feet in height. Cement siding is not permitted as a fencing material.
- D. Dumpsters shall be surrounded on three (3) sides by a six (6) foot tall masonry fence or other material as approved by the Building Official. Dumpster enclosures shall be provided with an opaque gate.
- E. Screening fences in compliance with Section 27.6 shall be provided where a non-residential use abuts a residential use or zoning district. The screening fence shall be constructed of masonry or other approved materials.

27.4A MULTIFAMILY DISTRICTS: For all new construction in the MF-1 and MF-2 zoning districts, the following is required:

- A. A minimum of sixty-five percent (65%) of the exterior walls, exclusive of doors and windows, of each structure shall be constructed of masonry.
- B. Subdivision screening fences shall be provided where the subdivision abuts an arterial or a collector street. The screening fence shall be constructed of masonry as defined in Section 27.2A. The fence shall be a minimum of six (6) feet in height. Cement siding is not permitted as a fencing material.
- C. A minimum of one (1) covered parking space shall be provided for each dwelling unit.
- D. Dumpsters shall be surrounded on three sides by a six (6) foot tall masonry fence or other material as approved by the Building Official. Dumpster enclosures shall be provided with an opaque gate.

27.5A COMMERCIAL DISTRICTS: For all new construction in the Office, Commercial, Heavy Commercial, Institutional, and Central Business Districts, the following is required:

- A. Minimum of seventy-five percent (75%) of the exterior walls, exclusive of doors and windows, of each structure shall be constructed of masonry.
- B. Dumpsters shall be surrounded on three (3) sides by a six (6) foot tall masonry fence or other material as approved by the Building Official. Dumpster enclosures shall be provided with an opaque gate.
- C. Screening fences in compliance with Section 27.6 shall be provided where the development abuts a residential zoning district. The screening fence shall be constructed of masonry or other approved materials. Cement siding is not permitted as a fencing material.

27.6A INDUSTRIAL DISTRICT: For all new construction in the Industrial District, the following is required:

- A. Dumpsters shall be surrounded on three (3) sides by a six (6) foot tall masonry fence or other material as approved by the Building Official. Dumpster enclosures shall be provided with an opaque gate.
- B. Screening fences in compliance with Section 27.6 shall be provided where the development abuts a residential zoning district. The screening fence shall be constructed of masonry or other approved materials. Cement siding is not permitted as a fencing material.

SECTION 28 - PARKING AND LOADING

28.1 PARKING: Each zoning district is subject to the applicable provisions of the following section.

28.2 GENERAL: In order to promote safety, traffic efficiencies, orderly automobile storage, and recognize the dependency on the automobile as the major means of transportation, the city recognizes the impact of parking and building loading and unloading on its patterning of the city. For this reason, all development plans submitted for building permit approval (as a part of the review process to determine zoning conformance) shall contain indications of the specific locations of required on-site parking spaces and loading spaces. The following general conditions for parking and loading areas apply in all zoning districts except where noted. In residential, this DOES NOT include the garage.

28.3 ZONING DISTRICT PARKING AND LOADING SPACE SCHEDULE - MINIMUM NUMBER OF OFF-STREET SPACES: Each zoning district has minimum requirements for the number of parking spaces. Where calculation in accordance with the following results in requiring a fractional space, any fraction less than 0.5 shall be disregarded, and any fraction of 0.5 or more shall require one (1) space. ZONING DISTRICT PARKING SPACE SCHEDULE INDICATES THE NUMBERS OF REQUIRED OFF-STREET SPACES BY ZONING DISTRICT:

<u>ZONING DISTRICT PARKING AND LOADING SPACE SCHEDULE</u>		<u>MINIMUM REQUIRED PARKING SPACES</u>
E-1	Estate One	2.0
E-2	Estate Two	2.0
E-3	Estate Three	2.0
SF-1	Single-Family One	2.0
SF-2	Single-Family Two	2.0
SF-3	Single-Family Three	2.0
SF-4	Single-Family Four	2.0

**ZONING DISTRICT PARKING AND
LOADING SPACE SCHEDULE**

**MINIMUM REQUIRED
PARKING SPACES**

SF-5	Single-Family Five	2.0
SF-MHP	Single-Family Manufactured Home Park	2.0
MD-1	Medium Density One	2.0
MD-2	Medium Density Two	5.0
MF-1	Multi-Family One (per dwelling unit)	See Section 28.6
MF-2	Multi-Family Two (per dwelling unit)	See Section 28.6
O	Office	See Section 28.6
C	Commercial	See Section 28.6
HC	Heavy Commercial	See Section 28.6
CBD	Central Business	See Section 28.6
I	Industrial	See Section 28.6
INS	Institutional	See Section 28.6
PUD	Planned Unit Development	See Section 28.6

28.4 LOADING SPACE CBD DISTRICT: For the CBD District the following loading space requirements apply.

In these districts, all nonresidential buildings shall provide and maintain off-street loading and unloading facilities for merchandise and goods within the building or on the lot adjacent to a public alley or private service driveway. Such space shall consist of a minimum area of ten (10) feet by twenty-five (25) feet for each 20,000 square feet of gross lease floor space or fraction thereof, in excess of 3,000 square feet in the building or on the lot used for those purposes.

28.5 INDUSTRIAL DISTRICT PARKING: For I, Industrial District, the required number of parking spaces shall be:

- A. Less than 5,000 square feet at 1.5 spaces for each 500 square feet of floor area.
- B. Over 5,001 square feet at 15 spaces plus 1.0 space for each 333 square feet of ground floor area over 5,001 square feet.
- C. Over 10,001 square feet at 28.0 spaces plus 1.0 for each 200 square feet of ground floor area in excess of 10,001 square feet.
- D. Over 50,001 square feet according to worker density and normal accepted national parking standards.

28.6 USE PARKING SPACE SCHEDULE: This schedule supplements the aforementioned Section Zoning District Parking Spaces. The more restrictive of these two schedules shall be the requirement.

USE PARKING SPACE SCHEDULE

Apartments	1 bedroom – 1.5 spaces
	2 bedrooms – 1.75 spaces
	3 bedrooms – 2 spaces
	>3 bedrooms – 1 space per bedroom
Apt. Guest Parking	0-30 spaces – 1 space per each 5 required
	31-60 spaces – 5 spaces +1 per each 10 spaces over 30
	>60 spaces – 8 spaces +1 per each 15 spaces over 60
Bank	1 per 300 square feet of floor area
Bowling Alley	6 per each lane
Churches	1 per 4 seats in main sanctuary

College/University	1 per 2 students, plus 1 per class room, laboratory, or instruction area
Day care, nursery, kindergarten	1 per 10 pupils based on design capacity
Exercise, weight-lifting	1 per 250 square feet of floor area
Furniture/large appliances	1 per 400 square feet of floor area
Gymnasium, skating rinks	1 per 3 seats at a maximum seating capacity
Martial Arts school	1 per 100 square feet of floor area
Hospitals	1 per 2 beds
Indoor running tracks	1 per 120 linear feet
Nursing home	10 plus 1 per 4 rooms or beds, whichever is greater
Other commercial amusements	1 per 3 persons accommodated (design capacity)
Racquetball/handball courts	3 per court
Swimming pool	1 per 100 square feet of gross water surface and deck area
Tennis court	6 per court

Vehicle repair garage	3 per service bay, plus 1 per employee (maximum shift), plus 1 per tow truck or other service vehicle
Hotel/motel	1 per room, unit or guest accommodation, plus specified requirements for restaurants, meeting rooms, and related facilities
Library or museum	10, plus 1 per 300 square feet of floor area
Mortuary	1 per 2 persons normally accommodated in services or 1 per 200 square feet of floor area, whichever is greater
Office, general	1 per 300 square feet of floor area
Office, medical	1 per 175 square feet of floor area
Office/showroom or Office/warehouse	1 per 1,000 square feet of floor area warehousing requirement plus 1 per 300 square feet of office or sales area
Theaters, meeting rooms	1 per 3 seats
Public assembly	1 per 100 square feet of floor area or per 3 persons under maximum occupancy load, whichever is greater
Restaurant, cafeteria, or cafe	1 per 100 square feet of floor area or 1 per each 3 seats of maximum seating arrangement, whichever is greater
Restaurant, carry-out only	1 per 100 square feet of floor area
Drive-in eating and drinking	12 plus 1 per 50 square feet of floor area

Cocktail lounges, taverns, and similar establishments	1 per 100 square feet of floor area
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Retail or personal service	1 per 200 square feet of floor area
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Shopping centers, storage, wholesaling, or warehousing	1 per 2 employees or 1 per 1,000 square feet of floor area, whichever is greater
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28.7 RECREATIONAL AREA OR STRUCTURE, PRIVATE OR COMMERCIAL (OTHER THAN LISTED ABOVE): One (1) space for every two (2) persons to be normally accommodated in the establishment.

28.8 SCHOOLS: Elementary at 1 per 15 students, middle at 1 per 14 students, 9-10 grades at 1 per 6 students, 11-12 grades at 1 per 200 square foot of gross floor area. All calculations shall be made at building design capacities.

28.9 ADDITIONAL GENERALIZED USE CATEGORIES: For those uses listed in the use chart of Section 4, which are not matched with a parking requirement in the above Sections or are additional populations needing accommodation, the following standards shall apply or be added:

Educational, Institutional, and special uses	1 per employee
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Transportation, utility, and communications	1 per employee plus 1 per stored vehicle
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Accessory and incidental	1 per employee
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Automobile sales and related uses	1 ½ per employee plus 1 per stored vehicle
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Retail	1 per 200 square feet
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Service	1 per 200 square feet
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Contract Construction	1 per employee, plus 1 per company vehicle
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28.10 SUPPLEMENTAL OFF-STREET PARKING REQUIREMENTS: For the purposes of this Section, parking lot is defined as a paved surface (other than driveway) used for the parking of motor vehicles of 1,000 pounds or more gross weight.

- A. In computing the parking requirements for any lot, the total parking requirements shall be the sum of the specific parking space requirements for each use included on that lot.
- B. Where multiple uses are proposed for a building, the parking requirements shall be calculated on the basis of the most restrictive requirements unless specific areas of different uses are delineated by floor or building segment.
- C. Wherever a non-residential parking lot is located across the street from, or adjacent to, residentially zoned property, and is designed so that headlight beams will shine into residences (whether or not such residences have been built at the time the parking lot is constructed), an irrigated earthen berm or a wall or fence or other screening material of not less than three (3) feet in height above the finished grade of the off-street parking area shall be erected and maintained so as to provide a headlight screen for the residential zoning district.
- D. Parking spaces shall be provided with sufficient space for entering and exiting without backing onto a public street. Parking spaces on the perimeter of the parking lot and abutting a property line shall have a wheel stop or curb as a barrier two (2) feet from the end of the parking space.
- E. For MF Districts, the off-street parking spaces designated for each dwelling unit shall be located within one hundred (100) feet of the dwelling unit served by such spaces.
- F. For E, SF and MD Districts, no heavy load vehicle, truck trailer, truck tractor, manufactured home, motor home, camper, trailer, boat, machinery, farm equipment or machinery, or any other similar equipment or machinery (called collectively "Equipment") shall be parked or left standing for more than two (2) days out of any consecutive seven (7) day period within the front yard between the front building line and the front property line or within the side yard of a corner lot between the side building line and the side property line on the side of the lot abutting a street or public right-of-way.

G. In no instance shall any heavy load vehicle, truck trailer, truck tractor, manufactured home, motor home, camper, trailer, boat, machinery, farm equipment or machinery, or any other similar equipment or machinery (called collectively "Equipment"), including motor vehicles, trucks or vans be parked or left standing at any time on a surface other than a driveway or paved parking lot.

1. The driveway shall be located either:

a. between the street or alley on the one hand, and on the other, a garage or carport.

b. in the side yard adjacent to the main building.

2. In addition, no more than fifty percent (50%) of the front yard shall be a driveway.

a. In no instance shall such "equipment" be parked or left standing in any zoning district, including MF Districts, closer than five (5) feet to the front property line.

28.11 SAME LOT REQUIREMENT: In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney and shall be filed with the application for a building permit or a certificate of occupancy.

28.12 REQUIRED PAVING: Parking spaces and loading spaces shall have an asphalt or concrete surface, whether enclosed or unenclosed and shall be connected by an asphalt or concrete paved driveway (of approved specifications) to a street or alley where curb cuts are provided. Drainage shall be in accordance with city standards.

