

ZONING ORDINANCE

TOWN OF VALLEY VIEW

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TOWN OF VALLEY VIEW, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF VALLEY VIEW, TEXAS, ADOPTING A COMPREHENSIVE ZONING PLAN AND ZONING MAP AND DIVIDING THE TOWN INTO SEVERAL DISTRICTS; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE, AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY, OPEN SPACE, SCREENING, AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE ERECTION, REPAIR, AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR SPECIFIC USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; PROVIDING FOR CERTIFICATES OF OCCUPANCY AND COMPLIANCE; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; PROVIDING A SAVING CLAUSE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VALLEY VIEW, TEXAS, THAT A COMPREHENSIVE ZONING ORDINANCE AND MAP ARE HEREBY PASSED AND APPROVED WHICH SHALL PROVIDE AS FOLLOWS:

SECTION 1 TITLE

This ordinance shall be known and may be cited as "The Town of Valley View Zoning Ordinance".

SECTION 2 PURPOSE

Zoning Regulations and Districts are herein established in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the citizens of the Town. They are designed 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, and to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration for the character of each district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

SECTION 3 ZONING DISTRICTS ESTABLISHED**3.1 Zoning Districts Identified**

The Town of Valley View, Texas, is hereby divided into zoning districts as listed in the section.

<u>ABBREVIATED DESIGNATION</u>	<u>ZONING DISTRICT NAME</u>
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A	Agricultural District
SF-E	Single Family Residential District - Estate
SF-1	Single Family Residential District - 1
SF-2	Single Family Residential District - 2
TF	Two Family Residential (Duplex) District
TH	Townhouse Residential District
MH-1	Manufactured Home District
MH-2	Manufactured Home Park District
MF	Multifamily District
C-1	Commercial District - Office, Light Retail, and Neighborhood Services
C-2	Commercial District - General
C-3	Commercial District - Heavy
M-1	Manufacturing/Industrial District – Light
M-2	Manufacturing/Industrial District - Heavy
PD	Planned Development District
FP	Flood Plain District
THOR	Thoroughfare Overlay District
F-B	Food and Beverage Overlay District

3.2 Description and Purpose of Zoning Districts

A -- Agricultural District: This district provides for the continuance of farming, ranching, and gardening activities on land being utilized for these purposes. When land in an Agricultural District is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning district(s) to provide for orderly growth and development in accordance with the Comprehensive Plan. See Section 8 for A -- Agricultural District regulations.

SF-E -- Single Family Residential District - Estate: The SF-E district provides for residential development on large lots with a minimum building site of 35,000 square feet. Density in this district will usually be no greater than one (1) unit per gross acre. See Section 9 for SF-E -- Single Family Residential District - Estate regulations.

SF-1 -- Single Family Residential District - 1: The SF-1 district provides for a minimum residential building site of 9,000 square feet. Density in this district will usually be no greater than four (4) units per gross acre. See Section 10 for SF-1 -- Single Family Residential District regulations.

SF-2 -- Single Family Residential District - 2: The SF-2 district provides for a minimum residential building site of 7,200 square feet and permits residential development of densities ranging from four (4) to six (6) units per gross acre. See Section 11 for SF-2 -- Single Family Residential District regulations.

TF -- Two Family Residential (Duplex) District: The TF district provides for stable, quality residential development, including duplex, and similar residential development with densities ranging from four (4) to twelve (12) units per gross acre. See Section 12 for TF -- Two Family Residential (Duplex) District regulations.

TH -- Townhouse Residential District: The TH district provides for stable, quality residential development, including townhouses, zero lot line homes, garden (patio) home, and similar residential development with densities ranging from four (4) to twelve (12) units per gross acre. See Section 13 for TH -- Townhouse Residential District regulations.

MH-1 -- Manufactured Home District: The MH-1 district provides an area for the placement of HUD-Code manufactured home and modular home units in subdivisions in which most lots and housing units are owner-occupied. Densities in this district will be comparable to that of the SF-2 District. See Section 14 for MH-1 -- Manufactured Home Subdivision District regulations.

MH-2 -- Manufactured Home Park District: The MH-2 district establishes a category in which manufactured home park development with a maximum density of approximately five (5) - six (6) units per gross acre can occur. See Section 15 for MH-2 -- Manufactured Home Park District regulations.

MF -- Multifamily District: The MF district permits multifamily developments of maximum densities of fifteen (15) units per acre.

C-1 -- Commercial District - Office, Light, Retail, and Neighborhood Services: Retail, commercial, and office uses developed under the standards of the C-1 District are designed to provide a compatible relationship between the C-1 development and adjacent residential areas. See Section 17 for C-1 Commercial District - Office, Light Retail, and Neighborhood Services regulations.

C-2 -- Commercial District - General: Uses which require considerable space for display, sales, or open storage, or by the nature of the use are generally not compatible with residential uses are located in the C-2 Commercial District. See Section 18 for C-2 -- General Commercial District regulations.

C-3 -- Commercial District - Heavy: Uses which require considerable space for display, sales, or open storage, or by the nature of the use are generally not compatible with residential uses, and not compatible with general commercial district regulations are located in the C-3 Commercial District. See Section 19 for C-3 - Heavy Commercial District regulations.

M-1 -- Manufacturing/Industrial District - Light: The Light Manufacturing/Industrial District is established to accommodate uses of a non-nuisance type located in relative proximity to residential and C-1 business areas. Development in the M-1 district is limited primarily to certain wholesale, jobbing and warehouse uses and certain specialized manufacturing and research uses of a type which will not create nuisances. See Section 20 for M-1 -- Manufacturing/Industrial District - Light regulations.

M-2 -- Manufacturing/Industrial District - Heavy: The Heavy Manufacturing/Industrial District is established to accommodate industrial uses not appropriate for inclusion in the M-1 district and likely to create noise, traffic, odor and/or other conditions incompatible with most residential and commercial uses. See Section 21 for M-2 -- Manufacturing/Industrial District - Heavy regulations.

PD -- Planned Development District: The Planned Development District provides a zoning category for the planning and development of larger tracts of land for tracts of land with unique characteristics for a single use or combination of uses requiring flexibility and variety in design to achieve orderly development with due respect to the protection of surrounding property. See Section 22 for PD - Planned Development District regulations.

FP -- Flood Plain District: Zoning districts located in flood hazard areas which are subject to periodic inundation shall be preceded by the prefix FP, indicating a sub-district. Areas designated FP may be used only for those uses listed in the provisions of Section 23 until a use in any area or any portion thereof located in FP sub-district has been approved by the Town Council. Approval shall only be given after engineering studies determine that the area, or any portion thereof, is suitable for uses in the district, and building construction or development would not create an obstruction to drainage nor a hazard to life or property, and that such construction is not contrary to the public interest. See Section 23 for FP -- Flood Plain District regulations.

THOR - Thoroughfare Overlay District: The Thoroughfare District is designed to provide for the diverse uses that can take advantage of the access provided by a major arterial or freeway, without sacrificing the integrity of the thoroughfare or freeway in its primary function as a means of moving vehicular traffic through the community.

SECTION 4 ZONING DISTRICT MAP

4.1. Zoning District Boundaries Delineated on Zoning District Map

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the Town of Valley View, Texas, said map being hereby adopted as part of this ordinance as fully as if the same were set forth herein in detail.

4.2. Regulations for Maintaining Zoning District Map

Two (2) original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the Town Secretary and shall be filed and maintained as follows:

- 4.2.1. One copy shall be filed with the Town Secretary, to be retained as the original record and shall not be changed in any manner.
- 4.2.2. One copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits and for enforcing the Zoning Ordinance. The Building Official shall keep a written record (logbook) of all changes made to the Zoning District Map
- 4.2.3. Reproductions of the official Zoning District Map may be made for information purposes.

SECTION 5 ZONING DISTRICT BOUNDARIES

5.1. Rules for Determining District Boundaries

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

- 5.1.1. Boundaries indicated as approximately following streets, highways, or alleys shall be construed to follow the centerline of such street, highway, or alley.
- 5.1.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- 5.1.3. Boundaries indicated, as approximately following Town limits shall be construed as following Town limits.
- 5.1.4. Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way; if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
- 5.1.5. Boundaries indicated as parallel to or extensions of features indicated in 5.1.1. through 5.1.5. above shall be construed. Distances not specifically indicated on the original Zoning Map shall be determined for the graphic scale on the map.
- 5.1.6. Boundaries indicated as parallel to or extensions of features indicated in 5.1.1. through 5.1.5. above shall be construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the map.

- 5.1.7 Whenever a street, alley or other public way is vacated by official action of the Town Council, or whenever a street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or way, and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- 5.1.8 Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of subsections 5.1.1. through 5.1.7., or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified A -- Agricultural District, temporarily. In an area determined to be temporarily classified as A -- Agricultural District, no person shall construct, add or to alter any building or structure or cause the sale to be done, nor shall any use be located therein or on the land which is not permitted in an A -- Agricultural District, unless and until such territory has been zoned to permit such use by the Town Council. It shall be the duty of the Town Council to determine a permanent zoning for such area as soon as practicable.

SECTION 6 ZONING OF ANNEXED TERRITORY

6.1. Initial Zoning Concurrent With Zoning

An area or areas being annexed to the Town of Valley View shall ordinarily be given initial zoning concurrently with the annexation.

6.2. Temporary Classification

In instances in which the zoning of an annexed territory concurrently with the annexation is impractical, the annexed territory shall be temporarily classified as A -- Agricultural District, until other zoning is established by the Town Council. The procedure for establishing regular zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations. The Town Council shall determine an initial zoning for such area as soon as practicable after annexation.

6.3. Regulations in Areas Temporarily Classified

In an area temporarily classified as A -- Agricultural District:

- 6.3.1. No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the Town of Valley View without first applying for and obtaining a building permit or certificate of occupancy from the building official or the Town Council, as may be required.
- 6.3.2. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in a zoning district other than the Agricultural District by the Town Council in the manner prescribed by law.

SECTION 7 COMPLIANCE WITH ZONING REGULATIONS

7.1 Compliance With Zoning Regulations Required

All land, buildings, structures, or appurtenances thereon located within the Town of Valley View which are hereafter occupied, used, erected, altered, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished, or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

7.2 Building Permits Prohibited Without Plat

No permit for the construction or placement of a building or buildings upon any tract or plot shall be issued unless the plot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission and Town Council and filed in the Plat Records of county or counties in which the plot or tract is located.

7.3 Exclusions

Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction at the time of the passage of this ordinance and which entire building shall be completed within one (1) year from the date of passage of this ordinance.

7.4 One Main Building on a Lot or Tract

Only one main building for one family or two family use with permitted accessory buildings may be located upon a lot or tract. Every dwelling shall face or front upon a public street or approved place other than an alley, which street or approved place shall have a minimum width of thirty-one (31) feet and a fifty (50) foot right of way. Where a lot is used for retail and dwelling purposes, more than one main building may be located upon the lot but only when such buildings conform to all the open space, parking, and density requirements applicable to the uses and districts. Whenever two or more main buildings or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a public street, the same may be permitted when the site plan for such development is approved by the Town Council. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

SECTION 8 A -- AGRICULTURAL DISTRICT**8.1. General Purpose and Description**

The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses and intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

8.2. Permitted Uses

A building or premise shall be used only for the following purposes:

- 8.2.1. Single-family dwellings on building lots of two (2) acres or more in areas where said dwellings can be adequately served by Town utilities or septic tanks located on the building lot.
- 8.2.2. Telephone exchange and utility service building, provided no public business and repair or outside storage facilities are maintained; gas lines; and gas regulating stations.
- 8.2.3. Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servants quarters not for rent, provided that the total area of buildings and structures shall be limited to ten percent (10%) of the gross land area of tract.
- 8.2.4. Temporary metal buildings of less than six hundred (600) square feet which are used for tool and supply storage.
- 8.2.5. Riding academy or other equestrian related activities.
- 8.2.6. Other uses as listed in Section 22 of this ordinance.
- 8.2.7. For more details regarding farm animals see other applicable Town regulations.

8.3. Permitted Specific Uses

The following specific use shall be permitted in the Agricultural District, when granted in accordance with Section 25:

- 8.3.1. Uses as listed in Section 22 of this ordinance.

8.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

SECTION 9 SF-E -- SINGLE FAMILY RESIDENTIAL - ESTATE DISTRICT**9.1. General Purpose and Description**

The Single Family Residential - Estate District is designed to accommodate single family residential development on large lots. The district can be appropriately located in proximity to agricultural and standard single family residential uses. Densities in this district will not usually exceed one (1) unit per gross acre.

9.2. Permitted Uses

A building or premise in an SF-E District shall be used only for the following purposes:

9.2.1. Uses as listed in the table in Section 25 of this ordinance.

9.2.2 For more details regarding farm animals see other applicable Town regulations

9.3. Permitted Specific Uses

The following specific uses shall be permitted in an SF-E District, when granted in accordance with Section 28;

9.3.1. Uses as listed in the table in Section 25 of this ordinance.

9.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

9.5. Parking Regulations

Two (2) covered spaces behind the front yard line for single family dwelling units. Other off-street parking space regulations are set forth in Section 29.

SECTION 10 SF-1 -- SINGE FAMILY RESIDENTIAL DISTRICT - 1**10.1. General Purpose and Description**

The Single Family Residential District - I is designed to accommodate the standard single family residential development. Densities in this district will not usually exceed four (4) units per gross acre.

10.2. Permitted Uses.

A building or premise in an SF-1 District shall be used only for the following purposes:

10.2.1. Uses as listed in Section 25 of this ordinance.

10.3. Permitted Specific Uses

The following specific uses shall be permitted in an SF-1 District, when granted in accordance with Section 28:

10.3.1. Uses as listed in Section 25 of this ordinance.

10.4. Height and Area Regulations:

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

10.5. Parking Regulations

A minimum of two (2) covered, enclosed parking spaces shall be provided per unit behind the building line. Other off-street parking space regulations are set forth in Section 29.

SECTION 11 SF-2 -- SINGLE FAMILY RESIDENTIAL DISTRICT -- 2**11.1. General Purpose and Description**

The Single Family Residential District - 2 is intended to provide for medium density single family residential development. This district functions as a buffer or transition between major streets, non-residential areas and lower density residential areas. Density in this district will range between four (4) and six (6) units per gross acre.

11.2. Permitted Uses

A building or premise shall be used only for the following purposes:

11.2.1. Uses as listed in Section 25 of this ordinance.

11.3. Permitted Specific Uses

The following specific uses shall be permitted in an SF-2 district, when granted in accordance with Section 28:

11.3.1. Uses as listed in Section 25 of this ordinance.

11.4. Height and Area Regulations:

See Appendix 1, Area, Setback, Height, And Coverage Regulations.

11.5. Parking Regulations

A minimum of one (1) covered, enclosed parking space shall be provided per unit behind the front yard line. Other off-street parking space regulations are set forth in Section 29.6.10

SECTION 12 TF -- TWO FAMILY RESIDENTIAL (DUPLEX) DISTRICT**12.1. General Purpose and Description**

The purpose of the Two Family Residential (Duplex) District is to promote stable, quality residential development of slightly increased densities. Consistent with the Town's Comprehensive Plan, this district may be used as a "buffer" district between low density and high-density districts or between residential and non-residential districts.