Exceptions:

a. On residential lots where the driveway exceeds 150 feet alternate materials approved by the street department and fire marshal may be utilized. Materials shall be all weather and capable of supporting a 56,000 pound axle load

- b. On Industrial (Ins) zoned properties where heavy truck loads are required, alternative materials approved by the street department and fire marshal may be utilized. Materials shall be all weather and capable of supporting a 56,000 pound axle load. Employee and customer parking shall meet the design standards of this Section.

28.13 PARKING GARAGES AND COMPUTATIONS: The floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.

28.14 CALCULATING FOR MIXED USE: Where a lot or tract of land is used for a combination of uses or mixed uses, the off-street parking requirements shall be the composite or sum of the requirements for each type of use and no off-street parking space provided for one type use or building shall be included in calculating the off-street parking requirements for any other use or building except as prescribed by ordinance.

28.15 RESTRICTED AREAS AND PARKING SPACE RESERVATIONS:

- A. No off-street parking spaces shall be located, either in whole or in part, in a public street or sidewalk, parkway, alley, or other public right-of-way.
- B. No off-street parking or loading space shall be located, either in whole or in part, within any fire lane required by ordinance of the city or within aisles, driveways, or maneuvering areas necessary to provide reasonable access to any parking space.
- C. No required off-street commercial parking facility or loading space shall be used for sales, non-vehicular storage, repair, or service activities.

28.16 NIGHT LIGHTING NUISANCES: Lighting standards shall be so arranged as to cast light upon only the tract housing the lighting and not upon any residentially zoned property. The lighting shall not reflect toward traffic flow so as to hinder the vision of any vehicle operators. Lighting shall be designed so that the measurable amount at the property line does not exceed 1 foot candle.

28.17 PAVING AND PARKING SPACES IN REQUIRED SETBACKS: No approved paving materials shall be allowed in a right-of-way or in any required setback where parking spaces are prohibited unless such paving is intended to be used as a driveway approach approved for access to property, or if such paving is required to meet minimum city sidewalk standards.

28.18 DISTANCE REQUIREMENTS: No part of a parked vehicle may extend over the public sidewalk or the public right-of-way.

28.19 PROHIBITED VEHICLES IN PARKING SPACES: Cars, vans, trucks, recreational vehicles, trailers, or boats shall not be permanently connected to sewer lines, water lines, or electricity. The recreational vehicle, trailer, or boat may be connected to electricity temporarily for charging batteries.

28.20 CBD PARKING AND REQUIRED SITE PLAN INDICATING PARKING: CBD parking and required site plan indicating parking shall be submitted as part of the application process for both a building permit

28.21 PARKING FROM BUILDING LINE TO STREET: No parking or the storing of “junked” and “abandoned” vehicles, as defined by state law and the city’s junked vehicle ordinance, is allowed in the area between the building line and the street edge.

28.22 REQUIRED LOADING FOR MANUFACTURING AND ASSEMBLY PLANTS, COMMUNITY FACILITY AND COMMERCIAL BUILDINGS: Each manufacturing and assembly plant, community facility, and commercial buildings shall provide and maintain off-street parking or a private drive for the loading and unloading of people, merchandise, or goods.

28.23 SHARED PARKING: Upon approval of a site plan, development or PUD off-street parking for different buildings, structures or uses, or for mixed uses, may be provided and used collectively or jointly in any zoning district in which separate off-street parking facilities for each constituent use would be allowed, subject to the following provisions:

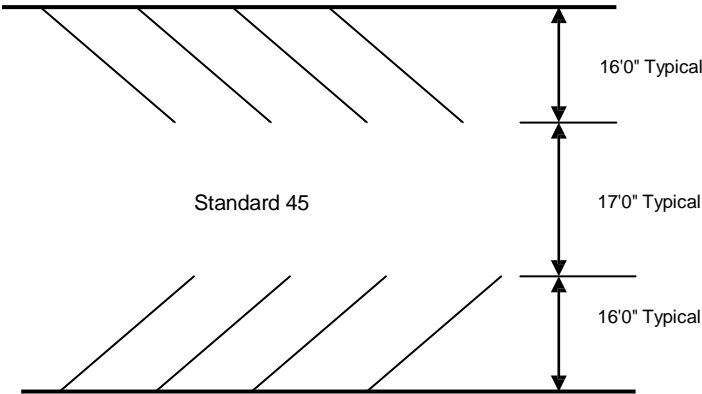
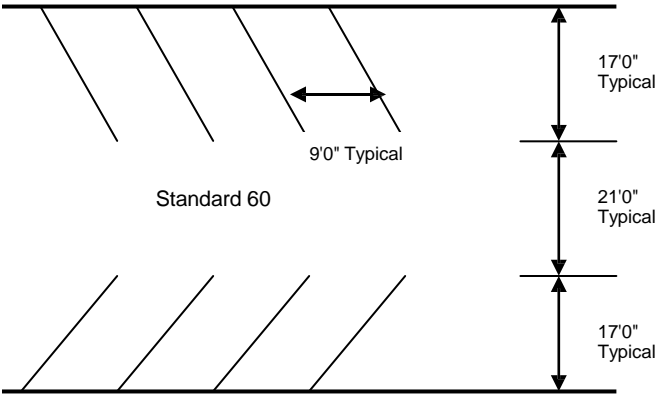
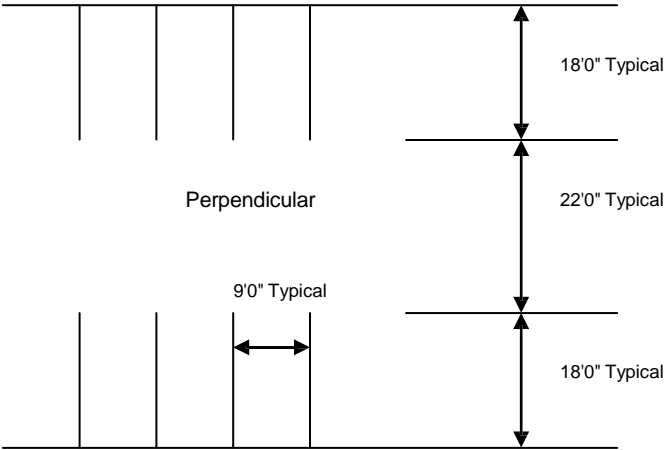
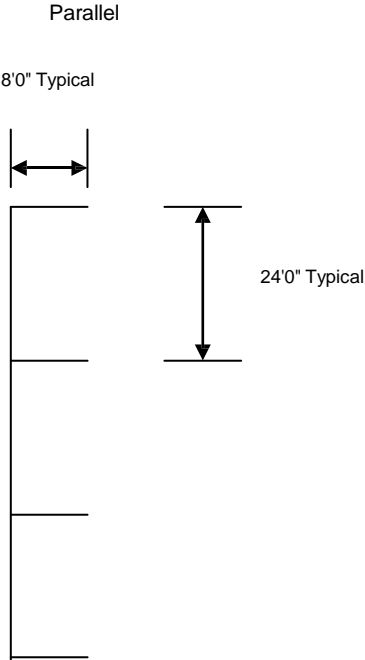
- A. A binding, written agreement assuring the perpetual joint use of said common parking for the combination of uses or buildings is properly developed and executed by the parties concerned, approved as to form by the City Attorney and filed with and made part of the application for a building permit.
- B. Up to sixty percent (60%) of the parking spaces required for a theater or other place of evening entertainment or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours.

28.24 STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES: A stacking space shall be an area on a site measuring eight (8) feet by twenty (20) feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.

- A. For kiosks, a minimum of two (2) stacking spaces for each service window shall be provided.
- B. For each service window of a drive-through restaurant, a minimum of seven (7) stacking spaces shall be provided.
- C. For banks with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.

28.25 ACCESS AND SIZE OF SPACES: Minimum provision, for size, ingress, and egress to all parking spaces shall be provided as illustrated in the diagram:

CITY OF AZLE
PARKING DIAGRAM



Not Drawn To Scale

28.26 PARKING AREA STANDARDS:

- A. Safety: For safety and ease of circulation, interconnected parking areas may be provided.
- B. Striping: Except for single-family uses, parking spaces and fire lanes shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers or other approved methods. Non permanent type marking such as paint shall be regularly maintained to insure continuous clear identification of the space.

28.27 OFF-STREET LOADING FOR O, C, HC, I, INS: All retail, commercial and industrial structures with the exception of the CBD District shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a private service drive; and,

- A. At least one half of such loading spaces shall have a minimum dimension of ten (10) by forty (40) feet, and the remaining spaces shall have a minimum dimension of ten (10) by twenty (20) feet.
- B. Loading spaces shall be provided in accordance with the following schedule:

For All Commercial, Retail and Industrial Uses:

Square Feet of Gross Floor Area in Structure		Required Berths
0	to 50,000	None
50,001	to 150,000	1
150,001	to 300,000	2
300,001	to 500,000	3
500,001	to 1,000,000	4
Each Additional	500,000	1 additional

For All Hotels, Office Buildings, Restaurants and Similar Establishments:

Square Feet of Gross Floor Area in Structure		Required Berths
0	to 50,000	None
50,001	to 150,000	1
150,001	to 300,000	2
300,001	to 500,000	3
500,001	to 1,000,000	4
Each Additional	500,000	1 additional

- C. Where adjacent to residential ~~uses or~~ zoning districts, off-street loading areas shall meet the screening requirements of Section 27.8.
- D. Loading docks for establishments that customarily receive goods between the hours of 7:00 p.m. through 7:00 a.m. and are adjacent to a residential zoning district shall be designed and constructed so as to fully enclose the loading operation, in order to reduce the effects of the noise of the operation on adjacent residential zoning districts.

28.28 OFF-STREET PARKING INCIDENTAL TO MAIN USE: Off-street parking shall be provided in accordance with the requirements specified by this ordinance and located on the lot or tract occupied by the main use.

SECTION 29 – LANDSCAPING

29.1 APPLICABILITY

- A. The requirements of Section 29 shall apply to all new development for which a permit is applied.
- B. Following the approval of a final inspection of a single family house the requirements of Section 29 shall no longer apply.

29.2 AREA REQUIREMENTS

- A. **MINIMUM LANDSCAPED AREA:** In non-residential zoning districts, every lot shall have a minimum of 20% of its area landscaped. A minimum of one half (1/2) of the required landscaping shall be located in the front yard. Driveways, paved walks, right-of-way or easements for streets or alleys shall not be counted as part of the required landscape area. Industrial property shall provide landscaping of 12% of the lot area or 20% of the lot area by exclusion of the main enclosed structure ground floor area from the gross lot area, whichever is less.

29.3 TREE REQUIREMENTS

- A. **TREES:** All properties shall provide trees at a ratio of eighteen (18) trees per acre (43,560 square feet), or one (1) tree per 2,420 square feet of gross lot area. Industrial property shall provide trees at a ratio of eighteen (18) trees per acre, calculated at sixty (60) percent of the gross lot area or by exclusion of the main enclosed structure ground floor area from the gross lot area, whichever is less.
- B. **SIZE:** All trees planted to satisfy the tree standards must be a minimum of three (3) inches in caliper measured six (6) inches from the top of the container or root ball.
- C. **SPECIES:** All trees planted to meet the requirements of this section must be listed on the Selected Species List. No trees with a maximum mature height of twenty-five (25) feet or greater may be planted within twenty-five (25), measured horizontally, from the nearest overhead utility line.
- D. **SPECIES DIVERSITY:** The following Species Diversity Requirements shall apply to all Landscape Plans, but shall not be used to limit eligibility for tree credits. Subdivisions under control by a single contractor shall insure species diversification by limiting any single species of tree to a maximum of 35% of the overall planting.

Number of Required Site Trees	Maximum Percentage of Any One Species
10-19	50%
20-39	35%
40-59	25%
60+	15%

- E. **TREE SELECTION:** All trees planted to meet the requirements of 29.3 shall be as specified in 29.5, Selected Species List. At least 50 percent of the total tree requirements for the property shall be from the 29.5 - Large trees list. The remaining trees may be from either Selected Species List.
- F. **TREE CREDITS:** Preservation of existing trees may be used to receive credit toward meeting the Tree Standard of 18 trees per acre, if the trees are healthy and without substantial damage or defect. Tree credits shall be earned in the following increments:

<u>Diameter of Existing Tree</u> <i>Measured at 4 ½ feet above Grade</i>	<u>Tree Credits</u>
3 to 6 inches	1 credit
6+ to 9 inches	2 credits
9+ to 12 inches	3 credits
12+ to 15 inches	4 credits
> 15 inches	5 credits + 1 credit for each 3 inches of caliper above 15 inches

1. Tree credits may not be earned for preservation of existing trees located on land required to be dedicated for public right-of-way or easements purposes.
2. Tree Credit Protective Measures: Tree credits will not be permitted unless temporary tree protection devices are installed at least to the limit of the critical root zone or the drip line, whichever is greater, during construction activity. The following activities shall be prohibited within the critical root zone or drip line of any tree being preserved for credit.
 - a. Physical Damage: Any physical damage to a tree preserved for credit that is considered to place the survival of the tree in doubt shall be eliminated as a credit tree. Tree topping is prohibited for trees preserved for credit.
 - b. Equipment Cleaning and Liquid Disposal: No equipment shall be cleaned or other liquids deposited or allowed to flow overland within the limits of the critical root zone of any tree preserved for credit.