12.2. Permitted Uses

A building or premise shall be used only for the following purposes:

12.2.1. Uses as listed in Section 25.

12.3. Permitted Specific Uses

The following specific uses shall be permitted in the TF District, when granted in accordance with Section 28:

12.3.1. Uses as listed in Section 25 of this ordinance.

12.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

12.5. Parking Regulations

Off-street parking shall be provided in accordance with the requirements for uses set forth in Section 29.

SECTION 13: TH - TOWNHOUSE RESIDENTIAL DISTRICT**13.1. General Purpose And Description**

The purpose of the Townhouse Residential District is to promote stable, quality residential development of slightly increased densities where single family structures are attached on separate lots or where zero lot lines are allowed. Consistent with the Town's Comprehensive Plan, this district may be used as a "buffer" district between low density and high-density districts or between residential and non-residential districts.

13.2. Permitted Uses

A building or premise shall be used only for the following purposes:

A. Uses as listed in Section 25.

13.3. Permitted Special Uses

The following Special Uses shall be permitted in the TH District, when granted in accordance with Section 28:

A. Uses as listed in Section 25.

13.4 Height And Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations

13.5 Parking Requirements

Two (2) off-street parking spaces shall be provided behind the front building line. Other off-street parking space regulations are set forth in Section 29.

13.6 Minimum Building Size And Masonry Content

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

SECTION 14 MH-1 -- MANUFACTURED HOME DISTRICT**14.1. General Purpose and Description**

The Manufactured Home District is intended to provide for quality manufactured home subdivision development containing many of the characteristics and the atmosphere of a standard single family subdivision.

14.2. Permitted Uses

A building or premise shall be used only for the following purposes:

14.2.1. Uses as listed in Section 25 of this ordinance.

14.3. Permitted Specific Uses

The following specific uses shall be permitted in the MH-1 District, when granted in accordance with Section 28:

14.3.1 Uses as listed in Section 25 of this ordinance.

14.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

14.5 Parking Requirements

Two (2) spaces shall be provided per unit located on the lot plus additional spaces for accessory uses as required in Section 29.

14.6 Additional Restrictions Applicable to MH-1 District

14.6.1. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.

14.6.2. All manufactured homes shall be set on solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab and in compliance with all Town Building codes and regulations..

14.6.3. Tie-downs will be required and will be secured prior to occupancy.

14.6.4. Underpinning and skirting of like material and color or better is required and will be installed prior to occupancy.

14.6.5. Accessory buildings will be either manufactured or constructed in accordance with Town codes.

14.6.6. All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

SECTION 15 MH-2 -- MANUFACTURED HOME PARK DISTRICT**15.1 General Purpose and Description**

The Manufactured Home Park District is intended to provide for quality mobile home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home.

15.2 Permitted Uses

A building or lot shall be used only for the following purposes:

15.2.1. Manufactured Home Park of not less than one-half (½) nor more than ten (10) acres in size.

15.2.2. Uses normally accessory to a manufactured home park, including office and/or maintenance buildings for management and maintenance of the park only, recreation buildings and swimming pools, private clubs, laundry facilities, storage facilities, and recreation areas for use by the resident of the park.

15.2.3. Other uses as listed in Section 25 of this ordinance.

15.3 Permitted Specific Uses

The following specific uses shall be permitted in the MH-2 District when granted in accordance with Section 28:

15.3.1. Boat and recreational vehicle and travel trailer storage yard.

15.3.2. Travel trailer and commercial overnight camping park.

15.3.3. Other uses as listed in Section 25 of this ordinance.

15.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

15.5. Parking Requirements

Two (2) spaces shall be provided per unit located on the lot plus additional spaces for accessory uses as required in Section 29.

15.6. Additional Restrictions Applicable to Mobile Home Park District

15.6.1. Manufactured housing design and construction will comply with construction and safety standards enacted by the State of Texas, as may be published by the Department of Housing and Urban Development or a successor agency pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.

15.6.2. All manufactured homes shall be set on a solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab and in compliance with all Town building codes and regulations.

15.6.3. Tie-downs will be required and will be secured prior to occupancy.

15.6.4. Underpinning and skirting of like material and color or better will be required and will be installed prior to occupancy.

15.6.5. Accessory buildings will be either manufactured or constructed in accordance with Town codes.

15.6.6. All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

SECTION 16 MF -- MULTIFAMILY RESIDENTIAL DISTRICT**16.1 General Purpose and Description**

The Multifamily Residential District is intended to provide for medium to higher density residential development. This district functions as a buffer or transition between major streets, non-residential areas, or higher density residential areas and lower density residential areas. Density in this district does not ordinarily exceed fifteen (15) units per gross acre.

16.2 Permitted Uses

A building or premise shall be used only for the following purposes:

16.2.1. Three (3) or more single family attached dwelling units, provided that no more than seven (7) dwelling units are attached in one continuous row or group.

16.2.2. Other uses as listed in Section 25 of this ordinance.

16.3 Permitted Specific Uses

The following specific uses shall be permitted when granted in accordance with Section 28:

16.3.1. Uses as listed in Section 25 of this ordinance.

16.4 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

When buildings exceed one (1) story in height, such buildings shall be constructed in accordance with the existing building and fire codes.

16.5 Parking Regulations

Two and one-half (2.5) off-street parking spaces shall be provided per unit. Required parking may not be provided within the required front yard. Other off-street parking space regulations are set forth in Section 29.

16.6 Refuse Facilities

Every dwelling unit in a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be screened for view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy Town public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

16.7 Screening Fence

Border fencing of wood or masonry of not less than six (6) feet in height shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. The owner of the complex shall maintain this fence throughout the existence of the multifamily complex.

SECTION 17 C-1 -- COMMERCIAL DISTRICT - OFFICE, LIGHT RETAIL, AND NEIGHBORHOOD SERVICES**17.1 General Purpose and Description**

The Commercial District - 1 is intended for office facilities, neighborhood shopping facilities, and retain and commercial facilities of a service character. The C-1 District is established to accommodate the daily and frequent needs of the community. The following regulations shall be applicable to all uses in the district:

17.1.1. The business shall be conducted wholly within an enclosed building;

- 17.1.2 Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or waste material;
- 17.1.3 All merchandise shall be sold at retail on the premises; and
- 17.1.4 Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

17.2 Permitted Uses

A building or premise shall be used only for the following purposes:

- 17.2.1. Discount, variety, or department store of not greater than twenty thousand (20,000) square feet floor space.
- 17.2.2. Food store with floor space not greater than twenty thousand (20,000) square feet.
- 17.2.3. Gasoline service station (no garage or automobile repair facilities).
- 17.2.4. Other uses as listed in Section 25 of this ordinance.

17.3 Permitted Specific Uses

The following specific uses shall be permitted in the C-1 District, when granted in accordance with Section 28:

- 17.3.1. Broadcasting facilities, radio, television, or microwave tower.
- 17.3.2. Gasoline service station with associated minor automobile repair facility with floor space not greater than two thousand five hundred (2,500) square feet.
- 17.3.3. Other uses as listed in Section 25 of this ordinance.

17.4 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

17.5 Parking Regulations

Off-street parking and loading shall be provided as set forth in Section 29.

SECTION 18 C-2 -- GENERAL COMMERCIAL DISTRICT

18.1 General Purpose and Description

The General Commercial District is intended to provide a zoning category similar to the C-1 District, except that additional uses are permitted which are not generally carried on completely within a building or structure and an expanded range of service and repair uses is permitted.

18.2 Permitted Uses

A building or premise shall be used only for the following purposes:

- 18.2.1 Uses as listed in Section 25 of this ordinance.

18.3 Permitted Specific Uses

The following specific uses shall be permitted in a C-2 District, when granted in accordance with Section 28:

- 18.3.1. Other uses as listed in Section 25 of this ordinance.

18.4 Height and Area Regulation

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

18.5. Parking Requirements

Off-street parking requirements shall be provided in accordance with Section 29.

SECTION 19: C-3 - HEAVY COMMERCIAL DISTRICT**19.1 General Purpose And Description**

The Heavy Commercial District -3 is intended to provide a zoning category similar to the C-2 District, except that additional uses are permitted which are not generally carried on completely within a building or structure and an expanded range of storage and repair uses is permitted.

19.2 Permitted Uses

A building or premise shall be used only for the following purposes:

- A. Uses as listed in Section 25.

19.3 Permitted Special Uses

The following Special Uses shall be permitted in a C-3 District, when granted in accordance with Section 28:

- A. Other uses as listed in Section 29 of this ordinance.

19.4 Height And Area Regulation

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

19.5 Parking Requirements

Off-street parking requirements shall be provided in accordance with Section 29.

SECTION 20 M-1 -- MANUFACTURING/INDUSTRIAL DISTRICT -- LIGHT**20.1 General Purpose and Description**

The Light Manufacturing/Industrial District is established to accommodate those uses which are a non-nuisance type located in relative proximity to residential areas, and to preserve and protect land designated on the Comprehensive Plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes. Development in the M-1 District is limited primarily to certain storage, wholesale, and industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-nuisance type. No use or types of uses specifically limited to the M-2 District may be permitted in the M-1 District.

Uses permitted in the M-1 District are subject to the following conditions:

- 20.1.1. All business, servicing, or processing, except for off-street loading, display or merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed areas.
- 20.1.2. All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of screening.
- 20.1.3. Permitted uses in the M-1 District shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence.
- 20.1.4. Permitted uses in the M-1 District shall produce no noise exceeding in intensity, at the boundary of the property, the average intensity of noise of street traffic.
- 20.1.5. Permitted uses in the M-1 District shall not create fire hazards on surrounding property.

20.2 Permitted Uses

The following specific uses shall be permitted in the M-1 District when granted in accordance with Section 25:

- 20.2.1. Uses as listed in Section 25 of this ordinance.

20.3 Permitted Specific Uses

The following specific uses shall be permitted in the M-1 District when granted in accordance with Section 28:

- 20.3.1. Machine shops and fabrication of metal not more than ten (10) gauge in thickness.
- 20.3.2. Accessory uses, including but not limited to temporary buildings for construction purpose for a period not to exceed the duration of such construction.
- 20.3.3. Factory outlet retail or wholesale store for the sales and servicing of goods or materials on the same premises as the manufacturing company to which they are related, including sales and service in a separate building or buildings.
- 20.3.4. Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
- 20.3.5. Other uses as listed in Section 25 of this ordinance.

20.4 Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

20.5 Parking Regulations

Off-street parking requirements shall be provided in accordance with the specific uses set forth in Section 29.

SECTION 21 M-2 -- MANUFACTURING/INDUSTRIAL DISTRICT -- HEAVY**21.1** General Purpose and Description

The Heavy Manufacturing/Industrial District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses, which might impede the development, and use of lands for industrial purposes.

Uses permitted in the M-2 District are subject to the following conditions:

- 21.1.1. All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings unless otherwise indicated.
- 21.1.2. All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively, screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of such screening.
- 21.1.3. All uses permitted in the M-2 district must meet the following performance standards and any appropriate Town ordinances:
- 21.1.3.a. Smoke: No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to emission of particulate matter;
- 21.1.3.b. Particulate Matter: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to emission of particulate matter;
- 21.1.3.c. Dust, Odor, Gas, Fumes, Glare, or Vibration: No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;

- 21.1.3.d. Radiation Hazards and Electrical Disturbances: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control;
- 21.1.3.e. Noise: No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise at the property line shall not exceed 75 db(A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other Town ordinances pertaining to noise; and
- 21.1.3.f. Water Pollution: No water pollution shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate State and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency or agencies.
- 21.2 Permitted Uses
- The following uses shall be permitted:
- 21.2.1. Uses as listed in Section 25 of this ordinance.
- 21.3 Permitted Specific Uses
- The following specific uses shall be permitted in the M-2 District when granted in accordance with Section 28:
- 21.3.1. Uses as listed in Section 25 of this ordinance.
- Other manufacturing and industrial uses, which do not meet the general definition for manufacturing processes, may be permitted by the Town Council after public hearing and review of the particular operational characteristics of each such use, and other pertinent data affecting the community's general welfare. Approval of uses under this section shall be made in accordance with Section 36.2.2.6
- 21.4 Height and Area Regulations
- See Appendix 1, Area, Setback, Height, and Coverage Regulations.
- 21.5 Parking Regulations
- Required off-street parking shall be provided in accordance with the specific uses set forth in Section 29.

SECTION 22 PD -- PLANNED DEVELOPMENT DISTRICT

22.1 General Purpose and Description

The Planned Development District "PD" prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit 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 community. A PD District may be used to permit new and innovative concepts in land utilization.

22.2 Permitted Uses

Any use specified in the ordinance granting a Planned Development District shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purpose of this ordinance.

22.3 Development Standards

- 22.3.1 Development standards for each separate PD District shall be set forth in the ordinance granting the PD District and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the Town Council may deem appropriate.

- 22.3.2. In the PD District, the particular district(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).
- 22.3.3. The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and a general statement citing the reason for the PD request.
- 22.3.4. The Planned Development District shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.

22.4 Conceptual and Detailed Site Plan

In establishing a Planned Development District, the Town Council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development District. During the review and public hearing process, the Town Council shall require a conceptual plan and/or detail site plan.

22.4.1 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 Planned Development District in a graphic manner and shall be supported by written documentation of proposals and standards for development.

- 22.4.1.1 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.
- 22.4.1.2 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 Town Council, may include but is not limited to the types of use(s), topography, and boundary of the PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.
- 22.4.1.3 Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the building official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the Town Council shall determine the conformity.

22.4.2 Detailed Site Plan

This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the detailed site plan shall be the pre-requisite for issuance of a building permit. The detailed site plan may be submitted for the total area of the PD or for any section by the Town Council. A public hearing on approval of the detailed site plan shall be required at the Council level, unless such a hearing is waived pursuant to Section 22.4.3.1. at the time of conceptual plan approval in the original amending ordinance. The detailed site plan shall include:

- 22.4.2.1 A site inventory analysis including a scale drawing existing vegetation, natural water courses, 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.
- 22.4.2.2 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 with the topographical contour interval of not more than five (5) feet.

- 22.4.2.3 A site plan for proposed building complexes showing the location of separate 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.
- 22.4.2.4 A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.
- 22.4.2.5 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 Town Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the building official or his designated representative.

22.4.3. Procedure for Establishment

The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 39. This procedure is expanded as follows for approval of conceptual and development plans.

- 22.4.3.1 Separate public hearings shall be held by Town Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirements is waived by the Town Council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:
 - (a) The applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans; or
 - (b) 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 it; and
 - (c) 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.
- 22.4.3.2 The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.
- 22.4.3.3 The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the Town Council for the initial and subsequent sections will be required.
- 22.4.3.4 An initial site plan shall be submitted for approval within six (6) months from the approval of the conceptual plan or some portion of the conceptual plan. If the site plan is not submitted within six (6) months, the conceptual plan is subject to re-approval by the Town Council. If the entire project is not completed within two (2) years, the Town Council may review the original conceptual plan to ensure its continued validity.
- 22.4.3.5 Regardless of whether the public hearing is waived for the development plan, approval by the Town Council is still required.

22.5 Written Report May Be Required

When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic. Written comments from the applicable public school district and from private utilities may be submitted to the Town Council.

22.6 Planned Developments To Be Recorded

All Planned Development Districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in an appendix of this ordinance.

SECTION 23 FP -- FLOOD PLAIN DISTRICT**23.1 General Purpose and Description**

The Flood Plain District is designed to provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding portions of certain districts. Such areas are designated with a Flood Plain Prefix, FP.

23.2 Permitted Uses

The permitted uses in that portion of any district having a Flood Plain (FP) prefix shall be limited to the following:

- 23.2.1 Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry but excluding construction of barns or other outbuildings.
- 23.2.2 Off-street parking incidental to any adjacent main use permitted in the district however parking should be limited to areas where the depth of flow of storm water during a 25-year storm would be less than or equal to .50 feet.
- 23.2.3 All types of local utilities including those requiring specific use permits.
- 23.2.4 Parks, playgrounds, public golf courses (no structures), and other recreational areas.
- 23.2.5 Private open space as part of a Planned Residential Development.
- 23.2.6 Structures, installations, and facilities installed, operated, and maintained by public agencies for flood control purposes.
- 23.2.7 Bridle trail, bicycle, or nature trail.

23.3 Town Council Approval Required

No structure, including above ground utility poles, shall be erected in that portion of any district designated with a Flood Plain, FP, prefix until and unless such structure has been approved by the Town Council after engineering studies have been made and it is ascertained that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard, or obstacle to the movement of flood waters and that such construction would not endanger the value and safety of other property or public health and welfare.

SECTION 24A THOROUGHFARE DISTRICT (THOR)**24A.1 General Purpose and Description**

The Thoroughfare District is designed to provide for the diverse uses that can take advantage of the access provided by a major arterial or freeway, without sacrificing the integrity of the thoroughfare or freeway in its primary function as a means of moving vehicular traffic through the community. This district is established to create an attractive, higher intensity use corridor composed primarily of office, retail, limited light industrial and commercial uses, hotels, motels, and restaurants. To protect the integrity of the thoroughfare, minimum lot sizes will be larger, setback requirements will be greater, and more stringent access restrictions will be imposed in the THOR District than in other commercial and industrial districts. The THOR District should have increased water, sewer, and drainage capacity, and increased fire protection to accommodate the higher intensity uses typically found in the district. The THOR District is an overlay district, meaning that the regulations within the district are in addition to the base district that is being overlaid.

24A.2 Permitted Uses

A building or premise shall be used only for the following purposes:

24A.2.1 Uses permitted by right

See Section 25 - Use of Land and Building for each base district.

24A.2.2 Accessory structures permitted

See Section 25 - Use of Land and Building for each base district.

24A.2.3 Uses permitted by Specific Use Permit

See Section 25- Use of Land and Building for each base district.

24A.3 Height and Area regulations

See Appendix 1 of Base District

24A.4 Special Regulations

In addition to Section 27.3, Dimensional Requirements, the following requirements shall apply where required:

24A.4.1 Access

Entries/exits on each development lot shall be separated by a minimum of one hundred feet and no more than two (2) such entries/exits shall be provided per street frontage for each development lot.

24A.4.2 Masonry Requirements

A minimum of seventy-five percent (75%) of the exterior of any building shall be of masonry construction.

24A.4.3 Landscape Requirements

A 15' landscape setback from all streets is required. No parking is allowed within this setback. At a minimum the Landscape setback will contain the following:

24A.4.3.a any surface except sidewalks and drive approaches shall be planted with ground cover or grass.

24A.4.3.b one tree (2" caliper measured 1' above grade) for every 35 linear feet of public street frontage, excluding drive approach shall be planted. Trees may be spaced 20' to 50' apart.

24A.4.3.c parking, maneuvering, loading areas for people, or vehicular display and storage and boat areas which are not screened by on-site buildings or fences shall be screened from view of streets. The screening shall be a minimum height of 3' above the grade of the parking lot and adjacent to the parking lot. Screens shall be opaque and consist of one or a combination of screening shrubs, walls, and or berms. Screening shrubs shall be spaced a maximum of 3' on center and shall be a minimum of five gallon containers, and shall be capable of reaching a minimum height of 3' within 18 months of planting.

24A.4.3.d landscaping installed as part of the requirements must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning and other maintenance of all plantings as needed. All landscaped areas shall be irrigated with an irrigation system capable of providing the proper amount of water for the particular type of plant material used.

24A.4.3.e A Prohibited Plant List is provided as Appendix II.

24A.4.4 Refuse Facility Screening

Each refuse facility shall be completely screened from view of public streets and adjoining residential zoned properties by screening three sides by masonry walls not less than the height of the bin or container. An opening shall be situated so that the container is not visible from adjacent properties and street unless the opening is equipped with an opaque gate.

24A.4.2 Development Plan Requirements

A development plan is required within the Thoroughfare Overlay District. The requirements shall meet the requirements as set forth in section 22.4.2 (Planned Development section of this Ordinance).

SECTION 20B F-B FOOD – BEVERAGE OVERLAY DISTRICT

There is hereby created the "F-B — Food - Beverage Overlay District" (also referred to in this Ordinance as "F-B Overlay District").

Immediately upon the adoption of this ordinance, areas within the corporate limits of the Town of Valley View that fall within the area(s) described in Appendix 2 shall constitute F-B Overlay Districts.

The regulations contained in this section are intended to be overlay zoning and will be applied in conjunction with all underlying zoning that currently exists within an F-B Overlay District. The regulations of the underlying zoning, and all other applicable regulations, remain in effect. If provisions of the F-B overlay District conflict with provisions of the underlying zoning or any other regulations, the provisions of the F-B Overlay District shall prevail.

It shall be unlawful for any Food-Beverage Store to be constructed, erected, or placed closer than 500 feet to another existing Food-Beverage Store unless the Town Council grants a special use permit for a particular establishment that wishes to develop a Food-Beverage Store less than 500 feet from an existing Food-Beverage Store. An establishment is considered to be an "existing Food-Beverage Store" once the final plat for its development has been approved by the Town Council, even if it is not yet constructed or operational.

The measurement of the distance between Food-Beverage Stores shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

SECTION 25 USE OF LAND AND BUILDINGS

No land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following Schedule of Uses listed in the following tables.

Table 1 -	Accessory and Incidental
Table 2A -	Educational, Institutional, and Special
Table 2B -	Educational, Institutional, and Special (cont.)
Table 3 -	Transportation, Utility, and Communications
Table 4 -	Automobile and Related Service
Table 5A -	Office, Retail, Commercial and Service Type
Table 5B -	Office, Retail, Commercial and Service Type (cont.)
Table 5C -	Office, Retail, Commercial and Service Type (cont.)
Table 6A -	Manufacturing, Storage and Warehousing
Table 6B -	Manufacturing, Storage and Warehousing (cont.)
Table 6C -	Manufacturing, Storage and Warehousing (cont.)
Table 6D -	Manufacturing, Storage and Warehousing (cont.)

LEGEND FOR INTERPRETING SCHEDULE OF USES

X	Designates use <i>permitted</i> in district indicated.
	Designates use <i>prohibited</i> in district indicated
C	Designates use which may be approved as <i>Specific Use Permit</i>

The numbers in the "note" column refer to description/definitions listed in Section 23 Descriptions/Definitions of Uses. Additional regulations relating to use of land and buildings in individual zoning districts are listed in Sections 8 through 23 and Section 28 of this ordinance.

25.1 ACCESSORY AND INCIDENTAL USES

	ACCESSORY AND INCIDENTAL USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Accessory Building To Main Use	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Boat; Boat Trailer	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Billboard, Advertising														C	
Carport	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Construction Yard, Temporary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Home Occupation	X	X	X	X	X	X	X	X	X						X
Field/Sales Office	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Garage, Private	X	X	X	X	X	X	X	X	X						X
Motor Home	X	X	X	X	X	X	X	X	X						X
Trailer; Cattle Trailer/ Travel Trailer/Etc.	X	X	X	X	X	X	X	X	X						X

25.2 RESIDENTIAL TYPE USES

	RESIDENTIAL TYPE USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Boarding/Rooming House							C								X
Dormitory							C								X
Duplex						X	C								X
Garden (Patio) Home							C								X
Guest House							C								X
Manufactured Housing, HUD Code								X	X						
Manufactured Home Park									X						X
Manufactured Home Subdivision								X							X
Mobile Home								C	C						
Motel/Motor Hotel/Motor Lodge										C	C	C	X	X	X
Move-In Houses		C	C	C											
Multiple Family Residence							X								X
Residence Hotel							X			C	C	C			X
Retirement Housing							X								X
Servant's/Caretaker's/Guard's Residence		C													
Single Family Dwelling, Attached	X	X	X	X	X	X	X								X

25.2 RESIDENTIAL TYPE USES

[illegible]

25.3 EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES

	EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Cemetery/Mausoleum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Childcare Center										C	C	C			
Church/Parsonage/ Rectory/Place Of Worship	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Civic Center	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
College/University	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Community Center, Private	C	C	C	C	C	C	C	C	C	C	C	C	C		X
Community Center, Public		X	X	X	X	X	X	X	X	X	X	X	X	X	X
Continuing Care Facility										C	C	X			X
Country Club, Private	X	C	C	C	C	C	C	C					X	X	X
Exhibition Area	X									C	C	C	C	C	X
Fairgrounds	X										C	C	C	C	X
Family Home	C	C	C	C	C	C	C								X
Farm/Ranch/Orchard	X	C											C	C	
Feedlot; Livestock	C														
Fraternal Organization/ Lodge/Civic Club	X									X	X	X	X	X	X
Golf Course/Driving Range	X										C	C	X	X	X

25.3 EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES

	EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Greenhouse/Plant Nursery, Commercial	X									C	X	X	X	X	
Greenhouse/ Plant Nursery, Non-Commercial	X	X	X	X	X	X		X							X
Health Club/Gymnasium										X	X	X	X		X
Hospital, Chronic/Acute/ Long-Term Care										X	X	X	X	C	X
Hospital										X	X	X	X	C	X
Household Care Facility							X	C	C	X	X	X			
Kennel	C										C	C	X	X	
Library		C	C	C	C	C	C	C	C	X	X	X	X		X
Museum/Art Gallery	X	C	C	C	C	C	C			X	X	X	X		X
Nursery School/ Kindergarten		C	C	C	C	C	C	C	C	C	X	X			X
Park/Playground/ Recreation Center, Private		C	C	C	C	C	C	C	C	C					
Park/Playground/ Recreation Center, Public	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Personal Care Home, Custodial Care		C	C	C	C	C	C	C	C						C
Prison/Jail/Place Of Incarceration	C											C	C	C	
Race Track	C												X	X	
Registered Family Home		C	C	C	C	C	C	C	C	C	C	C			X

25.3 EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES

	EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Rehabilitation Care, Facility												C	C	C	X
Rehabilitation Care, Institution	C											C	C	C	X
Rest Home/Nursing Home										C	X	X	X	X	X
Rodeo Arena & Grounds	C											C	C	X	X
School Private; Primary/Secondary	C	C	C	C	C	C	C	C		X	X	X	C		X
School Public; Primary/Secondary	C	C	C	C	C	C	C	C		X	X	X	C		X
School, Trade/Commercial	C									C	C	C	X	X	X
Shooting Range/Target Range, Indoor										C	C	C	C	C	
Shooting Range/Target Range, Outdoor	C														
Stable, Commercial	X													C	X
Stadium/Play Field, Public	C	C	C	C	C	C	C	C	C	X	X	X	X	X	X
Swimming Pool, Private	X	X	X	X	X	X	X	X	X	C	C	C	C	C	X
Swimming Pool, Commercial/Public	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

25.4 TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES

	TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Airport/Landing Field	C	C											C	C	
Electric Power Generating Plant	C												X	X	
Electrical Substation	X	C	C	C	C	C	C	C	C	C	C	C	X	X	X
Franchised Utility, (Public or Private)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Gas Metering Station	X	C	C	C	C	C	C	C	C	C	C	C	C	X	
Heliport Or Helistop	C	C								C	X	X	X	X	X
Landfill													C	C	
Liquefied Petroleum Gas, Storage/Sale (No Bulk Plants)											C	C	X	X	
Radio/Television/ Telephone/Microwave Tower: Amateur	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Radio/Television/ Telephone/Microwave Tower: Commercial	C											C	C	C	C
Railroad Station	X										X	X	X	X	X
Railroad Team Track & Right Of Way	X										X	X	X	X	X
Railroad Track & Right- Of-Way	X										X	X	X	X	X
Service Yard Of Government Agency	C									X	X	X	X	X	X
Sewage Pumping Station	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

25.4 TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES

	TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Sewage Treatment Plant	C											X	X	X	X
Shops/Office/ Storage Area Of Public/ Private Utility	C										C	X	X	X	
Solid Waste Transfer Station	C												X	X	
Telephone Exchange Station										C	C	C	X	X	
Transit Station/ Turnaround	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Water Pumping Station/Well	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Water Storage, Elevated	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Water Storage, Ground	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Water Treatment Plant	C											X	X	X	

25.5 AUTOMOBILE AND RELATED SERVICE USES

	AUTOMOBILE AND RELATED SERVICE USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Auto Laundry										C	X	X	X	X	X
Auto Leasing										C	C	X	X	X	X
Auto Paint & Body Shop												C	X	X	
Auto Parts Sales, Inside										X	X	X	X	X	
Auto Parts Sales, Outside													C	C	
Auto Repair, Major												C	X	X	
Auto Repair, Minor											X	X	X	X	
Auto Sales, New											C	X	X	X	
Auto Sales, Used											C	X	X	X	
Auto Service Station										C	X	X	X	X	
Auto Wrecking Yard/Salvage Yard														C	
Bus Terminal											X	X	X	X	X
Car Wash										C	X	X	X	X	X
Farm Equipment Sales, Indoor	C										C	C	X	X	X
Farm Equipment Sales, Outdoor	C										C	C	X	X	X

25.5 AUTOMOBILE AND RELATED SERVICE USES

	AUTOMOBILE AND RELATED SERVICE USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Farm Equipment Repair & Service, Major	C										C	C	X	X	X
Farm Equipment Repair & Service, Minor	C										C	C	X	X	X
Machinery Sales & Service, Heavy											C	C	X	X	X
Motorcycle Sales & Service										C	C	X	X	X	X
Parking Lot/Parking Garage, Light										X	X	X	X	X	X
Parking Lot/Parking Garage, Heavy													X	X	X
Quick Oil Change Facility										C	X	X	X	X	X
Tire Dealer, Inside Storage											C	X	X	X	X
Tire Dealer, Outside Storage													X	X	X
Tire Retreading/Recapping													X	X	
Trailer Sales, New											C	C	X	X	
Trailer Sales, Used											C	C	X	X	
Truck & Bus Leasing											C	C	X	X	
Truck & Bus Repair													X	X	
Truck/Motor Freight Terminal												C	X	X	
Truck Sales, New											C	X	X	X	X