- c. **Grade Changes:** No grade changes shall be allowed within the limits of the critical root zone of any tree preserved for credit.
- d. **Impervious Paving:** No paving with asphalt, concrete, or other impervious material in a manner which may reasonably be expected to kill a tree shall be placed within the limits of the critical root zone any tree preserved for credit.
- e. **Material Storage:** No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the critical root zone any tree preserved for credit.
- f. **Vehicular Traffic:** No vehicle and/or construction equipment traffic, parking, or storage shall take place within the limits of the critical root zone of any tree preserved for credit, other than on existing street pavement. This restriction does not apply to single incident access within the critical root zone for purposes of clearing underbrush, establishing the building pad, and associated lot grading, vehicular access necessary for routine utility maintenance, or emergency restoration of utility service or routine mowing operations.

29.4 **PARKING LOT SCREENING AND LANDSCAPING**

- A. **PERIMETER SCREENING:** Any parking lot or portion thereof that fronts upon or is adjacent to a public right-of-way and contains ten (10) or more parking spaces shall provide perimeter screening. The perimeter of each parking lot, exclusive of driveways, shall be provided with shrub screening with a minimum mature height of thirty-six (36) inches and installation height of eighteen (18) inches or greater and spaced no more than twenty-four (24) inches apart, edge to edge. The use of berms and planter walls shall be allowed to contribute to installation and mature height requirements. The slope of earthen berms shall not exceed one foot of height for each three foot in width.
- B. **INTERIOR LANDSCAPING:** Any parking lot which is constructed and contains forty (40) or more parking spaces shall provide permanently landscaped areas consisting of islands, peninsulas, medians, or adjacent planting areas. One tree shall be planted for each (20) parking spaces. A minimum of fifty (50) square feet of planting area shall be provided for each tree required. Parking lot trees shall be counted towards meeting the minimum number of trees required by Section 29.3.
- C. **DISTRIBUTION OF LANDSCAPED AREAS:** The required landscaped areas for parking lots shall be more or less evenly distributed throughout the parking lot. Adjustments may be approved where the shape or size of the parking lot, the location of existing trees, or other natural constraints reasonably prevent such distribution.

29.5 SELECTED SPECIES LIST

Large Trees

Common Name	Botanical Name	Mature Size Height & Width
Bald Cypress	Taxodium distichum	60' x 30'
Bur Oak	Quercus macrocarpa	60' x 40'
Chinese Pistache	Pistachia chinensis	40' x 30'
Chinquapin Oak	Quercus muehlenbergii	60' x 40'
Coastal Live Oak	Quercus virginiana	50' x 50'
Lacebark Elm	Ulmus parvifolia	50' x 35'
Pecan	Carya illinocensis	80' x 60'
Shumard Oak	Quercus shumardii	70' x 50'
Texas Red Oak	Quercus texana	30' x 30'
Western Soapberry	Sapindus saponaris v. "Drummondii"	30' x 20'

Small Trees

Common Name	Botanical Name	Mature Size Height & Width
Oklahoma Redbud	Cercis canadensis	20' x 15'
Texas Redbud	Cercis Canadensis texensis	25' x 20'
Possumhaw Holly	Ilex deciduas	15' x 10'
Southern Wax Myrtle	Myrica cerifera	15' x 10'
Texas Pistache	Pistacia chinensis	20' x 15'
Mexican Plum	Prunus mexicana	25' x 25'
Mexican Buckeye	Ungnadia speciosa	20' x 20'
Crepe Myrtle	Lagerstroemia indica (cultivars)	15' x 10'
Texas Persimmon	Diospyros texana	25' x 20'
Desert Willow	Chilopsis linearis	20' x 15'

29.6 IRRIGATION REQUIRED

- A. All landscaped areas shall be irrigated with an approved automatic irrigation system unless the landscaped area has been designed utilizing xero-scaping methods.

29.7 CLEARING AND GRADING PERMIT

- A. No removal of trees, land clearing, and grading shall occur without the required approvals and permits. Clearing and grading activity shall be limited to the limits of the grading area identified on the approved grading plan. A clearing and grading permit is required in the City and can be applied for once the final plat has been approved by the Planning and Zoning Commission.
- B. The following shall be exempt from the requirement for clearing and grading permit:

1. Grading and clearing in emergency situations involving immediate danger to life and property or substantial fire hazards.
2. The removal of underbrush, dead trees, or diseased or damaged trees which constitute a hazard to life and property based upon field inspection verification.
3. Grading and clearing practices associated with normal agricultural crop operations, excluding timber cutting.

SECTION 30 - RESERVED

SECTION 31 - DEVELOPMENT PLANS AND CONCEPT PLANS

- 31.1 GENERAL:** Whenever a development plan is required by this ordinance, it shall meet the requirements set forth in this Section.
- 31.2 APPLICATION:** A written application for development plan approval shall be filed with the Zoning Administrator on forms prepared by the city. The application shall be signed by the owner, lessee, or developer of the property.
- 31.3 CONTENT OF DEVELOPMENT PLAN:** A preliminary development plan shall be submitted for review and comment by the city staff prior to submitting the final development plan to the Planning and Zoning Commission and City Council for approval. The preliminary development plan shall include all of the elements of the final development plan. The development plan shall include the following items:
- A. A site plan showing the location of each structure and the minimum distance between structures, and between structures and the property line, street line, and/or alley line shall be submitted. For structures more than one (1) story in height, except single-family and two-family residences, elevations and/or perspective drawings shall be required in order that the relationship for the structures to adjacent property, open spaces, and to other features of the development plan may be determined. Such drawings shall indicate the height, number of floors, and exposures for access, light, and air.
 - B. A drawing to scale indicating proposed streets, drives, alleys, structure sites or structure lots, and areas proposed for dedication or reserved as parks, parkways, playgrounds, utility and garbage collection easements, school sites, street widening, street changes, points of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than two (2) feet. This drawing shall also show existing structures adjacent to the site and within twenty-five (25) feet of all property lines.
 - C. Where multiple types of land use are proposed, a land use plan delineating the specific areas to be devoted to various uses shall be required.
 - D. A plan indicating the provision, arrangement, and dimensions of off-street parking and off-street loading shall be required. Any special traffic regulation facilities proposed or required to assure the safe function of the circulation plan and off-site parking shall also be shown.

- E. A designation of the maximum structure coverage of the site shall be indicated on the site plan.
- F. When screening and/or landscaping is required, the plan shall include any screening walls, ornamental planting, recreational areas, wooded areas to be retained, and lawns and gardens.
- G. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation.
- H. A graphic rendering of the existing site conditions, which depicts all significant natural, topographical, and physical features of the subject property, including contours, location and extent of tree cover, location and extent of water courses, marshes and flood plains on the subject property, and existing drainage patterns.
- I. Two (2) blue line copies of all conceptual or graphic representations required herein, in a size sufficient to clearly show all information required, and a copy reduced to 8 ½ X 11 inches and two (2) copies of written documents.
- J. The specific amount of park or open space area or improvements, school site or sites, landscaping or greenbelt development, or other comparable items to be dedicated or constructed for each acre of property within the development released for construction by site plan approval. This requirement is intended to allow the City to insure that pre-planned public type facilities, improvements, or amenities are installed concurrently with other development on the basis of an approved formula.
- K. The maximum residential density or commercial or industrial intensity of use during the construction process. This requirement is intended to establish a maximum development intensity that cannot be exceeded while each phase of the project is being completed. Under this provision, the City may establish a maximum overall density for each phase of the project to be applicable only during the construction phase of the development. This restriction would require concurrent development of lower density or intensity of use activities with higher density or intensity of use activities.
- L. Any agreements on cost sharing for the installation or over-sizing of major utility systems, lines, or facilities.
- M. Any agreements on cost sharing for the installation of interior or perimeter roadways, thoroughfares, or street systems.

- N. An agreement by the Developer to maintain all open space lands at no cost to the City.
- O. Any additional items required in this ordinance or by the Planning and Zoning Commission or the City Council.

31.4 CONTENT OF CONCEPT PLAN: Whenever a development plan is required, a concept plan may be submitted for discussion purposes. A concept plan will neither be approved nor disapproved. A concept plan shall contain the following information:

- A. Legal description and a survey or plat certified by a registered land surveyor, showing date, scale, north point, property boundary lines, dimensions, and easements.
- B. Applicant's name and address and their legal interest in the subject property.
- C. Owner's name and address, if different from applicant, with owners signed consent to the filing of the application.
- D. Zoning classification and present use of subject property.
- E. Land use designation as contained in the Comprehensive Plan.
- F. Conceptual representation of proposed use.
- G. Conceptual representation of vehicular circulation within the subject site.
- H. Conceptual representation of points of connection to the public right-of-way.
- I. Computation of proposed number of dwelling units and the total acreage for residential use and the approximate square footage of building, by type, for non residential use.
- J. Conceptual landscaping and buffer plan.

- K. Description of how essential public services, including water, sewer, drainage, and solid waste will be provided.
- L. Description of any proposed grading, re-grading, or fill that is proposed on the subject site.
- M. Maximum number of parking spaces.
- N. Other information the applicant and/or owner might wish to include.
- O. The names, addresses, and telephone numbers of all professional consultants, if any, advising the applicant with respect to the proposed rezoning.
- P. Street address (or common description) of the property.
- Q. Vicinity map indicating the area in which the property is located.

SECTION 32 - SPECIFIC USE PERMITS

32.1 GENERAL PROVISIONS: The uses listed in each district as “Specific Use Permit Required”, and shown as “S” in the table of permitted uses, are prohibited in the district unless and until a specific use permit is granted for such use by the City Council in accordance with the requirements and procedures set forth in this Section.

32.2 INTENT: The intent of a specific use permit is to authorize and regulate a use not normally allowable in a zoning district, but if controlled as to the number, area, location, duration, or relation to the neighborhood, and if made subject to adequate development standards and safeguards established for such use during the review of a specific use permit application, would promote the health, safety, and welfare of the neighborhood and the community. These permits are issued based on the decision that the use is in general conformance with the Comprehensive Plan and contingent on such requirements and safeguards as necessary to protect the public health, safety, and welfare of the adjacent landowners and the city at large.

32.3 HEARING AND PROCEDURE:

- A. A person having a proprietary interest in property may request the issuance or renewal of a specific use permit for the property. A specific use permit may only be granted following public hearings before the Planning and Zoning Commission and the City Council in accordance with the same notice, hearing, and voting requirements as required for zoning changes in Section 33 of this code.
- B. Notwithstanding the provisions of Subsection A, if a specific use permit is issued for a definite term, it may be renewed in accordance with this subsection.
 - 1. To prevent expiration of a specific use permit before the renewal process can be completed, the applicant should apply for renewal at least ninety (90) days before the date of expiration.
 - 2. The Zoning Administrator shall place an item on the Planning and Zoning Commission agenda for consideration, following the same notice and hearing procedures as for the original application.
 - 3. The Planning and Zoning Commission shall recommend renewal or denial to the City Council and it shall be placed on the next City Council meeting agenda that allows sufficient time for notice. Before consideration at a City Council meeting, the item shall be

advertised as required for the original application, and the City Council shall hold a public hearing before making a decision on the matter. The same notice, hearing, and voting procedures as required for the original application shall apply.

32.4 GENERAL REQUIREMENTS:

- A. Any specific use permit, which is approved, shall meet the minimum requirements provided in the zoning district in which it is located.
- B. A specific use permit shall automatically expire if:
 - 1. A building permit is not issued and construction begun within one hundred eighty (180) days of the granting of the specific use permit.
 - 2. The use has not begun operation (if no construction is required) within one hundred eighty (180) days of the granting of the specific use permit.
 - 3. The use is abandoned (a use which is discontinued for a period of one hundred eighty (180) days is presumed to be abandoned).
 - 4. The term for which the specific use permit was issued has expired and it has not been renewed.

32.5 DEVELOPMENT PLAN: An approved development plan shall be a prerequisite to the approval of a specific use permit. The development plan shall be in accordance with Section 31 of this ordinance.

32.6 ADDITIONAL INFORMATION REQUESTS: The Planning and Zoning Commission and the City Council, in reviewing an application for a specific use permit, may require that the applicant supply additional plans, special information, expert evaluations, or other information deemed reasonable concerning the location, function, and characteristics of any building or use proposed. The City Council may, in the interest of public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any specific use permit. In authorizing the location of any specific use permit, the City Council may impose such development standards and safeguards which it deems advisable to protect adjacent properties or the health, safety, morals, or welfare of the community.

32.7 FACTORS TO BE CONSIDERED: In granting or denying an application for a specific use permit, the City Council shall take into consideration the following factors:

- A. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
- B. Safety from fire hazard and measures of fire control.
- C. Protection of adjacent property from flood or water damage.
- D. Noise producing elements and glare of vehicular and stationary lights and effects of such lights on established character of the neighborhood.
- E. Location, lighting, type of signs, and relation of signs to traffic control and adverse effect on adjacent properties.
- F. Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site in the immediate neighborhood.
- G. Adequacy of parking, as determined by requirements of this Section, for off-street parking facilities for similar uses, location of ingress and egress points for parking and off-street loading spaces, and protection of the public health by all weather surfacing on all parking areas to control dust.
- H. Compatibility of the proposed use with surrounding and adjacent properties and whether such use will adversely affect the use and enjoyment of the surrounding and adjacent properties.
- I. Such other measures as will secure and protect the public health, safety, morals, and general welfare.

32.8 MAPPING OF SPECIFIC USE PERMITS: All specific use permits approved in accordance with provisions of this Ordinance shall be referenced on the official zoning map by designation and sequential numbers.

32.9 TEMPORARY CONSTRUCTION YARDS, FIELD OFFICES, AND OTHER TEMPORARY STRUCTURES: Permits for temporary construction yards, field offices, and other temporary structures may be approved as a specific use permit

in any zoning district. The term of the temporary use shall be indicated on the occupancy permit.

32.10 SPECIFIC REQUIREMENTS FOR BARS:

- A. A bar may not be located within 300 feet of a residential zoning district. The measurement of the distance between the bar and the nearest residential zoning district shall be in a straight line from the point on the property line of the platted lot where the bar is located that is nearest to the residential district to the point on the residential district boundary that is nearest to the platted lot on which the bar is located.
- B. A bar must comply with Article 4.100, Alcohol Sales, of the Azle Municipal Code.
- C. A specific use permit for a bar may be revoked as incompatible with surrounding uses if any of the following has occurred while the bar has been operating:
 - 1. Excessive police calls to the location of the bar (on average more than two (2) calls per month) that result in the issuance of a citation to, or the arrest of:
 - a. The operator of the bar.
 - b. An employee of the bar.
 - c. Another person on the premises of the bar.
 - 2. Conviction of an owner or an employee of the bar, of an offense involving:
 - a. Prostitution.
 - b. A controlled substance as defined in Chapter 481, Texas Health and Safety Code.
 - c. Alcoholic beverages or intoxication.
 - d. A violation of the Texas Alcoholic Beverage Code.

3. Habitual violation of provisions of this ordinance applicable to the bar.
4. Other activity determined to be detrimental to the public health, safety, welfare, or morals.

SECTION 33 - CHANGES AND AMENDMENTS

33.1 PROCEDURAL STEPS FOR ZONING APPLICATIONS AND AMENDMENTS:

- A. The City Council may supplement, change, or amend by ordinance, the boundaries of the zoning districts or the regulations herein established as provided by the statutes of the State of Texas. Before taking action on any proposed supplement change or amendment, the City Council shall receive a recommendation and report from the Planning and Zoning Commission.
- A. Any person having a proprietary interest in any property may request a change in zoning on such property, or the Planning and Zoning Commission or City Council may institute proceedings to consider a change in zoning on any property. In the instance of city initiation, changes and amendments shall be studied in the public interest. A person having a proprietary interest in any property within the city may petition the City Council for an amendment to the text of this ordinance which affects such property. In addition, the Planning and Zoning Commission or City Council may institute proceedings to amend the text of this ordinance.

33.2 ZONING APPLICATION DETAILS: Each application for a change in zoning or for an amendment or change to the text of this ordinance shall be made in writing on a form prescribed by the Zoning Administrator and shall be accompanied by the appropriate fee as established by the City Council. To insure the submittal of adequate information, the Zoning Administrator is empowered to maintain, update, and distribute a list of specific requirements for zoning applications. The zoning application shall contain sufficient information relative to the requested change including the following:

- A. A key map showing all existing zoning within two hundred (200) feet of the subject property.
- B. A development plan, if required by this ordinance, showing existing and proposed thoroughfares, collector streets, and local streets on the subject property and within two hundred (200) feet of the subject property.

33.3 REVIEW PROCEDURES:

- A. Before taking action on any proposed amendment, supplement, or change, the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report. The Planning and Zoning Commission shall hold a public hearing on any application for any amendment, supplement, or change prior to making its

recommendation and report to the City Council. Written notice of all public hearings before the Planning and Zoning Commission on a proposed amendment, supplement, or change to a zoning district boundary shall be sent to all owners or persons rendering taxes on real property lying within two hundred (200) feet of the property for which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by depositing a notice properly addressed and postage paid in the United States Post Office to such property owners as their ownership appears on the last approved city tax roll.

- B. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. At least fifteen (15) days notice of the time and place of such hearing shall be published in the official newspaper of the city. Furthermore, the Zoning Administrator is directed to cause a sign to be placed upon each property to be rezoned, clearly visible to a passerby, which states that the property is the subject of a rezoning application (or words of like intent). The sign shall be posted at least fifteen (15) days prior to the hearing and shall remain posted until the final hearing. The erection or continued maintenance of the sign shall not be deemed a condition precedent to the holding of the public hearing, the adoption of any proposed zoning change, or other official action concerning such amendment.
- C. If a proposed change to a regulation or boundary 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 (3/4) of all members of the City Council. The protest must be written, signed, and acknowledged by the owners of at least twenty percent (20%) of either:
 - 1. The area of the lots or land covered by the proposed change.
 - 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.
- D. In order to overrule a recommendation of the Planning and Zoning Commission that a proposed change to a regulation or boundary be denied, an affirmative vote of at least three-fourths (3/4) of all the members of the City Council shall be required.

33.4 LIMITATION ON REAPPLICATION:

- A. A zoning application for the same action and for the same property which has been previously denied by the City Council may not be re-initiated for a period of at least 180 days from the date of denial unless the application was denied without prejudice. If the application is denied without mention of prejudice, it shall be deemed to be denied with prejudice.
- B. If it is determined that there has been a sufficient change in circumstances regarding the property, or in the zoning application itself, to permit the granting of a new hearing, the 180 days waiting period may be waived. Said determination shall be made by the Planning and Zoning Commission.

SECTION 34 - ZONING BOARD OF ADJUSTMENT

34.1 ORGANIZATION OF ZONING BOARD OF ADJUSTMENT:

- A. **ESTABLISHMENT - MEMBERSHIP:** There is hereby created a Zoning Board of Adjustment, which shall consist of five (5) members who are residents of the city, each to be appointed by the City Council for a staggered term of two (2) years beginning on November 1st of the year of appointment. The City Council shall designate one (1) member as chairperson. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made. The City Council may also appoint up to four (4) alternate members of the Board who shall serve in the absence of one (1) or more of the regular members when requested to do so by the chairperson of the Board, the City Administrator, or the Mayor. The members and alternate members of the Board shall be identified by place numbers one (1) through nine (9). Members in the even-numbered places shall be appointed to serve terms beginning November 1st of even-numbered years, and members in the odd-numbered places shall be appointed to serve terms beginning on November 1st of odd-numbered years. Each member shall serve until their successor has been appointed and qualified. All cases to be heard by the Board will always be heard by a minimum of four (4) members. Alternate members shall serve a term of two (2) years and any vacancy shall be filled in the same manner. Members and alternate members are subject to removal for cause by the City Council.
- B. **RULES OF PROCEDURES:** The Board shall adopt rules to govern its proceedings, provided, that such rules are not inconsistent with this ordinance or State law. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine and in accordance with the Texas Open Meetings Law. The chairperson, or in his or her absence, the vice-chairperson or acting chairperson, may administer oath and compel the attendance of witnesses.
- C. **MINUTES:** The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examination and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be a public record.

34.2 APPEALS TO THE BOARD:

- A. Appeals to the Board can be taken by any person aggrieved by any decision of the Zoning Administrator, or by any officer or department of the city. Such appeal shall be filed within sixty (60) days after the decision has been rendered by the Zoning Administrator, officer, or department by filing with the City Secretary and with the Zoning Board of

Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator, officer, or department whose decision is the subject of the appeal, shall forthwith transmit to the Board all of the papers constituting the records relating to the decision being appealed upon which the action appealed from was taken.

- B. An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator or designated administrative officer whose decision is being appealed certifies to the Zoning Board of Adjustment, after the notice of appeal shall have been filed with him or her, that, by reasons stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application or notice to the officer whose decision is under appeal.
- C. No appeal to the Board for the same or variance on the same piece of property shall be allowed prior to the expiration of one hundred eighty (180) days from the previous ruling of the Board on any appeal to such body unless, within the said one hundred eighty (180) day period, any action by the Board or City Council on other property in the immediate vicinity has altered the facts and conditions on which the previous Board action was based. Such change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of the one hundred eighty (180) day period, but such change of circumstances shall in no way have any force in law to compel the Board, after the rehearing, to grant the appeal. At the rehearing, the appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.
- C. At a public hearing relative to any appeal, any interested party may appear in person or by his or her agent or attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any appeal or variance request. Any variance granted or authorized by the Board under the provisions of this ordinance shall be in effect for a period of ninety (90) days from the date of the favorable action of the Board unless said Board shall have in its action approved a longer period of time and has so shown such specific longer period in the minutes of its action. If the building permit and/or occupancy permit shall not have been applied for within said ninety (90) day period, or such extended period as the Board may have specifically granted, then the variance shall be deemed to have been waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal and such subsequent appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

34.3 JURISDICTION OF BOARD: When in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, take the following action:

- A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or other city officer or department in the enforcement of this ordinance.
- B. Permit variances to the development regulations in this ordinance such as front yard, rear yard, lot width, lot depth, lot cover, lot coverage, minimum setback, off-street parking, off-street loading, lot area, maximum height, or other development regulations where such variance is necessary to permit the reasonable development of a specific parcel of land which differs from other parcels of land in the same zoning district by being of such area, shape, or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same zoning district, or where, due to special conditions:
 - 1. The literal enforcement of the provisions of this ordinance would result in an unnecessary and/or unreasonable hardship.
 - 2. The special conditions are not the result of the applicant's actions, but are peculiar to the land, structure or building involved.
 - 3. The variance requested is the minimum necessary.
 - 4. No special privilege is granted which is denied to other similarly situated uses.

Any variance granted shall insure that the spirit of the ordinance is observed and substantial justice is done.

34.4 ACTIONS OF THE BOARD:

- A. In exercising its powers, the Board may, in conformity with the provisions of the statutes of the State of Texas, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made and shall have all the powers of the Zoning Administrator or other administrative official whose decision is under appeal. The Board shall have the power to impose reasonable conditions to be complied with by the applicant or time limitations on the appeal or variance.

- B. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or other administrative officials, or to decide in favor of the application for any variance. The Board minutes shall reflect existing conditions justifying the variance as prescribed by this Section before a vote to approve or deny the variance is permitted.

34.5 PUBLIC HEARING PROCEDURES:

- A. PUBLIC HEARING REQUIRED: The Board shall hold a public hearing on all appeals and variance requests made to it.
- B. FEES AND WRITTEN APPLICATION: An application fee to be set by the City Council shall be submitted accompanying any appeal or variance.
- C. NOTICES: Notice shall be given in advance of public hearing by:
 - 1. Publishing the same in the official newspaper of the city at least fifteen (15) days in advance of the hearing.
 - 2. Giving at least ten (10) days written notice of the public hearing to the owner of the property, agent, or applicant who requests the appeal of a variance.
 - 3. No less than ten (10) days before the hearing, notifying owners of real property within two hundred (200) feet of the property for which the appeal or variance is requested, as ownership appears on the last approved city tax roll. Such notice may be served by depositing the same properly addressed and postage paid in the United States Post Office. Notice shall also be given by publishing the same in the official publication of the city at least ten (10) days prior to the date set for hearing, which notice shall state the time and place of such hearing.
 - 4. No less than ten (10) days before the hearing, the Zoning Administrator shall erect at least one (1) sign on the subject property stating that an appeal has been made to the Zoning Board of Adjustment. The erection and continued maintenance of this sign, however, shall not be deemed a condition precedent to the granting of any appeal or variance or the holding of any public hearing.