25.5 AUTOMOBILE AND RELATED SERVICE USES

[illegible]

25.6 OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

	OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Air Conditioning & Refrigeration Contractor											C	X	X	X	X
Amusement, Commercial (Indoor)										C	C	X	X	X	X
Amusement, Commercial (Outdoor)	C											C	X	X	X
Antique Shop										X	X	X			
Arcade										C	C	C	C	C	C
Arts & Crafts Store, Inside Sales										X	X	X	X	X	X
Arts & Crafts Store, Outdoor Sales										X	X	X	X	X	X
Auction (Not to Include Auto/Truck/Trailer)										C	C	C	C	C	C
Bakery & Confectionery, Retail Sales										X	X	X	X	X	X
Bakery & Confectionery, Commercial												X	X	X	X
Bank/Savings & Loan/ Credit Union										X	X	X	X	X	X
Barber Shop										X	X	X	X	X	X
Barber School/College										X	X	X	X	X	X
Beauty Culture School/ Cosmetology Specialty Shop										X	X	X	X	X	X
Beauty Shop										X	X	X	X	X	X
Boat Sales & Storage											C	X	X	X	X

25.6 OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

	OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Building Materials, Inside Sales										X	X	X	X	X	X
Building Materials, Outside Sales										C	C	X	X	X	X
Business Service										X	X	X	X	X	X
Cabinet & Upholstery											C	X	X	X	X
Cleaning And Dyeing, Small Plant/Shop										C	X	X	X	X	X
Clinic, Medical/Dental										X	X	X	X	X	X
Club, Private											C	C	C	C	X
Convenience Store										X	X	X	X	X	X
Custom Personal Service Shop										X	X	X	X	X	X
Discount/Variety/Department Store										X	X	X	X	X	X
Drapery/ Needlework/ Weaving Shop										X	X	X	X	X	X
Dry Cleaning										X	X	X	X	X	X
Feed & Farm Supply, Inside Sales/Storage	C										X	X	X	X	X
Feed & Farm Supply, Outside Sales/Storage	C										C	C	X	X	X
Flea Market	C									C	C	C	C	C	C
Florist										X	X	X	X	X	X

25.6 OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

	OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Food/Grocery Store										X	X	X	X	X	X
Furniture/Appliance Store										C	X	X	X	X	X
Furniture/Appliance Service & Repair										C	X	X	X	X	X
Garden Center, Retail Sales										C	X	X	X	X	X
General Merchandise Store										C	X	X	X	X	X
Gymnastic/Dance Studio										C	X	X	X	X	X
Handcraft Shop										X	X	X	X	X	X
Household Appliance Service & Repair										C	X	X	X	X	X
Laboratory, Medical/Dental										X	X	X	X	X	X
Laboratory, Scientific or Research											C	C	X	X	X
Laundry & Cleaning, Commercial											X	X	X	X	X
Laundry & Cleaning, Self Service											X	X	X	X	X
Manufactured Housing/ Mobile Display & Sales								C	C		C	C	X	X	X
Massage Establishment										X	X	X			
Medical Supplies/Sales/Service									X	X	X	X	X	X	
Metal Dealer, Crafted Precious									X	X	X	X	X	X	X

25.6 OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

	OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Metal Dealer, Secondhand														C	
Mortuary/Funeral Home											C	C	X	X	X
Newspaper Printing											C	C	X	X	X
Office Center										C	C	X	X	X	X
Office; Professional/ General Administrative										X	X	X	X	X	X
Office; Showroom/ Warehouse										C	C	X	X	X	X
Pawn Shop												C	C	C	C
Pet Shop										C	X	X	X	X	X
Pharmacy										X	X	X	X	X	X
Plumbing/Heating/ Refrigeration/Air Condition											X	X	X	X	X
Plumbing Service											X	X	X	X	X
Portable Building Sales													X	X	X
Post Office; Government/Private										X	X	X	X	X	X
Print Shop										C	C	C	X	X	X
Racquetball Facilities										C	C	C	X	X	X

25.6 OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

	OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Restaurant/Cafeteria, With Drive-In Service Or Drive Through										C	X	X	X	X	X
Restaurant/Cafeteria, Dine-In Service Only										C	X	X	X	X	X
Retail Shops/Stores										C	C	X	X	X	X
Second Hand Store, Furniture/Clothing										C	C	X	X	X	X
Service, Retail										C	C	X	X	X	X
Shopping Center										C	X	X	X	X	X
Studio, Artist/Musician/ Photographer										C	C	X	X	X	X
Studio, Radio/Television										C	C	X	X	X	X
Taxidermist										C	X	X	X	X	X
Theater, Indoor										C	C	C	C	C	C
Theater, Outdoor	C										C	C	C	C	C
Tool Rental Shop										C	C	X	X	X	X
Trailer Rental											C	X	X	X	X
Veterinarian Clinic, Inside Pens										C	C	X	X	X	X
Veterinarian Clinic, Outside Pens											C	X	X	X	X

25.7 MANUFACTURING, STORAGE, AND WAREHOUSEING USES

	MANUFACTURING, STORAGE, AND WAREHOUSING USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Acetylene Gas Manufacture Or Storage	C												X	X	
Advertising Displays Manufacture													X	X	
Apparel & Other Products Assembled From Finished Textiles													X	X	
Arsenal														C	
Asphalt Manufacture/Refining														C	
Bag Cleaning														C	
Boats, Building Or Repair													X	X	
Boiler Works													X	X	
Bookbinding, Excluding Hand Binding													X	X	
Bottling Works													X	X	
Brick/Tile/Pottery/Terra Cotta Manufacture, Other Than Handcraft													C	X	
Brooms/Brushes, Manufacture													X	X	
Building Materials, Inside Storage											C	C	X	X	
Building Materials, Outside Storage											C	C	X	X	
Cameras/Photographic Equipment										C	C	C	X	X	
Candle Manufacture												C	X	X	

25.7 MANUFACTURING, STORAGE, AND WAREHOUSEING USES

	MANUFACTURING, STORAGE, AND WAREHOUSING USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Carpet Manufacture Or Cleaning												C	X	X	
Celluloid Manufacture Or Treatment													X	X	
Cement/Lime/Gypsum/Plaster Of Paris Manufacture														C	
Ceramics/Stone/Glass/Marble/Porcelain Products Manufacture													X	X	
Chemical Manufacturing														C	
Cleaning & Dyeing; Dry Cleaning Plant													X	X	
Concrete													C	C	
Contractor's Shop & Storage Yard (Temporary)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Cosmetic Manufacture													X	X	
Cotton Gin														X	
Cotton Seed Oil Manufacture														X	
Dairy Processing, Manufacturing Products	C												C	X	
Distillation Of Bones, Coal Or Wood														C	
Drugs Or Pharmaceutical Products Manufacture													C	X	

25.7 MANUFACTURING, STORAGE, AND WAREHOUSEING USES

	MANUFACTURING, STORAGE, AND WAREHOUSING USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Electrical Appliances, Supplies, And Machinery, Assemble Or Manufacture													X	X	
Electronic Products, Assembly												C	X	X	
Electronic Products, Manufacture												C	X	X	
Emery Cloth/Sandpaper Manufacture													C	X	
Explosives/Fireworks Manufacture/Storage														C	
Fat Rendering														C	
Fertilizer Manufacture														C	
Fiberglass Manufacture														C	
Food Products Processing											C	C	C	X	
Forge Plant														X	
Foundry: Iron/Steel/Brass/Copper														X	
Fur Good Manufacture (Not Including Tanning Or Dyeing)													X	X	
Furniture & Upholstery Manufacture													X	X	
Garbage/Offal Or Dead Animal Reduction														C	

25.7 MANUFACTURING, STORAGE, AND WAREHOUSEING USES

	MANUFACTURING, STORAGE, AND WAREHOUSING USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Gas Manufacture														C	
General Commercial Plant													C	C	
Glass Products													X	X	
Glue Or Gelatin Manufacture														C	
Grain Elevator	C													C	
Hatchery	C													C	
Household Appliance Products Assembly & Manufacture From Prefabricated Parts													X	X	
Ice Production, Dry Or Natural												C	X	X	
Industrial Park													X	X	
Junk Yard/Salvage Yard														C	
Laundry Plant													X	X	

25.7 MANUFACTURING, STORAGE, AND WAREHOUSEING USES

	MANUFACTURING, STORAGE, AND WAREHOUSING USES														
TYPE OF USE	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Light Manufacturing													X	X	
Livestock Feed Yards	C														
Mill; Grain/Flour/ Food Products	C												C	C	
Mines & Quarries														C	
Musical Instrument Manufacture												C	X	X	
Oil Field Service													C	X	
Oil/Gas/Other Mineral Extraction	C												C	C	
Oilcloth/Linoleum Manufacture													C	X	
Ore Reduction														C	
Orthopedic Or Medical Appliance Manufacture												C	X	X	
Paint/Oil/Shellac/ Turpentine/ Varnish Manufacture													X	X	
Paper Products Manufacture														C	
Petroleum Products, Sales, Wholesale	C											C	X	X	
Petroleum Products, Bulk Quantities														C	
Pipe Sales & Supply												C	C	X	

25.7 MANUFACTURING, STORAGE, AND WAREHOUSEING USES

	MANUFACTURING, STORAGE, AND WAREHOUSING USES														
Type Of Use	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Plastic Products Manufacture (Not Including Processing Or Raw Materials)													C	X	
Pump Sales/Repair & Maintenance												C	X	X	
Scrap Metal Sales & Storage														C	
Self Storage; Mini-Warehouse	C											C	X	X	
Sporting Athletic Equipment Manufacture												C	X	X	
Steel Fabrication													C	X	
Storage/Wholesale Warehouse, Light												C	X	X	
Storage/Wholesale Warehouse, Heavy													C	X	
Tire Recapping, / Vulcanizing														C	
Tools/Hardware Manufacture													C	X	
Toys/Novelty Projects Manufacture												C	C	X	
Window Shade/Awnings/ Venetian Blind Manufacture													X	X	
Wrecking/Junk/ Salvage Yard														C	
Yeast Manufacture														C	

SECTION 26 DESCRIPTIONS/DEFINITIONS OF USES**26.1 Residential Uses**

- 26.1.1 Boarding or Rooming House: A building, other than hotel or multiple family dwelling, where lodging is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms. Facilities usually referred to, as "bed and breakfast" arrangements are included in this definition.
- 26.1.2 Dormitory: A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one (1) such apartment unit for each fifty (50) students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.
- 26.1.3 Duplex: See Two Family Dwelling, Sec. 26.1.20.
- 26.1.4 Guest House: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having kitchen facilities and not rented or otherwise used as a separate dwelling.
- 26.1.5 Industrialized Housing: A residential structure designed for use and occupancy by one (1) or more families, constructed in one (1) or more modular components built at a location other than the permanent residential site, designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term shall not mean or apply to (a) housing constructed of sectional or penalized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location
- 26.1.6 Manufactured Housing, HUD Code: 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 (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 foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All references in this ordinance to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified.
- 26.1.7 Manufactured Home Park: Any tract of land under single ownership of not less than one-half (½) acres and not more than ten (10) acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the Town of Valley View relating to the location, use, construction, operation, or maintenance of manufactured housing.
- 26.1.8 Manufactured Home Subdivision: A tract of land of not less than two (2) acres which has been final platted of record in its entirety in accordance with the subdivision regulations of the Town for occupancy primarily by HUD-Code manufactured housing and industrialized housing.
- 26.1.9 Mobile Home: A structure constructed before June 15 1976, 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 three hundred twenty (320) or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.
- 26.1.10 Motel, Motor Hotel, or Motor Lodge: A building or group of buildings designed for and occupied as a temporary dwelling place, providing four (4) or more room units for compensation. Units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. A motel, motor hotel, or motor lodge may include restaurants, clubrooms, banquet halls, ballrooms and meeting rooms as accessory uses.
- 26.1.11 Multiple Family Residence: Any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

- 26.1.12 Residence Hotel: A multi-dwelling unit extended stay-lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, clubhouse and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined in this ordinance.
- 26.1.13 Retirement Housing: A development providing dwelling units specifically designed for the needs of ambulatory or retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:
- a) cafeteria and/or dining room
 - b) library
 - c) game room
 - d) swimming pool and/or Jacuzzi
 - e) exercise room
 - f) arts and crafts facilities
 - g) greenhouse
 - h) housekeeping service
 - i) transportation service
 - j) snack bar with a maximum of 350 square feet per 100 dwelling units
 - k) beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units
 - l) convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items, and gifts.
- 26.1.14 Servant's, Caretaker's, or Guards' Residence: An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one kitchen and at least one bathroom facility and used as living quarters for a person or person employed on the premises for not less than fifty percent (50%) of his/her actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed six hundred (600) square feet.
- 26.1.15 Single Family Dwelling Attached: A dwelling that is part of a structure containing three (3) or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of twenty (20) feet, in which each dwelling is located on a separate platted lot.
- 26.1.16 Single Family Dwelling, Detached: A detached building designed exclusively for occupancy by one (1) family, excluding manufactured housing and modular homes.
- 26.1.17 Townhouse or Row Dwelling: One of a series of not less than three (3) nor more than ten (10) attached one (1) family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.
- 26.1.18 Travel Trailer Park: Any tract of land under single ownership, two (2) acres or more, where accommodations are provided for travel trailer use.
- 26.1.19 Two Family Dwelling: A building designed for occupancy by two (2) individuals or families living independently of each other within separate units which have a common wall and are under one (1) roof.
- 26.1.20 Zero Lot Line House: A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.
- 26.2 Educational, Institutional, and Special Uses
- 26.2.1 Child Care Center: An establishment where four (4) or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term "day care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school (Also see Registered Family Home).
- 26.2.2 Church, Rectory, or Place of Worship: A building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or directors on the premises.

- 26.2.3 Civic Center: A building or complex of buildings that houses municipal offices and services and which may include cultural, convention and/or entertainment facilities owned and/or operated by a governmental agency.
- 26.2.4 College or University: An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.
- 26.2.5 Community Center, Public: A building or buildings dedicated to social and/or recreational activities, serving the Town or a neighborhood and owned and operated by the Town or by a non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the Town.
- 26.2.6 Community Center, Private: A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit.
- 26.2.7 Continuing Care Facility: A place as defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act in which a person provides board and lodging, together with personal care services and nursing services, medical services, or other health-related services, regardless of whether the services and lodging are provided at the same location, under an agreement that requires the payment of a fee and that is effective for the life of the individual or for a period of more than one (1) year, such individual or individuals being cared for not being related by consanguinity or affinity to the person providing the care. (Also see Household Care Facility and Household Care Institution, and Personal Care Home).
- 26.2.8 Country Club (Private): Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.
- 26.2.9 Reserved for future use.
- 26.2.10 Exhibition Area: An area or space either outside or within a building for the display of topic-specific goods or information.
- 26.2.11 Fairgrounds: An area where outdoor fairs, circuses or exhibitions are held.
- 26.2.12 Family Home: A community-based residential home operated by either the State of Texas, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded. Family homes provide care for persons who have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a family home, a home must meet the following requirements:
- a. Not more than six (6) disabled persons and two (2) supervisory personnel may reside in a family home at the same time.
 - b. The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision.
 - c. All applicable licensing requirements must be met.
- 26.2.13 Farm, Ranch, or Orchard: An area of five (5) acres or more which is used for growing of usual farms products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance of law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.
- 26.2.14 Fraternal Organization, Lodge, or Civic Club: An organized group having a restricted membership and specific purpose related to the welfare of the members.
- 26.2.15 Golf Course: An area of twenty (20) acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.
- 26.2.16 Greenhouse or Plant Nursery, Commercial: A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold including relate storage of equipment for landscape contracting.