5. Posting notice on premises of city hall at least seventy-two (72) hours prior to the public hearing.

- D. PUBLIC HEARING HELD: The public hearing shall be held with the Board after determining application and public hearing requirements have been met. Any party may appear in person or by agent or attorney.

34.6 APPEALS OF BOARD DECISION: Any person or persons, jointly or severally aggrieved by any decision of the Board, any taxpayer or any officer, department, or Board of the municipality may submit to a court of record (district court) a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to court within ten (10) days after decision of the Board and not thereafter.

34.7 SEXUALLY ORIENTED BUSINESSES (EXEMPTION FROM SPECIAL DISTANCE REQUIREMENTS)

- A. If the chief of police denies the issuance of a license to operate a sexually oriented business under Chapter 4, Article 4.1100 of the Azle Municipal Code because of the special distance requirements of Section 22 - I, Industrial District (Ordinance Number 640-6-94 and 641-6-94), then the applicant may, not later than ten (10) calendar days after receiving notice of the denial, file with the City Secretary a written request for an exemption from the distance requirements.
- B. If the written request is filed with the City Secretary within the ten (10) day limit, the Board of Adjustment shall consider the request. The hearing shall be set for a date within sixty (60) days from the date the written request is received.
- C. The Board of Adjustment may grant an exemption from the distance requirements of Section 22.1, Industrial District of this Zoning Ordinance and Chapter 4, Article 4.1100 of the Azle Municipal Code, if it makes the following findings:
 1. The location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare.
 2. The location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight.

3. The location of the proposed sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration.
 4. All other applicable provisions of this ordinance will be observed.
- D. In making the findings specified in Subsection C of this Section 34.7, the Board shall take into account among other things:
1. Crime statistics of the location and its one thousand (1,000) foot radius, without regard to city boundaries (maintained by the appropriate law enforcement agency) for the previous one hundred eighty (180) day period.
 2. Parker and Tarrant Appraisal District appraisals for the location and its one thousand (1,000) foot radius, without regard to city boundaries, taking into account any decline or increase in property values.
 3. Vacancy rates of residential, commercial, or office space within the surrounding one thousand (1,000) foot radius, without regard to city boundaries.
 4. Any evidence regarding the award or denial of any public or private grants for neighborhood conservation, urban renewal, or restoration for any property located within a one thousand (1,000) foot radius, without regard to city boundaries.
- E. The concurring vote of four (4) members of the Board shall be necessary to grant an exemption under this ordinance. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the Board is final.
- F. If the Board grants the exemption, the exemption is valid for one (1) year from the date of the Boards action. Upon the expiration of an exemption, the sexually oriented business is in violation of the distance requirements of Chapter 4, Article 4.1100 of the Azle Municipal Code and Section 22.1, of this Zoning Ordinance until the applicant applies for and receives another exemption.

- G. If the Board denies the exemption, the applicant may not reapply for an exemption until at least one (1) year has elapsed since the date of the Board's action.
- H. The granting of an exemption does not exempt the applicant from any provisions of this ordinance other than the distance requirements.

SECTION 35- NONCONFORMING USES AND STRUCTURES

35.1 PURPOSE AND INTENT: Within the zoning districts established by this ordinance, as amended, there may exist structures or uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. Such nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the various zoning districts. With due regard for the property rights of the persons affected when considered in light of the public welfare, the character of the area surrounding the nonconforming use and the conservation and preservation of surrounding properties and their values, it is the declared purpose of this ordinance that nonconforming uses be eliminated and any use be required to conform to the regulations prescribed in this ordinance. Notwithstanding the above, such nonconforming structures or uses of land and structures may be continued although they do not conform with the provisions of this ordinance, subject to the limitations and conditions set forth in this Section.

35.2 BUILDING ON NONCONFORMING LOTS: In any zoning district, structures may be erected on any single lot, provided there is access to such structures from a street and the lot was legally platted or is in the same configuration as recorded on the effective date of this ordinance. This provision shall apply even though the lot fails to meet the minimum requirements for area, width, or depth for the zoning district in which it is located; however, all other requirements shall still apply. All structures constructed on nonconforming lots shall meet all development regulations in the zoning district unless proper variances are granted by the Zoning Board of Adjustment. No structure shall be constructed on multiple lots when one (1) or more lots are nonconforming lots.

35.3 NONCONFORMING STRUCTURES: A structure that was lawful when constructed, but which no longer conforms to the requirements of this ordinance for yard setback, height, lot coverage, or other development regulations shall be considered nonconforming. Repairs and alterations may be made to a nonconforming structure, provided that no structural alterations shall be made except those required by law or ordinance, unless the structure is brought into conformity with the provisions of this ordinance. The following exclusions apply:

1. Structures declared nonconforming by the adoption of this ordinance will be exempt from the minimum living space requirements of the zoning district. These structures may be altered and/or expanded if in compliance with all other requirements of the zoning district. The living space of the existing structure will be accepted as the minimum living space required. If a structure is enlarged under this provision, but still fails to meet the minimum living space requirement for the zoning district, the new total living space provided by the enlargement will be accepted as the new minimum living space requirement in any future construction activity, until the structure is enlarged again or comes into compliance through other actions.

2. An EXISTING Single Family Detached residence located in a Medium Density district as a result of one of the following:

a. Annexation.

b. Rezoning action not requested by the property owner will be considered a conforming use in the Medium Density district.

35.4 NONCONFORMING USE OF STRUCTURES: A nonconforming use of a structure shall not be increased or enlarged and no occupancy of additional structures or land by a nonconforming use shall be permitted except that a nonconforming use of a structure may be extended throughout any parts of the structure which were manifestly arranged or designed for such use and which were owned or leased by the owner of the nonconforming use on the effective date of this ordinance, provided no structural alterations, except those required by law or ordinance are made, and provided further that no additional dwelling units shall be added where the nonconforming use results from there being more dwelling units on the lot than is permissible in the zoning district in which the structure is located. The City Council shall have the authority to permit an extension of a structure which is nonconforming as to uses not to exceed twenty-five percent (25%) of the existing floor area, subject to the development regulations applicable in the zoning district, provided that required parking is provided and a specific time limit is placed upon the operation of the nonconforming use. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use permitted in the same or a more restricted zoning district, provided no new parking is constructed and the new use meets the required number of parking spaces under this ordinance.

35.5 NONCONFORMING USE OF LAND: A nonconforming use of land may not be expanded or extended beyond the area of the land actually being occupied by the use at the time it becomes nonconforming, except to provide off-street loading or off-street parking facilities. Notwithstanding the above, the City Council may permit an expansion of a nonconforming use of land on a lot not to exceed twenty-five percent (25%) of the existing area of the land actually being occupied by the nonconforming use, subject to the development regulations applicable in the zoning district, provided that required parking is provided and a specific time limit is placed upon the operation of the nonconforming use.

35.6 DISCONTINUANCE OR ABANDONMENT:

- A. A nonconforming use, when discontinued or abandoned, shall not be resumed and any further use shall be in conformity with the provisions of this ordinance. Discontinuance or abandonment shall be defined as follows:
 - 1. When land used for a nonconforming use shall cease to be used in a bona fide manner for the nonconforming use for sixty (60) consecutive calendar days.
 - 2. When a structure designed or arranged for a nonconforming use shall cease to be used in a bona fide manner as a nonconforming use for a period of one hundred eighty (180) days.
 - 3. When land or a structure used only on a seasonal basis is not used in a bona fide manner as a nonconforming use during such season.
- B. There shall be a rebuttable presumption that discontinuance or abandonment has occurred if the nonconforming use ceases for the above time periods.
- C. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming use was dilapidated, substandard, or was not maintained in a suitable condition for occupancy during the above time periods.
- D. Upon evidence of hardship, the Zoning Board of Adjustment shall have the power to extend the time limits in paragraph A not to exceed one (1) year.

35.7 DESTRUCTION OF NONCONFORMING USE OR STRUCTURE:

- A. Any structure declared non-conforming by the adoption of this ordinance, which is destroyed by fire or natural disaster, may be rebuilt to its previous specifications, provided that the construction complies with all current building codes and is commenced within one hundred eighty (180) days of the date of destruction. The failure of the owner to start such reconstruction within one hundred eighty (180) days shall forfeit the owner's right to restore or reconstruct the dwelling except in conformance

with this ordinance. A larger structure will be permitted if it does not exceed the maximum lot coverage for the zoning district.

- B. Notwithstanding subsection A, a structure occupied by a nonconforming use that is destroyed by fire or natural disaster, may not be reconstructed or rebuilt except to conform with the provisions of this ordinance unless the destruction amounts to less than fifty percent (50%) of its fair market value at the time of destruction.

If the destruction is greater than fifty percent (50%) and less than total, the City Council may, after a public hearing, authorize repair, taking into consideration the property owner's circumstances and the effect on surrounding properties.

- C. If the owner of a nonconforming use fails to begin reconstruction of the destroyed structure (when permitted to do so by the terms of this ordinance) within one hundred eighty (180) days of the date of destruction or approval by the City Council, the nonconforming structure or use shall be deemed to be discontinued or abandoned as provided in Section 35.6 above.

35.8 ADDITIONAL LIMITATIONS AND PROVISIONS REGARDING NONCONFORMING USES AND STRUCTURES:

- A. A nonconforming use or structure, if changed to a conforming use or structure, may not be changed back to a nonconforming use or structure. Whenever a nonconforming use is changed to a use permitted in a more restricted zoning district, such use shall not thereafter be changed to a use permitted in a less restricted zoning district.
- B. No nonconforming accessory use or structure shall continue after the principal use or structure shall have ceased or terminated unless the accessory use or structure shall thereafter conform to the provisions of the zoning district in which it is located.
- C. Nothing contained in this ordinance shall require any change in the plans, construction, or designated use of a structure or land development project for which a building permit was lawfully issued no more than one hundred eighty (180) days prior to the adoption or amendment of this ordinance, provided, that such construction shall have been started at the time such use became nonconforming and shall have been diligently prosecuted to completion.

- D. The foregoing provisions of this Section shall also apply to uses made nonconforming by subsequent amendments to the zoning regulations or by annexation into the city limits of Azle.
- E. Any use as a specific use permit by the City Council shall, upon its establishment, be considered a conforming use in that zoning district, provided that this regulation shall not be so interpreted as to waive any conditions placed on the specific use permit.

35.9 AMORTIZATION

- A. The City Council may request that the Zoning Board of Adjustment establish a compliance date for discontinuance of a nonconforming use, structure or lot in accordance with this section.
- B. In determining whether to initiate an amortization proceeding, the Zoning Board of Adjustment may consider the character of the surrounding area, the degree of incompatibility of the nonconforming use, structure or lot to the zoning district in which it is located, the effect of the nonconforming use, structure or lot on the surrounding area, the effect of cessation of the nonconforming use, structure or lot on the area, any other danger or nuisance to the public caused by the nonconforming use, structure or lot, and any other factors the board considers relevant. If the board determines that there is no public necessity for establishing a compliance date, the board shall request that the City Council initiate rezoning of the property to bring the nonconforming use, structure or lot into compliance with applicable zoning regulations.
- C. Written notice of the hearing shall be mailed to the owner of the use and the owner of the property at least 30 days before the hearing.
- D. The compliance date for discontinuance of a nonconforming use, structure or lot shall be prescribed by the board at a public hearing, after hearing testimony from the owner, the operator, neighboring property owners, community organizations and other interested parties. In prescribing a reasonable amortization period for the nonconforming use, structure or lot to give the property owner an opportunity to recover his investment from the time the nonconforming use, structure or lot commenced, as allowed by law, the board shall consider the following factors:
 - 1. The owner's capital investment in structures, fixed equipment and other assets (excluding the land and any inventory and other assets that may be feasibly transferred to another site) on the property before the time the nonconformity commenced. Any such investment made after the nonconformity commenced shall not be included;
 - 2. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
 - 3. Any return on investment since inception of the nonconforming use, structure or yard, including net income and depreciation;

4. The anticipated annual recovery of investment, including net income and depreciation; and
5. Any other factors allowed by law.