- 26.2.17 Greenhouse, Non-Commercial: A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.
- 26.2.18 Hospital (Chronic and Acute Care); Long Term Health Care Facility: An institution providing both in-patient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury and disease or to injured patients who need medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.
- 26.2.19 Household Care Facility: A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with no more than two supervisory personnel as a single housekeeping unit. (See also Household Care Facility, Personal Care Home and Continuing Care Facility).
- 26.2.20 Kenel: Any lot or premises on which four (4) or more dogs, cats or other domestic animals more than four (4) months of age are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received.
- 26.2.21 Library: Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.
- 26.2.22 Museum or Art Gallery: An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.
- 26.2.23 Nursery School; Kindergarten: A child care facility offering a program four (4) hours or less per day for children who have passed their second birthday but who are under seven years old.
- 26.2.24 Nursing Home: See Rest Home or Nursing Home.
- 26.2.25 Park, Playground, or Recreation Center (Public): An open recreation facility or park owned and operated by a public agency and available to the general public.
- 26.2.26 Park, Playground, or Recreation Center (Private): A privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owner's association, or similar organization.
- 26.2.27 Personal Care Home (Custodial Care): An owner-occupied, home operated non-licensed facility for the elderly providing custodial care to not more than three (3) individuals not related to the provider of such care. Custodial care is that of care which assists elderly persons who are incapable because of physical or mental limitations of performing routine daily activities and which do not require the continuing attention of trained medical or paramedical personnel. (Also see Continuing Care Facility).
- 26.2.28 Race Track: A facility used for the racing of motor-driven vehicles and/or animals.
- 26.2.29 Registered Family Home: A child care facility that regularly provides care in the caretaker's own residence for not more than six (6) children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time. (Also see Child Care Center).
- 26.2.30 Rehabilitation Care Facility: A dwelling unit which provides residence and care to not more than four (4) persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.
- 26.2.31 Rehabilitation Care Institution: A facility which provides residence and care to five (5) or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.
- 26.2.32 Rest Home or Nursing Home: A place of residence or care for persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis. This term shall include a convalescent home.

- 26.2.33 School, Private (Primary or Secondary): An institution of learning having a curriculum equivalent to public schools but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.
- 26.2.34 School, Public (Primary or Secondary): An institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Texas but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.
- 26.2.35 School, Trade or Commercial: Establishments, other than public or parochial schools, private primary and secondary schools or colleges, offering training or instruction on a trade, art, or occupation.
- 26.2.36a Stable, Commercial: A structure housing horses, which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity.
- 26.2.36b Stable, Private: An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one acre area of a farm or lot.
- 26.2.37 Stadium or Play field, Public: An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.
- 26.2.38 Swimming Pool, Commercial: A swimming pool with accessory facilities, part of the facilities are available to the general public for a fee.

26.3 Transportation, Utility and Communications Uses

- 26.3.1 Airport, Landing Field: A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.
- 26.3.2 Electrical Substation: A subsidiary station in which electric current is transformed.
- 26.3.3 Gas Metering Station: Facility at which natural gas flows are regulated and recorded.
- 26.3.4 Heliport or Helistop: A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft.
- 26.3.5 Radio, Television, or Microwave Communications Operators, Amateur: The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or financial gain.
- 26.3.6 Radio, Television, or Microwave Communications Operations, Commercial: The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.
- 26.3.7 Railroad Station: Any premises for the transient parking of trains and the loading and unloading of passengers.
- 26.3.8 Railroad Team Track and Right-Of-Way: A facility/place for the loading and unloading of materials on trains.
- 26.3.9 Railroad Track and Right-Of-Way: Includes track and undeveloped right-of-way, but does not include railroad stations, sidings, team tracks, loading facilities, dock yards, or maintenance areas.
- 26.3.10 Service Yard of Governmental Agency: An area for the servicing and storage of vehicles or other property of a governmental agency.
- 26.3.11 Shops, Office, and/or Storage Area of Public or Private Utility: The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.
- 26.3.12 Solid Waste Transfer Station: A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

- 26.3.13 Telephone Exchange: A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

26.4 Automobile and Related Service Uses

- 26.4.1 Auto Laundry: See Car Wash.
- 26.4.2 Auto Leasing: Storage and leasing of automobiles, motorcycles, and light load vehicles.
- 26.4.3 Auto Parts Sales (Inside): The use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks, vans, tractor trailers, or recreational vehicles.
- 26.4.4 Auto Parts Sales (Outside): The use of any land area for the display and sale of new or used parts for automobiles, panel trucks, vans, tractor trailers, or recreation vehicles.
- 26.4.5 Automobile Repair, Major: General repair or reconditioning of engines and air-conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under "automobile repair, minor", and other similar uses.
- 26.4.6 Automobile Repair, Minor: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for light load vehicles, but not including any operation named under "automobile repair, major" or any other similar use.
- 26.4.7 Automobile and Trailer Sales, New: Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.
- 26.4.8 Automobile and Trailer Sales, Used: Building(s) and associated open area other than a street or required automobile parking space used for the display and sale of used automobiles, light trucks, or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sale area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.
- 26.4.9 Automobile Service Station: A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquified petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premise motor vehicle trade provided that the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator springs, or axles; steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles which are inoperative or are being repaired to remain outside such service station for a period greater than seven (7) days.
- 26.4.10 Auto Storage: The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.
- 26.4.11 Automobile Wrecking Yard or Junk Yard: Any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of dismounted or wrecked vehicles or their parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scraping of any other goods, articles, or merchandise.
- 26.4.12 Bus Terminal: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.
- 26.4.13 Car Wash: Facility or structure used to wash motorcycles, automobiles, vehicles and trucks.
- 26.4.14 Parking Lot or Parking Garage, Automobile: Area for parking light load vehicles.
- 26.4.15 Parking Lot or Parking Garage, Truck: Area for parking heavy load vehicles.

- 26.4.16 Quick Oil Change Facility: A business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks.
- 26.4.17 Quick Tuneup Facility: A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PVC valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.
- 26.4.18 Truck and Bus Leasing: The rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.
- 26.4.19 Truck and Bus Repair: An establishment providing major and minor automobile repair services to heavy load vehicles.
- 26.4.20 Truck or Motor Freight Terminal: A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.
- 26.4.21 Truck Sales: Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises.

26.5 Retail and Service Type Uses

- 26.5.1a Alcoholic Beverage Store – is an establishment engaged in the sale of beer, wine, and/or liquor to the general public, not for on-premises consumption.
- 26.5.1 Air Conditioning and Refrigeration Contractor: A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law, Vernon's Ann.Civ.St.,art. 8861.
- 26.5.2a Amusement, Commercial (Indoor): An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks.
- 26.5.2b Amusement, Commercial (Outdoor): An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-kart tracks and carnivals.
- 26.5.3 Antique Shop: A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sale and storage occurring inside a building.
- 26.5.4 Arcade: An establishment in which there are located six (6) or more coin operated skill or pleasure machines.
- 26.5.5a Bakery and Confectionery, Retail Sales: A place for preparing, cooking, baking and selling of products on the premises.
- 26.5.5b Bakery and Confectionery, Commercial: A place for preparing, cooking or baking of products primarily intended for off-premise distribution.
- 26.5.6 Bank, Savings and Loan, Credit Union: An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.
- 26.5.7a Barber Shop: A place where barbering, as defined in Texas Barber Act, Vernon's Annotated Civil Statutes (Vernon's Ann.Civ.St.), art. 8407, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.

- 26.5.7b Barber School or College: A place of training for practice of barbering, as defined in Texas Barber Act, Vernon's Ann.Civ.St., art. 8407, meeting standards established in Section 9 of said Texas Barber Act.
- 26.5.7c Beauty Culture School; Cosmetology Specialty Shop: A specialized place of training, as defined in the Texas Occupation Code 1602.002
- 26.5.7d Beauty Shop: A place where cosmetology, as defined in the Texas Occupation Code.
- 26.5.8 Building Materials, Hardware Sales: The sale of new building materials and supplied indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.
- 26.5.9 Business Service: Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.
- 26.5.10 Cabinet and Upholstering Shop: An establishment used for the production, display and sale of furniture and soft coverings for furniture.
- 26.5.11 Cleaning and Dyeing, Small Plant or Shop: A custom cleaning shop not exceeding five thousand (5,000) square feet of floor area or a pickup station. (Also see Cleaning and Dyeing; Dry Cleaning Plant).
- 26.5.12 Clinic, Medical or Dental: A facility or station designed and used for the examination and treatment of persons seeking medical care as outpatients who do not remain on the premises overnight.
- 26.5.13 Convenience Store: A retail establishment providing for the sale of food items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six (6) pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.
- 26.5.14 Custom Personal Service Shop: Includes such uses as tailor, shoe repair, barber/beauty shop, health studio, or travel consultant.
- 26.5.15 Discount, Variety, or Department Store: A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.
- 26.5.16 Feed and Farm Supply Store: An establishment for the selling of food stuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.
- 26.5.17 Flea Market: A site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods personal effects, tools, art work, small household appliances, and similar merchandise, objects or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.
- 26.5.18 Florist: An establishment displaying plants, flowers, floral supplies, and similar items.
- 26.5.19 Food Store, Grocery Store: An establishment that displays and sells consumable goods that are not to be eaten on the premises.
- 26.5.20a Food-Beverage Store – is an establishment engaged in the sale of food or beverages — of any kind whatsoever — for off-premises consumption. This definition does not include restaurants that derive at least 90% of gross revenues from sale of food and beverages for on-premises consumption.
- 26.5.20 Furniture, Appliance Store: Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.
- 26.5.21 Garden Center (Retail Sales): Location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.
- 26.5.22 General Merchandise Store: Retail stores which sell a number of lines of merchandise including but not

limited to dry goods apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.

- 26.5.23 Household Appliance Service and Repair: The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and rangers, kitchen appliances, vacuum cleaners, and hair dryers.
- 26.5.24 Laboratory, Scientific or Research: Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
- 26.5.25 Laundry and Cleaning Self-Service: An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.
- 26.5.26a Metal Dealer, Secondhand: A place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered together or kept for shipment, sale, or transfer, under terms and conditions found in Vernon's Ann.Civ.St.,art.9009. (Also see Junk or Salvage Yard).
- 26.5.26b Metal Dealer, Crafted Precious: A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or heir alloys, including coins and commemorative medallions, under terms and conditions found in Vernon's Ann.Civ.St.,art.990a.
- 26.5.27 Reserved for future use.
- 26.5.28 Office Center: A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.
- 26.5.29 Office, Professional or General Administrative: A room or group of rooms used for the provision of executive management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and association but excluding medical offices.
- 26.5.30 Office - Showroom/Warehouse: An establishment with a minimum of seventy-five percent (75%) of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
- 26.5.31 Pawn Shop: An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).
- 26.5.32 Personal Service Shop: An establishment primarily engaged in providing services generally involving the area of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pick-up stations and reducing salons/health clubs.
- 26.5.33 Pet Shop or Animal Salon: A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.
- 26.5.34 Plumbing, Heating, Refrigeration, or Air-Conditioning Business: An establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see Air Conditioning and Refrigeration Contractor).
- 26.5.35 Plumbing Service: The operation of a business which involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheet metal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type wholesale operation.
- 26.5.36 Portable Building Sales: An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.
- 26.5.37 Post Office, Government or Private: Local branch of the United States Postal Service or private commercial

venture engaged in the distribution of mail and incidental services.

- 26.5.38 Print Shop: An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, plate making, microform, type casting, press work, and printmaking.
- 26.5.39 Racquetball Facilities: Courts housed in an acoustically-treated building and designed for one (1) to four (4) persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of forty percent (40%) of the total floor area.
- 26.5.40 Retail Stores and Shops: Establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open outside a building of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.
- 26.5.41 Second Hand Store, Furniture or Clothing: An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.
- 26.5.42 Service, Retail: An establishment engaged in the selling and/or servicing of goods where a minimum of eighty percent (80%) of the floor area is devoted to service, repair or fabrication of such goods. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.
- 26.5.43 Shopping Center: A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.
- 26.5.44 Theater (Outdoor): An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.
- 26.5.45 Trailer, Manufactured Housing, or Mobile Home Display and Sales: The offering for sale, storage, or display of trailers, manufactured housing, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- 26.5.46 Trailer Rental: The display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.
- 26.5.47 Washateria: A building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three (3) employees and four (4) automatic single family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless. (See Laundry and Cleaning, Self-Service).
- 26.6 Manufacturing, Storage, and Warehousing Uses
- 26.6.1 Bottling Works: A manufacturing facility designed to place a product into a bottle for distribution.
- 26.6.2 Cleaning and Dyeing: Dry Cleaning Plant: An industrial facility where fabrics are cleaned and substantially nonaqueous organic solvents. (Also see Cleaning and Dyeing, Small Plant or Shop, Section 26.5.11).
- 26.6.3 General Commercial Plant: An establishment other than a personal service shop for the treatment and/or processing of products as a service on a for-profit basis including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.
- 26.6.4 General Manufacturing: Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this ordinance.
- 26.6.5 Industrial Park: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

- 26.6.6 Junk or Salvage Yard: A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes an automobile wrecking yard and automobile parts yard. A "junk yard" does not include such uses conducted entirely within an enclosed building. (Also see Metal Dealer, Secondhand)
- 26.6.7 Light Manufacturing: Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- 26.6.8 Self-Storage, Mini-Warehouse: A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.
- 26.6.9 Storage or Wholesale Warehouse, Light: A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.
- 26.6.10 Storage or Wholesale Warehouse, Heavy: A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.
- 26.7 Accessory Uses
- 26.7.1 Accessory Building or Use: An accessory building or use is one which: (a) is subordinate to and serves a principal building or principal use; and (b) is subordinate in area, extent, or purpose to the principal building or principal use served; and (c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and (d) is located on the same building lot as the principal use served.
- 26.7.2 Carport: A structure open on a minimum of three (3) sides designed or used to shelter vehicles, not to exceed thirty-six (36) feet on its longest dimension.
- 26.7.3 Construction Yard (Temporary): A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as Field Office. (Also see Section 27.2).
- 26.7.4 Field or Sales Office (Temporary): A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for "temporary buildings" shall be issued for a period of time not to exceed eighteen (18) months. Extensions may be granted only by the Town Council, any such permits granted may be revoked if the Town Council finds the use of the building or structure is contrary to the intent of this section or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard (Also see Section 26.7.3. above.)
- 26.7.5 Customary Home Occupation: An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "residential dwelling" as hereinafter defined, subject to compliance with each of the following conditions:
- a) "Residential dwelling" shall mean a detached building designed, used and occupied exclusively by members of one (1) family as a residence.
 - b) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed twenty-five percent (25%) of the total of the floor area of the residential dwelling.
 - c) Not more than one (1) non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one (1) square foot in area and shall be mounted on the building in which the home occupation is being conducted.
 - d) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
 - e) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.