SECTION 36 - OIL AND GAS

36.1 PURPOSE AND INTENT: The exploration, development and production of oil or gas in the City is an activity which necessitates reasonable regulation to ensure that all property owners, mineral and otherwise, have the right to peaceably enjoy their property and its benefits and revenues. It is hereby declared to be the purpose of this Ordinance to establish reasonable and uniform limitations, safeguards and regulations for present and future operations related to the exploring, drilling, developing, producing, transporting and storing of oil or gas and other substances produced in association with oil or gas within the City to protect the health, safety and general welfare of the public, minimize the potential impact to property and mineral rights owners, protect the quality of the environment and encourage the orderly production of available mineral resources.

36.2 DEFINITIONS: All technical industry words or phrases related to the drilling and production of oil and gas wells not specifically defined shall have the meanings customarily attributable thereto by prudent operators in the oil and gas industry. For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandonment: “Abandonment” as defined by the Railroad Commission and includes the plugging of the well and restoration of the drill site as required by this Ordinance.

Applicant: A person to whom a permit or certificate for the drilling, operation and production of a well, or the installation or operation of a pipeline, is issued under this Ordinance, including, but not limited to, his or her heirs, legal representatives, successors or assigns.

City: The City of Azle, Texas.

City Staff: Employees and independent contractors performing services for the City of Azle, including but not limited to the Fire Marshal.

Drill Site: The area used for drilling, completing, or reworking a well.

Drilling: Any digging or boring of a new well to develop or produce oil or gas or to inject gas, water, or any other fluid or substance into the earth. Drilling means and includes the re-entry of an abandoned well. Drilling does not mean or include the re-entry of a well that has not been abandoned.

Exploration: Geologic or geophysical activities, including, but not limited to surveying and seismic exploration, related to the search for oil, gas, or other sub-surface hydrocarbons.

Fire Code: The Fire Code adopted by the City of Azle, as amended.

Gas: Gas or natural gas, as such terms are used in the rules, regulations, or forms of the Railroad Commission.

Gas Well: Any well drilled for the production of gas or classified as a gas well under the Texas Natural Resources Code or the Railroad Commission.

Gas Well Permit: A Gas Well Permit applied for and issued or denied under this Ordinance authorizing the drilling, production, and operation of one or more gas wells.

Gathering Station: The site where the gathering lines for all the wells converge.

Hazardous Materials Management Plan: The hazardous materials management plan and hazardous materials inventory statements required by the Fire Code.

New Well: A new well bore or new hole established at the ground surface and shall not include the reworking of an existing well that has not been abandoned.

Oil: Oil, as such terms are used in the rules, regulations, or forms of the Railroad Commission.

Oil Well: Any well drilled for the production of oil or classified as an oil well under the Texas Natural Resources Code or the Railroad Commission.

Oil Well Permit: An Oil Well Permit applied for and issued or denied pursuant to this Ordinance authorizing the drilling, production, and operation of one or more oil wells.

Operation Site: The area used for development and production and all related operational activities of oil and gas after drilling activities are complete.

Operator: For each well, the person listed on the Railroad Commission Form W-1 or Form P-4 for an oil or gas well.

Person: Includes both the singular and plural and means an individual person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, and a fiduciary or representative of any kind.

Petroleum Specialist: A qualified oil and gas consultant familiar with and educated in the oil and gas industry who has been retained by the City.

Pipeline Easement Map: A map indicating all gathering line easements. The easements must be located separately from the utility easements.

Railroad Commission: The Railroad Commission of Texas.

Structure: Any building intended for shelter, occupancy, housing or enclosure for persons, animals, cattle or storage.

Well: A hole or bore to any horizon, formation, or strata for the purpose of producing oil, gas, or other liquid hydrocarbons.

36.3 OIL AND GAS WELL DRILLING AND PRODUCTION BY SPECIFIC USE PERMIT: The drilling and production of oil and gas within the corporate limits of the City shall be permitted by Specific Use Permit, which shall be subject to the following:

- A. The application for the Specific Use Permit shall be in accordance with the provisions of Section 32, hereof. The Specific Use Permit may lessen or impose additional development requirements on a successful applicant.
- B. No drilling shall be permitted within six hundred (600') feet of any residential structure or public building, institution, school, or commercial building; provided, however, that drilling shall be permitted as close as three hundred feet (300') if all property owners within six hundred (600') feet agree in writing.
- C. A Development Site Plan in accordance with the provisions set forth herein.
- D. An approved Road Repair Agreement in accordance with the provisions set forth herein.
- E. An Oil and Gas Permit application may be filed with the City concurrently with the application for a Specific Use Permit; provided, however, that the City shall not be required to consider the Oil and Gas Permit application unless and until a Specific Use Permit is approved by the City Council.
- F. Access roads located adjacent to developed residential properties shall be constructed a minimum of two hundred (200) feet away from adjacent residential structures.

Exception:

- (1) Where unique circumstances prohibit the required 200 foot separation, the City Council may waive this requirement.

36.4 OIL AND GAS WELL PERMIT REQUIRED:

- A. Any person, acting for himself or acting as an agent, employee, independent contractor, or servant for any person, shall not engage in the drilling and production of oil or gas wells within the corporate limits of the City without first obtaining an Oil and Gas Well Permit issued pursuant to this Ordinance. An operator may apply for and obtain separate permits covering each well or a "blanket" permit covering multiple wells within a Specific Use Permit.
- B. When an Oil and Gas Well Permit has been issued covering a well, the permit shall constitute authority for drilling, operation, production, gathering of production, maintenance, repair, reworking, testing, site preparation consisting of rigs or tank batteries, plugging and abandonment, and any other activity authorized by this Ordinance

associated with drilling or production by the operator and their respective employees, agents, and contractors. An Oil and Gas Well Permit shall also constitute authority for the construction and use of all facilities reasonably necessary or convenient in connection therewith, including gathering lines and discharge lines, by the operator and its respective employees, agents, contractors and subcontractors.

- C. An Oil and Gas Well Permit shall not, however, constitute authority for the re-entering and drilling of an abandoned well. Re-entry and drilling of an abandoned well shall require a new Oil and Gas Well Permit.

36.5 ROAD REPAIR AGREEMENT: A Road Repair Agreement shall be filed with the Community Development Department of the City. A Road Repair Agreement must obligate the operator to repair damage to public streets, including but not limited to bridges, caused by the operator (or by the operator's employees, agents, contractors or representatives) in the performance of any activity authorized by or contemplated by the approved Oil or Gas Well Permit. The City Manager shall have the authority to execute the Road Repair Agreement upon approval by the City Council.

36.6 COMPLIANCE WITH THE DEVELOPMENT SITE PLAN: Any person who proposes extraction of oil or gas on a tract of land located within the corporate limits of the City of Azle shall prepare an Oil or Gas Well Development Site Plan. In addition to the requirements outlined in Section 31 hereof, the following shall apply:

- A. The Development Site Plan shall provide for adequate sanitation facilities, access roads, drainage, erosion control and other necessary supporting facilities identified on the Development Site Plan.
- B. The design, location, and arrangement of all driveways and parking spaces shall provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.
- C. Erosion control is required and shall comply with all local, State and Federal requirements. The operator shall file a copy of the Storm Water Pollution Plan if required by the EPA.
- D. Reserve pits shall be lined to prevent water pollution.
- E. With the exception of vehicular access, no development is allowed in a floodway.
- F. Prior to approval of an Oil or Gas Well Development Site Plan, an approved Road Repair Agreement must be on file with the City.
- G. A video documenting the existing conditions will be required prior to approval of the Road Repair Agreement.
- H. Identify truck routes and access points.

- I. Identify Environmentally Sensitive Areas (ESA's) including floodplains and any proposed floodplain, creek and stream crossings.
 1. All floodplain, creek and stream crossings, if not at grade, shall be designed to a 10-year storm frequency.
 2. All floodplain crossings shall have no negative effects on surrounding property.
 3. A drainage study sufficient to substantiate the above requirements will be required as part of the submittal if crossings are proposed.
 4. Identify and indicate the proposed method of erosion control.
- J. Notwithstanding anything to the contrary contained herein, an operator, at his or her sole expense, shall be required to file an approved development site plan in the real property records of the County in which the subject property is located and provide documentary evidence of that fact to the City, prior to commencing operations on any otherwise approved site within the City.

36.7 CONTENTS OF APPLICATION FOR OIL AND GAS WELL PERMIT:

Applications for Oil and Gas Well Permits shall be in accordance with the following:

- A. Shall be submitted in writing, on forms provided by the City.
- B. Shall include a copy of the applicable Pipeline Easement Map indicating the gathering station site.
- C. Shall be signed by the operator.

36.8 REVIEW OF APPLICATIONS FOR OIL AND GAS WELL PERMIT:

- A. All applications for Oil and Gas Well Permits shall be filed with the Planning & Zoning Coordinator who shall immediately forward all applications to the Petroleum Specialist for review. Incomplete applications shall be returned to the applicant, in which case the City shall provide a written explanation of the deficiencies if requested by the applicant. All applications for an Oil and Gas Permit shall be accompanied by a processing fee in the amount of seven thousand five hundred dollars, (\$7,500.00), which shall be assessed to recoup the administrative expenses incurred by the City in administering such permit. The City may return any application as incomplete if there is a dispute pending before the Railroad Commission regarding the determination of the operator.
- B. The Petroleum Specialist shall review each application within thirty (30) days after filing and shall determine whether the application includes all of the information required by this Ordinance, whether the application is in conformance with the applicable Oil and Gas Well Development Site Plan, the applicable Specific Use Permit, the Road Repair Agreement,

and whether the application is in conformance with the insurance and security requirements set forth in this Ordinance.

- C. The failure of the Petroleum Specialist to review an Oil and Gas Well Permit application within the time limits specified above shall not require the City to approve an application that does not meet the minimum requirements set forth in this Ordinance.

36.9 CONTENTS OF OIL AND GAS WELL PERMIT ISSUED BY THE CITY:

- A. Each Oil and Gas Permit shall contain the following information:
 - 1. Identify the name of each well and its operator;
 - 2. Specify the date on which the City issued each permit;
 - 3. Specify the date by which drilling must commence on at least one (1) well covered by the permit, otherwise the permit expires (such date shall not be less than one (1) year after the date of issuance). A one (1) year extension of time may be granted if existing conditions are the same;
 - 4. Specify that if drilling is commenced on at least one (1) well covered by the permit before the permit expires, the permit shall continue until the wells covered by the permit are abandoned and the site(s) restored;
 - 5. Incorporate, by reference, the insurance and security requirements set forth in this Ordinance;
 - 6. Incorporate, by reference, the requirement for periodic reports and for providing notice of reworking an existing well, as set forth in this Ordinance;
 - 7. Incorporate the full text of the release of liability provisions set forth in this Ordinance;
 - 8. Incorporate, by reference, the conditions of the applicable Development Site Plan and applicable Specific Use Permit;
 - 9. Incorporate, by reference, the information contained in the permit application;
 - 10. Incorporate, by reference, the applicable rules and regulations of the Railroad Commission, including the applicable "field rules";
 - 11. Specify that no drilling operations (including the construction of internal private access roads) shall commence until the operator has provided the security required by this Ordinance;

12. Contain the name, address, and phone number of the person designated to receive notices from the City, which person must be a resident of Texas, that can be served in person or by registered or certified mail; and
 13. Incorporate by reference all permits and fees required by the City.
- B. If the City denies an application for an Oil and Gas Well Permit, nothing herein contained shall prevent a new permit application from being submitted to the City for the same well.

36.10 INSURANCE AND INDEMNIFICATION: The operator shall provide or cause to be provided the insurance described below for each well for which an Oil and Gas Well Permit is issued, such insurance to continue until the well is abandoned and the site restored. The operator may provide the required coverage on a "blanket basis for multiple wells". The operator shall provide an affidavit from the operator's insurance company certifying that the insurance provided complies with the requirements of this Ordinance.