- f) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.
 - g) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.
 - h) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.
 - i) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.
- 23.7.6 Garage, Private: A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

SECTION 27 SPECIAL USES

27.1 Child Care Centers

- 27.1.1 No portion of a child care center site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.
- 27.1.2 Child care centers shall be located adjacent to a street having a pavement width of twenty seven (27) feet or greater.
- 27.1.3 Site plan approval by the Planning and Zoning Commission shall be required for all child care center sites, whether or not a Specific Use Permit is required.
- 27.1.4 Child care centers located within any single family or two family residential district shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum district requirements and must be platted in a configuration which can be converted into standard lots for residential development.
- 27.1.5 All child care centers shall comply with the following standards:
 - 27.1.5.1 All vehicular entrances and exits shall be clearly visible from the street.
 - 27.1.5.2 All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.
 - 27.1.5.3 Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. This requirement may be waived by the Planning and Zoning Commission if the child care is provided for less than four (4) hours per day for an individual person.
 - 27.1.5.4 In residential districts, a maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play areas are utilized, it must be located within one hundred (100) feet of the child care facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.
 - 27.1.5.5 No child care center shall be part of a one family or two family dwelling.

27.2 Construction Yards, Field Offices, and Other Temporary Buildings.

Temporary permits for construction yards and field offices and special use permits or variances regulating temporary buildings shall be issued for a period of time not to exceed eighteen (18) months. Extensions may be granted by the Town Council. Upon due notice and hearing before the Town Council, any such permit may be revoked if the Town Council finds the use of the building or structure is contrary to the intent of this ordinance or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

27.3 Radio, Television, and Microwave Towers

- 27.3.1 No radio, television, microwave tower, amateur radio (i.e., HAM) antenna, or wireless communications

facility shall be constructed, erected, expanded, or located within the Town except in compliance with applicable Town regulations.

- 27.3.2 No commercial, radio, television, or microwave reflector antenna support structure shall be closed to any residential district boundary line or any area shown as residential on the current Comprehensive Plan than a distance equal to the sum of the required yard specified for the zoning district in which such building or structure is located, plus 25 feet, plus twice the height of the portion of the structure above two (2) stories. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of such area or residence.
- 27.3.3 The location of radio, television, or microwave reflectors, antennas, or support structures and associated foundations and any support wires shall be prohibited within any required front or side yard.
- 27.3.4 All commercial communication operations or radio, television, or microwave reflectors, antennas, or structures shall be prohibited in residential districts.
- 27.3.5 All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited.

27.4 Residence Hotels

Residential hotels shall be designed to allow for their potential conversion to multifamily residences and as such shall comply with all minimum standards set forth in Section 16. Residence hotels constructed in the MF district shall comply with the MF district requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to multifamily residences.

27.5 Multifamily Residence:

- 27.5.1 Courts: Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.
- 27.5.2 Usable Open Space: Each lot or parcel of land which is used for multiple-family residences shall provide on the same lot or parcel of land usable open space (as defined in Section 37.2.101), in accordance with the table below:

USABLE OPEN SPACE REQUIREMENT

Number of Bedrooms
or Sleeping Rooms

1 or Less - 600 Sq. Ft.

Each Additional
Bedroom Over 1 - 300 Sq. Ft.

In those instances where a parcel of land has been zoned for multifamily use with a Specific Use Permit or Planned Development classification and the permitted densities do not conform exactly with those permitted in the MF District, usable open space shall be provided in accordance with that required for the multifamily zoning district which most closely approximates the density permitted under the SUP or PD.

In meeting this requirement, a credit of three (3) square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios, or lounge areas within ten (10) feet of a pool; developed and equipped children's play areas; and usable portions of recreational buildings. Tennis courts are specifically excluded from this increased credit allowance. At the time of site plan approval, the Planning and Zoning Commission and/or Town Council may allow a credit not to exceed ten percent (10%) of the total required usable open space for adjacent and immediately accessible public parks. The combined credit for areas calculated at a three-to-one basis and for public parks shall not exceed fifty percent (50%) of the total usable open space for an individual lot or parcel of land.

At the time of site plan approval, the Town Council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmental significant and that their preservation would enhance the development.

27.6 Service Stations

Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall not be closer than ten (10) feet to the property line.

27.7 Swimming Pools

It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly, or commercially owned or operated.

27.7.1 No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefor. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health departments regulations.

27.7.2 A swimming pool erected below ground or above ground with a depth of two (2) feet or greater may be constructed and operated when:

27.7.2.1 the pool is not located in any required front or side yard abutting a street;

27.7.2.2 a wall or fence, not less than six (6) feet in height, with self-enclosing and self-latching gates that are lockable at all entrances, completely encloses either the pool area or the surrounding yard area;

27.7.2.3 all lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible for adjacent properties;

27.7.2.4 no broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and

27.7.2.5 the swimming pool is no closer than eight (8) feet from any property line.

27.8 Fences

27.8.1 Metal fences, except wrought iron, shall not be allowed in the required front yard in any district.

27.8.2 No fence or hedge shall exceed four (4) feet height in the required front yard in any district.

27.8.3 No fence shall exceed eight (8) feet in height.

27.8.4 Fences shall be constructed of customary urban fencing materials (ie. Brick, wood, stone or as approved by Town Council upon the Planning and Zoning Commission's recommendation and shall be aesthetically consistent with buildings and fences in the area.

27.9 Sale of alcoholic beverages

27.9.1. This section shall not apply when the storage or serving of alcoholic beverages is strictly for the consumption of the owners of the premises and their guests at no charge. Otherwise, the storage, possession, or sale of alcoholic beverages by anyone for consumption by anyone shall be illegal unless on property zoned specifically for that purpose.

27.9.2. The storage, possession, or sale of any alcoholic beverage, when permitted by the laws of this state, shall be regulated and governed as provided herein and in other applicable ordinances of the Town.

27.9.3. No person shall engage in the business of storing, selling, or possessing any alcoholic beverage in the Town unless the place of business of such person is located in the use district of the Town in which the storing, selling, or possessing of such alcoholic beverage is permitted.

27.9.4. It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages within three hundred (300) feet of any church or public hospital. The measurement of the distance between the alcoholic beverage store and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

- 27.9.5. It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages within three hundred (300) feet of any public or private school. The measurement of the distance between the place of business and the public or private school shall be:
- (1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - (2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- For any permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53 of the Texas Alcoholic Beverage Code, the measure of the distance between the premises and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections
- 27.9.6. It shall be unlawful for any person who operates a alcoholic beverage store to sell alcoholic beverages within three hundred (300) feet of any existing day care center or private school. The measurement of the distance between said alcoholic beverage store and the day care center or private school shall be in a straight line in all directions from the said business to the nearest point of the day care center or private school. The measurement for a structure shall be taken from the nearest point that a structure extends in any direction, including overhanging roofs and all projections or portions of said structures.
- 27.9.7. It shall be unlawful for any alcoholic beverage store to be constructed, erected, or placed closer than 1,000 feet to another alcoholic beverage store. The measurement of the distance between said alcoholic beverage store shall be in a straight line in all directions from the said alcoholic beverage store to the nearest point of other such facility. The measurement for a structure shall be taken from the nearest point that a structure extends in any direction, including overhanging roofs and all projections or portions of said structures.
- 27.9.8. Alcoholic beverage stores shall be permitted in any commercial zoning district upon issuance of a specific use permit.
- 27.9.9. Notwithstanding any other provision in this ordinance, it shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages in or within three hundred (300) feet of any residentially zoned area.

SECTION 28 **SPECIFIC USE PERMIT**

28.1 **General Provision**

- 28.1.1 As permitted under the provisions of this ordinance, a property owner may apply for a specific use of property, as authorized by the zoning district in which the property is located. The Planning and Zoning Commission shall consider such application. After proper notice and a public hearing, the Planning and Zoning Commission shall make a recommendation to the Town Council regarding any application for a Specific Use Permit. The Planning and Zoning Commission may require information, operating data, and expert evaluation concerning the location and function and characteristics of any building or use proposed.
- 28.1.2 An application for a Specific Use Permit (SUP) shall be accompanied by a site plan drawn to scale and showing the general arrangements of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; visual screening such as walls, landscaping, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to minimum distance of two hundred (200) feet.
- 28.1.3 After proper notice and a public hearing, the Town Council may grant a permit for a specific use of property as authorized by the zoning district in which the property is situated. The Town Council may require information, operating data, and expert evaluation concerning the location and function and characteristics of any building or use proposed.

28.2 Specific Use Permit Regulations

- 28.2.1 In recommending that a specific use permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such use or uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys, and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and compatibility of buildings.
- 28.2.2 The Town Council shall authorize issuance of a Specific Use Permit only after determining that the proposed use or uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration.
- 28.2.3 The Town Council shall authorize issuance of a Specific Use Permit only after determining that adequate provisions have been made for the paving of streets, alleys, and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and compatibility of buildings.
- 28.2.4 No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the permit, as attached to the site plan drawing (or drawings) and approved by the Town Council. No public hearing is necessary for site plan approval.
- 28.2.5 Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules or restrictions which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.
- 28.2.6 When the Town Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses.

SECTION 29 OFF-STREET PARKING AND LOADING REQUIREMENTS**29.1 Purpose**

To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

29.2 Special Off-Street Parking Provisions - Residential Districts

- 29.2.1 Required off-street parking shall be provided on the same site as the use it serves.
- 29.2.2 No parking shall be allowed except on a paved concrete or bituminous parking space surface.
- 29.2.3 No parking structure, including garages, carports, or similar structures, shall be located within the required front, side, or rear yards of a lot or tract (Exception: Ten (10) feet from your property line where paved alleys are provided by developer).

29.3 Size of Space

- 29.2.1 Each standard off-street surface parking space shall measure not less than nine (9) feet by twenty (20) feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street, right-of-way, or adjacent property, the length of the standard space may be reduced to eighteen (18) feet.

- 29.3.2 Each small car off-street parking space shall measure not less than eight and one-half (8.5) feet by sixteen (16) feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way or adjacent property, the length of the small car space may be reduced to fifteen (15) feet. All small car parking spaces shall be grouped and located in specific areas so as not to be scattered throughout a parking lot.
- 29.3.3 A maximum of fifty percent (50%) of the required parking for a general office or light manufacturing plant may be permitted as small car spaces upon approval of a site plan but only when both of the following conditions are met:
- 29.3.3a Signage will identify the small car spaces; and
- 29.3.3b The entire grounds and building served by the small car spaces are occupied and controlled by one tenant who shall be responsible for policing the use of the small car spaces.
- 29.3.4 Each parking space (on-street or off-street) designed for parallel parking shall have a minimum dimension of eight (8) feet by twenty-two (22) feet.
- 29.3.5 Each standard parking space located in a parking garage shall measure not less than nine (9) feet by twenty (20) feet, exclusive of access drives or aisles.

29.4 Parking Area Standards

- 29.4.1 To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties. For safety and fire-fighting purposes, free access through to adjacent parking areas shall be provided where practical.
- 29.4.2 Except for single family and duplex uses, parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

29.5 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 or in accordance with Section 29.9 and located within the same zoning district as the main use.

29.6 Schedule of Parking Requirements Based on Use

Off-street parking shall be provided in sufficient quantities to provide the following ration of vehicle spaces for the uses specified in the districts designated. [Where a calculation results in requiring a fractional space, one additional space shall be required.]

- 29.6.1 Bank, savings and loan or similar financial establishment: One (1) space for each two hundred (200) square feet of total floor area.
- 29.6.2 Business or professional office, studio, medical or dental clinic: Three (3) parking spaces plus one (1) additional parking space for each two hundred (200) square feet of floor area over five hundred (500) feet.
- 29.6.3 Church or other place of worship: One (1) parking space for each (4) seats in the main auditorium.
- 29.6.4 Clinic of doctor's or dentist's office: One (1) space for each two hundred (200) square feet of total floor area.
- 29.6.5 Community center, library, museum or art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided as the basis of one (1) space for each four (4) seats that it contains.
- 29.6.6 College or university: One (1) space for each two (2) students, plus one (1) space for each classroom, laboratory or instruction area.
- 29.6.7 Commercial Amusement (indoor):
- 29.6.7a Bowling Alley - 6 spaces for each lane;

- 29.6.7b Racquetball or handball courts - 4 spaces for each court;
- 29.6.7c Indoor tennis courts - 6 spaces for each court;
- 29.6.7d Gymnasium, skating rinks, and martial arts schools or areas - 1 space for each 3 seats at maximum seating capacity, plus 1 space for each two hundred (200) square feet;
- 29.6.7e Swimming Pool - 1 space for each one hundred (100) square feet of gross water surface and deck area;
- 29.6.7f Weight lifting or exercise areas - 1 space for each one hundred (100) square feet;
- 29.6.7g Bingo Parlors - 1 space for 3 seats (design capacity) or 1 per one hundred (100) square feet of total floor area, whichever is greater;
- 29.6.7h Indoor jogging or running tracks - 1 space for each one hundred (100) linear feet;
- 29.6.7i All areas for subsidiary uses not listed above or in other parts of Section 25:6 (those uses such as restaurants, offices, etc., shall be calculated with the minimum specified for those individual uses) - 1 space for each one thousand (1,000) square feet.
- 29.6.7j Other - 1 space for each three (3) persons accommodated (design capacity).
- 29.6.8 Dance hall, assembly or exhibition hall (without fixed seats):
One (1) parking space for each sixty (60) square feet of floor area used thereof.
- 29.6.9 Day nursery, day care, kindergarten school:
One (1) space per ten (10) pupils/clients (design capacity).
- 29.6.10 Dwellings, single-family attached or detached.
Two (2) parking spaces for each dwelling unit.
- 29.6.11 Dwellings, multifamily:
Two and one-half (2.5) off-street parking spaces shall be provided per unit. Required parking may not be provided within the required front yard.
- 29.6.12 Flea market:
One and one-half (1.5) spaces for each two hundred (200) square feet of floor area or market area.
- 29.6.13 Fraternity, sorority or dormitory:
One (1) parking space for each two (2) beds.
- 29.6.14 Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service:
Two (2) parking spaces plus one (1) additional parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
- 29.6.15 Gasoline service station:
Minimum of 4 (4) spaces plus 1 space for every two hundred (200) square feet of floor space including incidental car washes.
- 29.6.16 Golf course:
Minimum of thirty (30) spaces per nine (9) holes
- 29.6.17 Health care facility:
One (1) space for each four (4) rooms or beds, whichever is greater.
- 29.6.18 Hospital:
One (1) space for each two (2) beds.
- 29.6.19 Hotel or motel:
One (1) parking space for each sleeping room, unit, or guest accommodation plus one (1) space for each three hundred (300) square feet of commercial floor area contained therein.
- 29.6.20 Lodge, or fraternal organization:
One and one-fourth (1.25) spaces per two hundred (200) square feet.

- 29.6.21 Manufacturing, processing or repairing:
One (1) parking space for each two (2) employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than one (1) parking space for each 1,000 square feet of floor area, whichever is greater.
- 29.6.22 Massage establishment:
One (1) space for each two hundred (200) square feet of floor area.
- 29.6.23 Mini-warehouse:
Four (4) spaces per complex plus one (1) space per five thousand (5,000) square feet of storage area.
- 29.6.24 Mortuary or funeral home:
One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
- 29.6.25 Motor vehicle salesrooms and used car lots:
One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.
- 29.6.26 Office, general:
One (1) space for each two hundred and fifty (250) square feet of total floor area.
- 29.6.27 Office, medical:
One (1) space for each one hundred seventy-five (175) square feet of floor area.
- 29.6.28 Office-showroom or office - warehouse:
One (1) space for each one thousand (1,000) square feet of floor area for storage and warehousing, plus one (1) space for each one hundred (100) square feet of office, sales or display area.
- 29.6.29 Private club:
If free standing or located in a shopping center of 150,000 square feet or less, one (1) space for each ten (10) square feet of bar, lounge and waiting areas, plus one (1) space for each one hundred (100) square feet of remaining floor area.
- 29.6.29a If located in a shopping center of greater than 150,000 square feet, one (1) space for each one hundred (100) square feet of gross floor area.
- 29.6.30 Private country club or golf club:
One (1) parking space for each two hundred fifty (250) square feet of floor area or for every five (5) members, whichever is greater.
- 29.6.31 Recreational area or building (other than listed):
One (1) space for each two (2) persons to be normally accommodated in the establishment.
- 29.6.32 Restaurant, cafeteria, café or similar establishment:
One (1) parking space for every one hundred (100) square feet of floor area plus six (6) additional stacking spaces if drive-through windows are provided.
- 29.6.33 Retail store or personal service establishment, except as otherwise specified herein:
One (1) parking space for each two hundred (200) square feet of floor area.
- 29.6.34 Sanitarium, convalescent home, home for the aged or similar institutions:
One (1) parking space for each six (6) beds.
- 29.6.35 School, elementary and middle:
One (1) parking space for each five (5) seats in the auditorium or main assembly room, or one (1) space for each classroom plus ten (10) spaces, whichever is greater.
- 29.6.36 School, secondary (grades 9 - 12):
One (1) parking space for each four (4) seats in the main auditorium, or one (1) space for each classroom plus one (1) space for each two (2) students accommodated in the institution, whichever is greater.
- 29.6.37 Shopping center:
One (1) space for each two hundred (200) square feet of floor area. The total floor area used for restaurants

and cafeterias (but not including private clubs) which exceeds ten percent (10%) of the shopping center floor area, shall require additional parking to be provided in accordance with the requirements for restaurants.

29.6.37 Storage or warehousing:

One (1) space for each two (2) employees, or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater.

29.6.38 Theater, auditorium (except school), meeting room, sports arena, stadium, gymnasium, or other places of public assembly:

One (1) parking space for each four (4) seats or bench seating spaces.

29.6.39 Vehicle repair garage:

Three (3) spaces per service bay, plus one (1) space per employee (maximum shift), plus one (1) space per tow truck or other service vehicle.

29.7 Off-Street Parking Requirements for Uses Not Listed

For those uses which are not matched with a parking requirement in 29.6, the following standards shall apply:

<u>General Use Category</u>	<u>Parking Space Requirements</u>
a. Educational & Institutional	One space per employee
b. Transportation, Utility & Communications Uses	One space per employee plus one space per stored vehicle
c. Accessory & Incidental Uses	One space per employee
d. Office & Professional Uses	One space per 300 square feet of gross floor area
e. Automobile & Related Uses	One space per employee plus one space per stored vehicle
f. Retail Uses	One space per 200 square feet of gross floor area
g. Service Uses	One space per 200 square feet of gross floor area
h. Wholesale Uses	Same as for "Storage or warehousing"
i. Contract Construction Uses	One space per employee
j. Commercial, Manufacturing, & Industrial Uses	Same as for "Manufacturing, processing, or repairing"

29.8 Rules for Computing Number of Parking Spaces

In computing the number of parking spaces required for each of the uses in Sections 29.1 - 29.7), the following rules shall govern:

29.8.1 "Floor Area" shall mean the gross floor area of the specific use.

29.8.2 Where fractional spaces result, the parking spaces required shall be rounded to the nearest whole number.

29.8.3 The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

29.8.4 In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

29.9 Location of Parking Spaces

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

29.9.1 Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not more than three hundred (300) feet from an institutional building served and not more than three hundred (300) feet from any other non-residential building served.

29.9.2 Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, cafes, or similar uses and not more than eighty percent (80%) of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.

29.9.3 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 by the Town and executed by the parties concerned, and shall be filed with the application for a building permit.

29.10 Use of Parking Spaces - All Districts

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale.

29.11 Special Off-Street Parking Regulations

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

29.11.2 Wherever a parking lot is located across the street from or adjacent or 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), and irrigated earthen berm or a solid masonry wall or reinforced concrete fence of not less than three (3) nor more than four (4) 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 district.

29.11.3 The off-street parking spaces designated for each apartment (multifamily) dwelling unit shall be located within one hundred (100) feet of the dwelling unit served by such spaces.

29.11.4 In all residential district, no heavy load vehicle, truck trailer, truck tractor, mobile 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 required front yard or within the side yard of a corner lot between the side building line and side property line on the side of the lot abutting a street or public right-of-way.

In no event shall equipment, including motor vehicles, trucks, and vans be parked or left standing at any time on a surface other than a paved or gravel driveway or paved parking lot. The driveway shall be located either:

1) between the street or alley on the one hand, and on the other a garage or carport;

2) in the side yard adjacent to the mail building; or

3) as a circular driveway serving the main entrance of the premises;

The driveway shall be no wider than the width of the garage, carport (or 20 feet whichever is greater) or parking space which it serves. No more than fifty percent (50%) of the front yard shall be a driveway. In no event shall vehicles or equipment be parked or left standing closer than five (5) feet from the front property line.

29.11.5 All uses except single-family residential uses shall be provided with sufficient space for entering and exiting without backing into a public street. Along highly traveled roadways of a collector designation or larger, single-family lots shall also provide on-site maneuvering areas so that exiting vehicles do not have to back into the roadway.

29.12 Design Standards For Parking Structures

29.12.1 In all districts, above grade parking structures shall conform to height restrictions for zoning districts in which they are located.

- 29.12.2 The distance from parking structure entry and exit points to a corner of a street intersection shall conform to standards contained in the Subdivision Ordinance.
- 29.12.3 Ramps shall not be constructed with slopes exceeding eleven percent (11%) and single lane entrances shall not be less than twelve (12) feet wide at the street.
- 29.12.4 A minimum of one (1) car length shall be provided between an exit control gate and the inside edge of a sidewalk to minimize conflicts between exiting cars and pedestrians.
- 29.12.5 Parking structure facades shall be left fifty percent (50%) open and interior light levels shall be maintained at ten (10) foot candles to enhance security and safety. All parking structure lighting shall be designed so as not to reflect or shine on adjacent properties.
- 29.12.6 Full enclosure of any level of a parking structure may be permitted only if such structure is fully sprinklered and mechanically ventilated.

29.13 Off-Street Loading

- 29.13.1 All retail, commercial, and industrial structures 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.

At least one-half of such loading spaces shall have a minimum dimension of ten (10) feet by forty (40) feet, and the remaining spaces shall have a minimum dimension of ten (10) feet by twenty (20) feet.

Where such loading spaces is located adjacent to a residential district, the space shall be enclosed on three (3) sides.

Loading spaces shall be provided in accordance with the following schedule:

FOR ALL RETAIL, COMMERCIAL AND INDUSTRIAL USES

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

FOR ALL HOTELS, OFFICE BUILDINGS, RESTAURANTS,
SIMILAR ESTABLISHMENT

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

- 29.13.2 Kindergartens, day schools, and similar child training and care establishments shall provide loading and unloading space on a private drive, off-street, to accommodate one (1) motor vehicle for each ten (10) students or children cared for by the establishment.
- 29.13.3 Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m., and is adjacent to a residential use or 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 residences.
- 29.13.4 Where adjacent to residential uses or district, off-street loading areas shall be screened from view of the residential use or district.

29.14 Stacking Requirements for Drive-Through Facilities

- 29.14.1 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.
- 29.14.2 For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces (from the right-of-way line).
- 29.14.3 For each service window of a drive-through restaurant, a minimum of seven (7) stacking spaces (from the right-of-way line) shall be provided.
- 29.14.4 For kiosks, a minimum of two (2) stacking spaces (from the right-of-way) for each service window shall be provided.

29.15 Parking for the Disabled

29.16.1 Required parking spaces for the disabled shall be provided for all uses in accordance with 29.15.3 and 29.15.4, "Required Parking for the Disabled". Such spaces must be not less than 96" wide with an adjacent aisle or clear space of at least 60" wide. One in every eight wheelchair accessible spaces, not less than one, shall be served by an access aisle a minimum 96 inches wide and shall be designated "van accessible". A common aisle between two spaces may be shared. All such spaces shall be striped and designated by signs legibly stating that such parking space or spaces are restricted to use only by the disabled. Each such sign must display a profile of a wheelchair with occupant and be placed so that it will not be obscured by parked vehicles. The signs shall conform to the standard size, weight, and length as set forth in the Texas Manual on Uniform Traffic Control Devices. Such parking spaces shall be located as near as possible to an access ramp, and such spaces shall not include any fire lane or other area necessary for aisles or maneuvering of vehicles.

29.15.2 The owner of private property open to the public for parking purposes shall designate specific parking spaces for the disabled in conformance with the rules promulgated by the State Purchasing and General Services Commission as modified and/or supplemented by the provisions, if any, of this Town Zoning Ordinance.

29.15.3 RESIDENTIAL USES

	Required Number of Disabled Parking Spaces	Required For Each*
Residential Uses (Apartment complexes)	0	1-20 required parking spaces
	1	21-99 required parking spaces
	2	100-199 required parking spaces
	1	Additional 100 required parking spaces, with a maximum of 15 disabled spaces being required

29.15.4 ALL NONRESIDENTIAL USES

Total Parking in Lot	Required Number of Accessible Spaces*
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

*Accessible parking spaces may be used to meet the required number of parking spaces.

SECTION 30 ACCESSORY BUILDING REGULATIONS**30.1 Height**

No accessory building shall exceed twenty-five (25) feet in height, nor shall it be greater in height than the main structure.

30.2 Area Regulations for Accessory Buildings or Structures in Residential and Apartment Districts

30.2.1 Front Yard: Attached accessory buildings, including garages and carports, shall have a front yard not less than the main building, or as specified in the particular district. Detached accessory buildings shall not be located in the Front Yard.

30.2.2 Side Yard: There shall be a side yard not less than five (5) feet from any side lot line, alley line, or easement line, except that adjacent to a side street, the side yard shall never be less than twenty (20) feet.

30.2.3 Rear Yard: There shall be a rear yard not less than ten (10) feet from any lot line, alley line, or easement line. Carports, garages, or other accessory buildings located within the rear portion of a lot, as heretofore described, shall not be located closer than fifteen (15) feet to the main building nor nearer than five (5) feet to any side lot line.

SECTION 31 PLATTING PROPERTY IS PERMANENTLY ZONED**31.1 Zoning Required Prior to Approval of Plat**

The Town Council shall not approve any plat of any subdivision within the Town limits until the area covered by the proposed plat shall have been permanently zoned by the Town Council.

31.2 Annexation Prior to Approval of Plat

The Town Council shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the Town is pending before the Town Council unless and until such annexation shall have been approved by ordinance by the Town Council.

31.3 Contemporaneous Action on Zoning and Annexation

In the event the Town Council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The Town Council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

SECTION 32 CLASSIFICATION OF NEW AND UNLISTED USES**32.1 Procedure For Classifying New/Unlisted Uses**

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate the Town. 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:

32.1.1 The Zoning Administrator shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation to the Town Council as to the zoning classification(s) into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer. The Planning and Zoning Commission shall make a recommendation to the Town Council regarding the zoning districts within which such use should be permitted.

32.1.2 The Planning and Zoning Commission and the Town Council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, in determining the zoning district or districts within which such use should be permitted.

32.1.3 The Town Council shall by ordinance approve or make such determination concerning the classification of such use as is determined appropriate, based upon its findings.

SECTION 32 CREATION OF BUILDING SITE**33.1 Procedure for Creating Building Site/Lot**

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

33.1.1 The lot or tract is part of a plat of record, properly approved by the Town Council and signed by the Mayor, and filed in the plat records of the county and counties in which the lot or tract is located.

SECTION 34 NON-CONFORMING USES AND STRUCTURES**34.1 Uses in Existence at Time of Adoption of Ordinance**

A non-conforming status shall exist when a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the Zoning Ordinance.

34.2 Expansion of Non-Conforming Use Prohibited

No non-conforming use or structure may be expanded or increased beyond the lot or tract upon which such non-conforming use is located as of the effective date of this ordinance except to provide off-street loading or off-street parking space upon approval of the Town Council. However, an accumulative 10% increase in structure can be achieved on the same lot if approved the Town Council.

34.3 Repairs/Normal Maintenance on Non-Conforming Uses Permitted

Repairs and normal maintenance may be made to a non-conforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

34.4 Change of Non-Conforming to Conforming Use

Any non-conforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a non-conforming use.

34.5 Abandonment/Discontinuation of Non-Conforming Use

Whenever a non-conforming use is abandoned, all non-conforming rights shall cease and the use of the premises shall thenceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a non-conforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a non-conforming use for a period of six (6) months shall be construed as conclusive proof of intent to abandon the non-conforming use. Any non-conforming use not involving a permanent type of structure which is moved from the premises shall be considered to have been abandoned.

34.6 Accidental Destruction of Non-Conforming Use

If a non-conforming structure **other than a residential structure** or a structure occupied by a non-conforming use is destroyed by fire, act of God or other cause, it may not be rebuilt except to the provisions of this ordinance. In the case of partial destruction of a non-conforming use not exceeding sixty percent (60%) of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the Town Council, but the size and function of the non-conforming use shall not be expanded. However, a **residential structure (other than a Manufactured house) existing on a tract when this ordinance was adopted can be rebuilt if partially or totally destroyed, or remodeled and expanded.**

34.7 Replacement of Non-Conforming HUD-Code Manufactured Home

A non-conforming HUD-Code manufactured home or mobile home may not be exchanged or replaced by another HUD-Code manufactured home or mobile home.