A. General Requirements: Indemnification and Express Negligence Provisions:

1. Each Oil and Gas Well Permit issued by the City shall include the following language: Operator does hereby expressly release and discharge all claims, demands, actions, judgments, and executions which it ever had, or now has or may have, or assigns may have, or claim to have, against the City of Azle and/or its departments, its agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, created by, or arising out of personal injuries, known or unknown, and injuries to property, real or personal, or in any way incidental to or in connection with the performance of the work performed by the operator under an Oil and Gas Well Permit and the operator caused by or arising out of, that sequence of events which occur from the operator under the Oil and Gas Well Permit and work performed by the operator shall fully defend, protect, indemnify, and hold harmless the City of Azle, Texas, and/or its departments, agents, officers, servants, employees, successors, assigns, sponsors, or volunteers from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and expenses incurred in defense of the City of Azle, Texas, and/or its departments, agents, officers, servants, or employees, including, without limitation, personal injuries and death in connection therewith which may be made or asserted by Operator, its agents, assigns, or any third parties on account of, arising out of, or in any way incidental to or in connection with the performance of the work performed by the Operator under an Oil and Gas Well Permit, and the Operator agrees to indemnify and hold harmless the City of Azle, Texas, and/or its departments, and/or its officers, agents, servants, employees, successors, assigns, sponsors, or volunteers from any liabilities or damages suffered as a result of claims, demands,

costs, or judgments against the City and/or, its departments, its officers, agents, servants, or employees, created by, or arising out of the acts or omissions of the City of Azle, occurring on the drill site or operation site in the course and scope of inspecting and permitting the gas wells INCLUDING, BUT NOT LIMITED TO, CLAIMS AND DAMAGES ARISING IN WHOLE OR IN PART FROM THE SOLE NEGLIGENCE OF THE CITY OF AZLE OCCURRING ON THE DRILL SITE OR OPERATION SITE IN THE COURSE AND SCOPE OF INSPECTING AND PERMITTING THE OIL AND GAS WELLS. IT IS UNDERSTOOD AND AGREED THAT THE INDEMNITY PROVIDED FOR IN THIS SECTION IS AN INDEMNITY EXTENDED BY THE OPERATOR TO INDEMNIFY AND PROTECT THE CITY OF AZLE, TEXAS AND/OR ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, OR EMPLOYEES FROM THE CONSEQUENCES OF THE NEGLIGENCE OF THE CITY OF AZLE, TEXAS AND/OR ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, OR EMPLOYEES, WHETHER THAT NEGLIGENCE IS THE SOLE OR CONTRIBUTING CAUSE OF THE RESULTANT INJURY, DEATH, AND/OR DAMAGE. LIABILITY FOR THE SOLE NEGLIGENCE OF THE CITY IN THE COURSE AND SCOPE OF ITS DUTY TO INSPECT AND PERMIT THE GAS WELL IS LIMITED TO THE MAXIMUM AMOUNT OF RECOVERY UNDER THE TORT CLAIMS ACT.

2. All policies shall be endorsed to read "This policy will not be cancelled or non-renewed without thirty (30) days advanced written notice to the owner and the City".
3. Liability policies shall be written by carriers licensed to do business in Texas and with companies with A: VIII or better rating in accordance with the current Best Key Rating Guide, or with non-admitted carriers that have a financial rating comparable to carriers licensed to do business in Texas, and approved by the City.
4. Liability policies shall name as "Additional Insured" the City and its officials, agents, employees, and volunteers. Waivers of subrogation shall be provided in favor of the City.
5. Certificates of insurance must be presented to the City evidencing all coverages and endorsements required by this Ordinance, and the acceptance of a certificate without the required limits and/or coverages shall not be deemed a waiver of these requirements.
6. Claims made policies will not be accepted except for excess policies or environmental policies.

B. Required Insurance Coverage:

1. Commercial General Liability Insurance:

- a. Coverage should be a minimum Combined Single Limit of One Million Dollars (\$1,000,000) per occurrence for Bodily Injury and Property Damage with a deductible of no greater than Twenty Five Thousand Dollars (\$25,000) per occurrence. This coverage must include premises, operations, blowout or explosion, products, completed operations, blanket contractual liability, underground property damage, broad form property damage, independent contractors protective liability and personal injury.
 - b. Environmental Impairment (or Seepage and Pollution) shall be either included in the coverage or written as separate coverage. Such coverage shall not exclude damage to the lease site. Coverage shall apply to sudden and non-sudden pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants. Coverage shall be a minimum combined single limit of One Million Dollars (\$1,000,000.00), per occurrence with a deductible of no greater than Twenty Five Thousand Dollars (\$25,000) per occurrence.
2. Automobile Liability Insurance: Minimum Combined Single Limit of One Million Dollars (\$1,000,000) per occurrence for Bodily Injury and Property Damage. Such coverage shall include owned, non-owned, and hired vehicles with a deductible of no greater than Twenty Five Thousand Dollars (\$25,000) per occurrence.
- a. Worker's Compensation Insurance: In addition to the minimum statutory requirements, coverage shall include Employer's Liability limits of at least One Hundred Thousand Dollars (\$100,000) for each accident, One Hundred Thousand Dollars (\$100,000) for each employee, and a Five Hundred Thousand Dollars (\$500,000) policy limit for occupational disease, and the insurer agrees to waive rights of subrogation against the City, its officials, agents, employees, and volunteers for any work performed for the City by the operator.
4. Excess (or Umbrella) Liability Insurance: Minimum limit of Ten Million Dollars (\$10,000,000) covering in excess of the preceding insurance policies.
5. Control of Well Insurance:
 - a. Minimum limit of Five Million Dollars (\$5,000,000) per occurrence with a deductible of no greater than Twenty Five Thousand Dollars (\$25,000) per occurrence.
 - b. Policy shall cover the Cost of controlling a well that is out of control, re-drilling or restoration expenses, seepage and

pollution damage. Damage to Property in the Operator's Care, Custody, and Control with a sub-limit of Five Hundred Thousand Dollars (\$500,000) may be added.

36.11 SECURITY: A security instrument that covers each well must be delivered to the City before the issuance of the Oil and Gas Well Permit for the well. The instrument must provide that it cannot be cancelled without at least thirty (30) days prior written notice to the City. The instrument shall secure the obligations of the operator related to the well to:

- A. Repair damage, excluding ordinary wear and tear, if any, to public streets, including but not limited to bridges, caused by the operator or by the operator's employees, agents, contractors, subcontractors or representatives in the performance of any activity authorized by or contemplated by the Oil and Gas Well Permit;
- B. Comply with the insurance and security provisions set forth in this Ordinance.
- C. Pay fines and penalties imposed upon the operator by the City for any breach of the Oil and Gas Well Permit.
- D. The security instrument may be in the form of an irrevocable letter of credit or payment bond issued by a bank or surety approved by the City. The instrument shall run to the City for the benefit of the City, shall become effective on or before the date the Oil and Gas Well Permit is issued, and shall remain in effect until the well is abandoned and the site restored.
- E. A certificate of deposit may be substituted for the letter of credit or payment bond. The certificate shall be issued by a bank in the City of Azle, Texas, shall be approved by the City, shall be payable to the order of the City to secure the obligations of the operator described above, and shall be pledged to the bank with evidence of delivery provided to the City. Interest on the certificate shall be payable to the operator.
- F. The security instrument may be provided for individual wells or on a "blanket" basis for multiple wells. The amount of the security shall be a minimum of Fifty Thousand Dollars (\$50,000) for any single well and a minimum of Two Hundred Fifty Thousand Dollars (\$250,000) for multiple wells on a "blanket" basis.
- G. An appeal of the determination of the amount of security required under this Ordinance may be made to the Planning and Zoning Commission for recommendation to the City Council for final determination of the amount of security.

36.12 PERIODIC REPORTS:

- A. The operator shall notify the Planning & Zoning Coordinator of any changes to the following information immediately, within one (1) business day after the change occurs.

1. The name, address, and phone number of the operator;
 2. The name, address, and twenty-four (24) hour phone number of the person(s) with supervisory authority over drilling or operations activities;
 3. The name, address, and phone number of the person designated to receive notices from the City, which person must be a resident of Texas that can be served in person or by registered or certified mail; and
 4. The operator's Emergency Action Response Plan including "drive-to-maps" from public rights-of-way to each SUP site.
- B. The operator shall provide a copy of any "incident reports" or written complaints submitted to the Railroad Commission or any other state or federal agency within thirty (30) days after the operator has notice of the existence of such reports or complaints.
- C. Beginning on December 31st after each well is completed, and continuing on each December 31st thereafter until the operator notifies the City that the well has been abandoned and the site restored, the operator shall prepare a written report to the City identifying any changes to the information that was included in the application for the applicable Oil and Gas Well permit that have not been previously reported to the City.

36.13 AMENDED OIL AND GAS WELL PERMITS:

- A. An operator must submit an application to the Planning & Zoning Coordinator to amend an existing Oil and Gas Well Permit, to commence drilling from a new drill site that is not shown on (or incorporated by reference as part of) the existing permit, to relocate a drill site or operation site that is shown on (or incorporated by reference as part of) the existing permit, or to otherwise amend the existing permit.
- B. Applications for amended Oil and Gas Well Permits shall be in writing, shall be on forms provided by the Petroleum Specialist, shall be signed by the operator, and shall include the following:
1. The original application fee as set forth herein;
 2. A description of the proposed amendments;
 3. Any changes to the information submitted with the application for the existing Oil and Gas Well Permit (if such information has not previously been provided to the City);
 4. Such additional information as is reasonably required by the Petroleum Specialist or City Staff to demonstrate compliance with the applicable Development Site Plan and applicable Specific Use Permit; and

5. Such additional information as is reasonably required by the Petroleum Specialist or City Staff to prevent imminent destruction of property or injury to persons.
6. All applications for amended Oil and Gas Well Permits shall be filed with the Planning & Zoning Coordinator. The application shall be immediately forwarded to the Petroleum Specialist for review. Incomplete applications may be returned to the applicant, in which case the City shall provide a written explanation of the deficiencies. The City may return any application as incomplete if there is a dispute pending before the Railroad Commission regarding the determination of the operator.
7. If the activities proposed by the amendment are not materially different from the activities covered by the existing Oil and Gas Well Permit, and if the proposed activities are in conformance with the applicable Development Site Plan and applicable Specific Use Permit, then the Petroleum Specialist shall review the amendment within ten (10) days after the application is filed.
8. If the activities proposed by the amendment are materially different from the activities covered by the existing Oil and Gas Well Permit, and if the proposed activities are in conformance with the applicable Development Site Plan and applicable Specific Use Permit, then the Petroleum Specialist shall review the amendment within thirty (30) days after the application is filed. If, however, the activities proposed by the amendment are materially different and, in the judgment of the Petroleum Specialist, might create a risk of imminent destruction of property or injury to persons that was not associated with the activities covered by the existing permit or that was not otherwise taken into consideration by the existing permit, the amendment must be processed as a new Oil and Gas Well Permit application.
9. The failure of the Petroleum Specialist to review an amended Oil and Gas Well Permit application within the time limits specified above shall not require the City to approve an application that does not meet the minimum requirements set forth in this Ordinance.
10. A decision to deny an amendment to an Oil and Gas Well Permit shall be provided to the operator in writing within ten (10) days after the decision is made, including an explanation of the basis for the decision. The operator may appeal any such denial to the City Council.

36.14 TRANSFER OF OIL AND GAS WELL PERMITS: An Oil and Gas Well Permit may be transferred by the operator with the consent of the City if the transfer is in writing signed by both parties, and the transferee agrees to be bound by the terms and conditions of the transferred permit, if all information previously provided to the City as part of the application for the transferred permit is updated

to reflect any changes and if the transferee provides the insurance and security required by this Ordinance. The insurance and security provided by the transferor shall be released if a copy of the written transfer is provided to the City. The transfer shall not relieve the transferor from any liability to the City arising out of any activities conducted prior to the transfer.

36.15 ON-SITE OPERATION REQUIREMENTS:

- A. A secured entrance gate and a sign shall be required. The sign identifying the entrance to the drill site or operation site shall be reflective. Entrance gates shall be provided with a "Knox Pad Lock" conforming to City of Azle Fire marshal's specifications.
- B. Temporary six-foot (6') chain link or approved alternative fences shall be required to surround drill sites during initial drilling and completion, and shall be locked when no operations personnel are present.
- C. Permanent cedar fences with masonry columns spaced not less than sixteen feet (16'), nor more than twenty-four feet (24') surrounding operation sites shall be a minimum of eight feet (8') in height or higher than the enclosed equipment and shall remain locked at all times when no one is present. For security purposes, all permanent fencing structures shall have a wrought iron gate to allow visibility into the well site.
- D. No refining process, or any process for the extraction of products from gas, shall be carried on at a drill site or operation site, except that a dehydrator and separator may be maintained on a drill site or operation site for the separation of liquids from gas. Any such dehydrator or separator may serve more than one well. All production equipment on an operation site shall be painted and maintained at all times, including pumping units, storage tanks, buildings, and structures.
- E. Permanent weatherproof signs reading "DANGER NO SMOKING ALLOWED" in a minimum of four inch (4") lettering shall be posted at the entrance of each drill site and operation site. The sign shall include the phone number for emergency services (9-1-1), the name and phone number for the operator, and the well designation required by the Railroad Commission, and site address all in two inch (2") lettering.
- F. No person shall place, deposit, or discharge or cause or permit to be placed, deposited, or discharged any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substance, or any refuse, including wastewater or brine, from any oil or gas operation or the contents of any container used in connection with any oil or gas operation in, into, or upon any public right-of-way, storm drain, ditch or sewer, sanitary drain or sewer, any body of water, or any private property within the corporate limits of the City.
- G. All electric lines to production facilities shall be located underground.
- H. All fire suppression and prevention equipment required by any applicable federal, state, or local law shall be provided by the operator, at the

operator's cost, and maintenance and upkeep of such equipment shall be the responsibility of the operator.

- I. No operator shall excavate or construct any lines for the conveyance of fuel, water, gas or petroleum liquids on, under, or through the streets or alleys or other land of the City without an easement or right-of-way license from the City, at a price to be agreed upon, and then only in strict compliance with this Ordinance, with other ordinances of the City, and with the specifications established by the City.
- J. The digging up, breaking, excavating, tunneling, undermining, breaking up, or damaging of any public street or leaving upon any public street any earth or other material or obstruction, is prohibited unless the operator has first obtained written permission from the City, and then only in compliance with specifications established by the City.
- K. No Oil or Gas Well Permit shall be issued for any well to be drilled within any of the streets or alleys of the City and/or streets or alleys shown by the Comprehensive Land Use Plan, and no street shall be blocked or encumbered or closed due to any exploration, drilling, or production activities unless prior consent is obtained from the City, and then only temporarily.
- L. No tank batteries may be installed higher than eight feet above ground level.
- M. A drive approach conforming to City of Azle standards shall be installed from the property line to the edge of street pavement. Access from the drive approach to the pad site shall be constructed of a minimum of six (6) inches of road base installed with a crown. Access roads shall be maintained at all times. "Shaker Tables" shall be installed within the access road.

36.16 OPERATIONS AND EQUIPMENT PRACTICES AND STANDARDS:

- A. Adequate nuisance prevention measures shall be taken to prevent or control offensive odor, fumes, dust, noise and vibration. All debris associated with the clearing of land for the pad site shall be removed prior to any drilling operations commencing.
- B. No person shall permit any lights located on any drill or operation site to be directed in such a manner so that they shine directly on public roads, adjacent property or property in the general vicinity of the operation site. To the extent practicable and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads and adjacent dwellings and buildings within three hundred (300') feet.
- C. The operator shall at all times comply with the rules and regulations of the Railroad Commission including but not limited to all applicable Field Rules.

- D. Internal combustion engines may be used in drilling and producing operations if they have mufflers that will reduce noise to not more than seventy (70) decibels at any point three hundred feet (300') from the boundary of the drill site or operation site. The noise level during fracking operations shall reduce the noise to not more than eighty (80) decibels at any point three hundred feet (300') from the boundary of the drill site or operation site. If noise levels at a distance of three hundred feet (300') exceed eighty (80) decibels, a sound reduction enclosure shall be required around a drilling rig and any internal combustion engines. Only electric motors shall be used for the purpose of pumping oil wells. Electric motors shall be used for compressors located at gas well sites.
- E. In parallel to gas gathering pipeline, a flow back line shall be installed to handle water and gas flow back following well fracture treatment.
- F. Vehicles, equipment, and machinery shall not be placed or located on a drill site or operation site or on any public street, alley, driveway, or other public right-of-way in such a way as to constitute a fire hazard or to unreasonably obstruct or interfere with fighting or controlling fires.
- G. Well servicing operations shall be scheduled to occur between the hours of 7:00_a.m. - 6:00 p.m. only.
- H. Air, gas, or pneumatic drilling shall not be permitted.
- I. For vehicular safety reasons, the operator shall immediately notify the City of any substantial accumulations of dirt, dust, mud or other debris deposited on City thoroughfares by vehicles involved in the well drilling or servicing or pipeline installation process. If for safety reasons, the City elects to perform the removal, the cost of such removal shall be paid by the operator.
- J. The drilling rig and associated drilling equipment shall be removed from the well site within thirty (30) days of the completion of the well or drilling activities.

36.17 STORAGE TANKS AND SEPARATORS:

- A. An operator is allowed to construct, use, and operate such storage equipment and separation equipment as shown on the application for the Oil and Gas Development Site Plan.
- B. The use of centralized tank batteries is permitted as shown on the applicable Development Site Plan.
- C. No meters, storage tanks, separation facilities, or other above ground facilities except wellheads and flow lines shall be placed in the one hundred (100) year floodplain.
- D. The use of fiberglass storage tanks shall be prohibited.

- E. Storage tanks shall be equipped with an automatic tank overflow prevention device.

36.18 FLOW LINES AND GATHERING LINES:

- A. Each operator shall place an identifying sign at each point where a flow line or gathering line crosses a public street or road.
- B. If a gas field in the City is identified as a H₂S gas field the operator shall be required to cease operations.
- C. All flow lines and gathering lines within the corporate limits of the City (excluding City utility lines and franchise distribution systems) that are used to transport oil, gas, and/or water shall be limited to the maximum allowable operating pressure applicable to the pipes installed and shall be installed with at least the minimum cover or backfill specified by the American National Safety Institute Code, as amended.
- D. Easements must be acquired for all flow lines, gathering lines and flow back lines. The location of easements shall be shown in a map approved by the Planning & Zoning Commission and the City Council prior to the installation of any pipelines.
- E. Structures shall not be built over flow lines or gas gathering pipelines.
- F. The location of all pipelines must be marked with warning signs in accordance with industry standards. Within the City of Azle, the distance between such signs shall not exceed five hundred feet (500'). In addition, during backfill of pipeline excavations, "Buried Pipeline" warning tape shall be buried one foot (1') above the pipeline to warn future excavators of the presence of buried pipeline.

36.19 ADDITIONAL SAFETY AND ENVIRONMENTAL REQUIREMENTS:

- A. The drilling and production of oil and gas and accessing the oil or gas well site shall be in compliance with all State and Federal environmental regulations and shall not occur within Environmentally Sensitive Areas designated by the Corps of Engineers.
- B. Oil and Gas wells may have a target location or bottom-hole location that is under an Environmentally Sensitive Area when the oil or gas well is drilled directionally from a location outside the Environmentally Sensitive Area.
- C. Each producing well shall be equipped with an automated valve that closes the well in the event of an abnormal change in operating pressure. All wellheads shall contain an emergency shut off valve to the well distribution line.
- D. Each storage tank shall be equipped with a level control device that will automatically activate a valve to close the well in the event of excess liquid accumulation in the tank.

- E. Storage tank facilities shall be equipped with a secondary containment system including lining with an impervious material. The secondary containment system shall be of a sufficient height to contain one and one-half (1½) times the contents of the largest tank in accordance with the Fire Code, and the impervious liner shall be covered with at least one foot (1') of sand. Drip pots shall be provided at pump out connections to contain the liquids from the storage tank.
- F. Tank battery facilities shall be equipped with a remote foam line utilizing a two and one-half inch (2.5") National Standard Hose Thread female inlet connection in locations approved by the Fire Department. A lightning arrestor system shall be installed according to the most current edition of the National Electrical Code.
- G. An approved Hazardous Materials Management Plan shall be on file with the Fire Department. The costs of cleanup operations due to hazards associated with a well site shall be the responsibility of the operator.
- H. All wells shall be abandoned in accordance with the rules of the Railroad Commission; however, all well casings shall be cut and removed to a depth of at least ten feet (10') below the surface.
- I. No structures shall be built over an abandoned well.
- J. No salt-water disposal wells shall be located within the City of Azle.
- K. An impervious lining of all pits shall be required. Lining shall be a minimum of 15 mils in thickness.
- L. The use of explosive charges for seismic testing shall be prohibited.
- M. The operator shall maintain Material Safety Data Sheets (MSDS) on site at all times.
- N. The operator shall provide a spill plan and emergency plan to the City prior to commencing the drilling process.
- O. All spills, including salt water spills, shall be reported to the City Manager or designee within 24 hours of the spill.
- P. Fuel hoses shall be attended at all times during the on-site fueling process.
- Q. All valves that are not connected to a hose or other equipment shall be properly plugged to prevent accidental spills.
- R. Prior to commencing drilling operations, an inspection shall be performed by the City to ensure compliance with all applicable regulations.

36.20 SUPPLEMENTAL DRILLING:

- A. Supplemental drilling to deepen or directional drill an existing well shall be conducted in accordance with the conditions for the applicable Specific Use Permit. The operator shall provide the City with a copy of additional Railroad Commission permits that allow drilling to a deeper depth.
- B. Supplemental drilling to deepen or directional drill an existing well shall be conducted in accordance with the approved Oil and Gas Well Permit for the well on file with the City.

36.21 REWORKING OF WELL; NOTICE: Any person who intends to rework a well using a drilling rig, to fracture stimulate a well after initial completion, or to conduct seismic exploration involving explosive charges shall give written notice to the City at least ten (10) days before the activities begin. The notice shall identify where the activities will be conducted and shall describe the activities in reasonable detail, including but not limited to the duration of the activities and the time of day they will be conducted. The notice must also provide the address and twenty-four (24) hour phone number of the person conducting the activities. The person conducting the activities will post a sign on the property giving the public notice of the activities, including the name, address, and twenty-four (24) hour phone number of the person conducting the activities.

36.22 ABANDONMENT OF WELLS AND PIPELINES:

- A. Abandonment of Wells: Upon abandonment of a well or well site, within sixty (60) days, the well shall be plugged in accordance with the Texas Railroad Commission standards, the site shall be cleaned and cleared of all equipment, holes or excavations filled, and the land graded and returned to its original condition including replanting of vegetation to match the surrounding area. All well casings shall be cut and removed to a depth of at least 10 feet (10') below the surface.
- B. Abandonment of Pipelines: Upon abandonment of a pipeline, within sixty (60) days of abandonment, a pipeline must be purged and plugged in accordance with the rules and regulations of the State of Texas in effect at that time.

36.23 REMEDIES OF THE CITY:

- A. If an operator (or its officers, employees, agents, contractors, subcontractors or representatives) fails to comply with any requirement of an Oil and Gas Well Permit (including any requirement incorporated by reference as part of the permit), the City shall give written notice to the operator specifying the nature of the alleged failure and giving the operator a reasonable time to cure, taking into consideration the nature and extent of the alleged failure, the extent of the efforts required to cure, and the potential impact on the health, safety, and welfare of the community. In no event, however, shall the cure period be less than thirty (30) days unless the alleged failure presents a risk of imminent destruction of property or injury to persons or unless the alleged failure involves the operator's failure to provide periodic reports.

- B. If the operator does not cure the alleged failure within the time specified by the City, the City may notify the Railroad Commission and request that the Railroad Commission take appropriate action (with a copy of such notice provided to the operator), and the City may pursue any other remedy available under this Ordinance.
- C. If the operator does not cure the alleged failure within the time specified by the City, the City Manager may:
 - 1. Suspend the Oil and Gas Well Permit until the alleged failure is cured; or
 - 2. Revoke the Oil and Gas Well Permit if the operator fails to initiate and diligently pursue a cure.
- D. The operator may appeal a decision to suspend or revoke the Oil and Gas Well Permit, to the City Council.

36.24 ENFORCEMENT, RIGHT OF ENTRY: City Staff is authorized and directed to enforce this Ordinance and the provisions of any Oil and Gas Well Permit. Whenever necessary to enforce any provision of this Ordinance or a Gas Well Permit, or whenever there is reasonable cause to believe there has been a violation of this Ordinance or an Oil and Gas Well Permit, City Staff may enter upon any property covered by this Ordinance or an Oil and Gas Well Permit at any reasonable time to inspect or perform any duty imposed by this Ordinance. If entry is refused, the City shall have recourse to every remedy provided by law and equity to gain entry.

36.25 PENALTY

- A. It shall be unlawful and an offense for any person to do the following:
 - 1. Engage in any activity not permitted by the terms of an Oil and Gas Well Permit issued under this Ordinance;
 - 2. Fail to comply with any conditions set forth in an Oil and Gas Well Permit issued under this Ordinance; or
 - 3. Violate any provision or requirement set forth under this Ordinance.
- B. Any violation of this Ordinance shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) per day, subject to applicable State law. Each day a violation occurs constitutes a separate violation.