SECTION 35 PLANNING AND ZONING COMMISSION**35.1 Organization and Appointment**

There is hereby created a Planning and Zoning Commission which shall be organized, appointed by the Mayor and confirmed by the Town Council and function as follows:

35.1.1 Membership: The Planning and Zoning Commission shall consist of five (5) members who are residents of the Town of Valley View or its extraterritorial jurisdiction, however the majority shall be residents of the Town of Valley View, each to serve for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Appointees shall fill positions which shall be designated by place numbers (e.g., place 1, place 2, etc.). Vacancies shall be filled for the un-expired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made. The Mayor and Town Council may appoint two (2) alternate members of the Planning and Zoning Commission, one from the Town of Valley View and one from the extraterritorial jurisdiction, who shall serve in the absence of one or more of the regular members when requested to do so by the chairman of the Planning and Zoning Commission.

35.1.2 Terms: The terms of members filling places 1, 3, and 5 shall expire on June 30 of each odd-numbered year and the terms of members filling places 2 and 4 shall expire on June 30 of each even-numbered year. Commission members may be appointed by the Town council to successive terms. Vacancies shall be filled for un-expired terms, but no members shall be appointed for a term in excess of two (2) years. Newly appointed members shall be installed at the first regular commission meeting after their appointment.

35.1.3 Organization: The commission shall hold an organizational meeting in July of each year. The commission

shall meet on-call and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent when the provisions of this ordinance and the requirements of law. The Planning and Zoning Commission shall elect a chairman from its own membership at its annual organizational meeting.

- 35.1.4 Quorum and Compensation: A quorum for the conduct of business shall consist of three members and/or alternate members of commission. The Chairperson counts towards the establishment of a quorum but can only vote when necessary to break a tie. The members shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

35.2 Duties and Authority

The Planning and Zoning Commission is hereby charged with the duty and invested with the authority to:

- 35.2.1 Formulate and recommend to the Town Council for its adoption a Town plan for the orderly growth and development of the Town and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the Town.
- 35.2.2 Formulate a zoning plan as may be deemed best to carry out the goals of the Town plan; hold public hearings and make recommendations to the Town Council relating to the creation, amendment, and implementation of zoning regulations and districts as authorized under state law.
- 35.2.3 Exercise all powers of a commission as to approval or disapproval of plans, zoning requests, plats, or replats as authorized under state law.
- 35.2.4 Study and recommend the location, extension, and planning of public rights-of-way, parks, or other public places, and on the vacating or closing of same.
- 35.2.5 Study and make recommendations regarding the general design and location of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances.
- 35.2.6 Initiate, in the name of the Town, proposals for the opening, vacating, or closing of public rights-of-way, parks, or other public places and for the change of zoning district boundaries on the area-wide basis.
- 35.2.7 Formulate and recommend to the Town Council for its adoption policies and regulations consistent with the adopted Town plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the Town.
- 32.2.8 Make regular reports to the Town Council. In lieu of specific written reports, the minutes of meetings can constitute reports to the Town Council for purposes of considering zoning changes and other actions of the Commission. Annual reports shall be given each May summarizing its activities for the past year and a proposed work program for the coming year.
- 32.2.9 Hold public meetings and hearings as necessary in compliance with the Texas Open Meetings Act.

SECTION 36 ZONING BOARD OF ADJUSTMENT

36.1 Creation, Membership and Procedures:

- 36.1.1 Zoning Board of Adjustment Established: A Zoning Board of Adjustment is hereby reestablished in accordance with the provisions of Texas Local Government Code, § 211.008, as amended, regarding the zoning of cities and with the powers and duties as provided in said Code.
- 36.1.2 Membership: The Zoning Board of Adjustment shall consist of five (5) members, each to be appointed by the Mayor and confirmed by the Town Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. 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. Three (3) members shall serve until January 1 of odd-numbered years, as heretofore appointed, and two (2) members, as heretofore appointed, shall serve until January 1 of even-numbered years, and thereafter each member re-appointed for each new appointee shall serve for a full term of two (2) years unless removed as here in above provided. The Town Council may also appoint four (4) alternate members of the board who shall serve in the absence of one or more of the regular members when requested to do so by the chairman of the Board, so that all cases to be heard by the Board will always be heard by a

minimum number of four (4) members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal by the same means and under the same procedures as the regular members. If a Zoning Board of Adjustment is not appointed the Town Council may serve as the board.

- 36.1.3 Hearings: The hearings of the Board shall be public. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any permit is pending, and shall also hear any other parties in interest. All hearings are to be heard by at least four (4) members of the Board.
- 36.1.4 Meetings: Regular meetings of the Board shall be held at such times as the Board may determine. Special meetings of the Board shall be held at the call of the chairman or at the written request of two regular members of the Board, or Town staff, and said request to be submitted to the Chairman.
- 36.1.5 Rules and Regulations: 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 vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Town Secretary and shall be public record. The Board shall act by resolution in which four (4) members must occur. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the Zoning Administrator and the Building Inspector, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

36.2 Powers and Duties of Board

- 36.2.1 Appeals Based on Error: The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official of the Town of the enforcement of this ordinance.
- 36.2.2 Special Exceptions: Upon issuance of specific written findings of fact, the Board shall have the power to hear and decide special exceptions to the terms of this ordinance upon which the Board is required to pass as follows:
- 36.2.2.1 Permit the erection and use a building or the use of premises for railroads if such uses are in general conformity with the Master Plan and present no conflict or nuisance to adjacent properties.
- 36.2.2.2 Permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
- 36.2.2.3 Grant a permit for the extension of a use, height, or area regulation into an adjoining district where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
- 36.2.2.4 Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and primary purpose of continuing the nonconforming use is not to continue a monopoly.
- 36.2.2.5 Waive or reduce the parking and loading requirements of any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- 36.2.2.6 Determine whether an industry should be permitted within the M-1 -- Light Industrial District and M-2 -- Heavy Industrial District because the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
- 36.2.2.7 Rule on all applications on siting of manufactured homes in districts not so zoned. Approval shall only be allowed in cases of extreme hardship under guidelines established by the Board.
- 36.2.3 Limitation on Reapplications: When the Board has denied a proposal, no new applications of similar nature

shall be accepted by the Board or scheduled for twelve (12) months after the date of Board denial. Applications which have been withdrawn at or before the Board meeting may be resubmitted at any time for hearing before the Board.

36.2.4 Vote of Four Members Required: The concurring vote of four members of the Board is necessary to:

- (a) reverse an order, requirement, decision or determination of an administrative official;
- (b) decide in favor of an applicant on a matter on which the Board is required to pass; or
- (c) authorize a variation from the terms of a zoning ordinance.

36.2.5 Vote of Four Members Required: The concurring vote of four members of the Board is necessary to:

36.2.6 Open Meetings Act: All meetings of the Zoning Board of Adjustments where a quorum is present are subject to the Open meetings Act.

36.2.7 Written Report: A permanent written report regarding the actions of the Board shall be filed with the Town Secretary within 2 weeks from the date of the action.

36.3 Appeals

36.3.1 Procedure: Appeals may be taken to and before the Zoning Board of Adjustment by any person aggrieved or by any officer, department, board or bureau in the Town. Such appeal shall be made by filing in the office of the Town Secretary a written notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record from which the action appealed was taken.

36.3.2 Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Zoning Board of Adjustment that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a court of equity, after notice to the office from whom the appeal was taken.

36.3.3 Notice of Hearing on Appeal: The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby, such owners and persons being determined according to the current tax rolls of the Town. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

36.3.4 Decision by Board: The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

36.4 Variances

The Board shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

36.4.1 Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.

36.4.2 Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its own general purpose and intent, but only when the Board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the Comprehensive Plan as established by this ordinance and at the same time, the surrounding property will be properly protected.

- 36.4.3 The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this ordinance. Except as otherwise provided herein, the Board shall have, in addition, the following specific powers:
- 36.4.3.1 To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the Master Plan and present no conflict or nuisance to adjacent properties.
 - 36.4.3.2 To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - 36.4.3.3 To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
 - 36.4.3.4 To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (60%) of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use.
 - 36.4.3.5 To waive or reduce the parking and loading requirements in any of the districts, when (i) the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the use of the lot. The Board shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.
- 36.4.4 A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:
- a) that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b) that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c) that the special conditions and circumstances do not result from the actions of the applicant;
 - d) that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and
 - e) no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

36.5 Changes

The Board shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to hardship and borderline cases, which may arise from time to time. The Board may not change the district designation of any land either to a more or less restrictive zone. The Board does not have the authority to grant use variances (i.e., to approve a use that is not allowed by ordinance).

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, that such questions shall be presented to the Board only on appeal from the decision of the Building Official and that recourse from the decisions of the Zoning Board of Adjustment shall be to the courts as provided by the laws of the State of Texas.

SECTION 37**RULES OF CONSTRUCTION AND SPECIAL DEFINITIONS****37.1 General Rules of Construction:**

The following rules of construction shall apply to the interpretation of words used in this ordinance:

- 37.1.1 words used in the present tense include the future tense;
- 37.1.2 words used in the singular number include the plural number;
- 37.1.3 words in the plural number include the singular number;
- 37.1.4 the words "building" and "structure" are synonymous;
- 37.1.5 the words "lot", "plot" and "tract" are synonymous; and
- 37.1.6 the word "shall" is mandatory and not discretionary.

37.2 Special Definitions

Except to the extent a particular provision specifies otherwise, the following definitions shall apply throughout this ordinance:

- 37.2.1 Abutting Property - Property abutting upon a street shall also be understood as abutting property on the other side of the street.
- 37.2.2 Accessory Use or Building - A use or building subordinate to and detached from the main building and used for purposes customarily incidental to the primary use of the premises.
- 37.2.3 Adjacent - Shall mean "next to" or "closest to" but shall not necessarily mean "touching".
- 37.2.4 Alley - A public space or thoroughfare which affords only secondary means of access to property abutting thereon.
- 37.2.5 Antenna/Microwave Reflector - An apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. This definition is meant to include but is not limited to what are commonly referred to as satellites which receive only earth stations.
- 37.2.6 Antenna, Radio or Television - The arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.
- 37.2.7 Apartment - A room or suite of rooms in a multifamily dwelling or apartment house designed or occupied as a place of residence by a single family, individual or group of individuals.
- 37.2.8 Apartment House - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as a home or place of residence by three (3) or more families living in independent dwelling units.
- 37.2.9 Area of the Lot or Building Site - The area shall be the net area of the lot or site and shall not include portions of streets and alleys.
- 37.2.10 Basement - A building story which is partly underground, but having a least one-half of its height above the average level of the adjoining ground. A basement shall not be counted as a story in computing building height.
- 37.2.12 Block - An area enclosed by streets and occupied by or intended for buildings; where this word is used a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets which intersect said street on said side.
- 37.2.13 Board of Adjustment - The Zoning Board of Adjustment of the Town of Valley View.
- 37.2.14 Buildable Width - The width of the building site left to be built upon after the required side yards are provided.

- 37.2.15 Building - Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.
- 37.2.16 Building, Detached - A building surrounded by yard or open space on the same building lot.
- 37.2.17 Building Ends - Those sides of a building having the least dimension as compared to the front or rear of a building. As used in the building space regulations for multiple-family dwelling, the term "building end" shall mean the narrowest side of a building regardless of whether it front upon a street, faces the rear of the lot or adjoins the side lot line or another building.
- 37.2.18 Building, Front Of - The side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.
- 37.2.19 Building Inspector - The Building Official or person charged with the enforcement of the zoning and building codes of the Town.
- 37.2.20 Reserved.
- 37.2.21 Building Line - A line parallel or approximately parallel to the street line at a specified distance therefrom constituting the minimum distance from the street line that a building may be erected.
- 37.2.22 Building Lot - A single tract of land located within a single block which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may not coincide with a lot of record. A "building lot" may be subsequently subdivided into two (2) or more "building lots", and a number of "building lots" may be cumulated into one "building lot", subject to the provisions of this ordinance.
- 37.2.23 Building, Main or Primary - A building in which is conducted the principal use of the lot on which it is situated.
- 37.2.24 Building Official - The Building Inspector.
- 37.2.25 Canopy - Any structure of a permanent fixed nature attached to or independent of the main structure, built and designed for the purpose of shielding from the elements, persons or chattels or a roof-like structure of a permanent nature which is supported by or projects from the wall of a structure.
- 37.2.26 Cellar - A building story with more than one-half (½) its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.
- 37.2.27 Certificate of Occupancy and Compliance - An official certificate issued by the Town through the enforcing official indicating conformance with or approved conditional waiver from the zoning regulations and authorizing legal use of the premises for which it is issued.
- 37.2.28 Contiguous - Shall mean "touching" or "in contact".
- 37.2.29 Court - An open, unoccupied space, bounded on more than two (2) sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one (1) side open to a street, alley, yard or other permanent space.
- 37.2.30 Coverage - The percent of a lot or tract covered by the roof or first floor of a building.
- 37.2.31 Depth of Lot - The mean horizontal distance between the front and rear lot lines.
- 37.2.32 Depth of Rear Yard - The mean horizontal distance between the rear line of a building other than an accessory building and the rear lot line except as modified in the text of any section in this ordinance.
- 37.2.33 District - A section of the Town for which the regulations governing the area, height or use of the land and buildings are uniform.
- 37.2.34 Duplex - A building designed for occupancy by two families living independently of each other within separate units which have a common wall and are under one roof.
- 37.2.35 Dwelling Unit - A building or portion thereof designed exclusively for residential occupancy, including one (1) family, two (2) family, and multiple family dwellings, except for buildings designed and used as hotels,

boarding houses, rooming houses, and motels.

37.2.36 Family - An individual or group of two or more persons related by blood, marriage, adoption or guardianship including foster children, exchange students, and servants together with not more than two (2) additional persons not related by blood, marriage or adoption to the previously identified individual or group, living together as a single housekeeping unit in a dwelling unit or a Family Home for the Disabled as defined by the Community Homes for Disabled Persons Location Act, Article 1011n of V.A.C.S., as it presently exists or may be amended in the future, but not including household care or rehabilitation care facilities.

37.2.37 Flood Plain - An area of land subject to inundation by a 100-year frequency flood, as shown on the flood plain map of the Town of Valley View. The term "flood plain" is interchangeable with the term "flood hazard area".

X 37.2.38 Floor Area - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, garages or porches.

37.2.39 Floor Area Ratio - The ratio of total building floor area to lot area.

37.2.40 Reserved.

37.2.41 Front Yard - See Yard, front (Section 37.2.104a).

37.2.42 Garage Sale - The sale of items normally accumulated by a household subject to compliance with each of the following conditions:

- a) No more than four (4) garage sales shall be allowed for the same location in any twelve (12) month period. The duration of the garage sale shall not exceed three (3) consecutive days.
- b) For more details see Ordinance 94-1.

37.2.43 Gross Floor Area - The gross floor area of a building shall be measured by taking outside dimensions of the building at each floor level.

37.2.44 Heavy Load Vehicle (HLV) - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.

37.2.45 Height - The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface, (2) to the deck line of mansard roofs, or (3) to the mean height level between eaves and edge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

37.2.47 Landscape Screen - Plant material of the evergreen variety, a minimum of six (6) feet in height at the time of installation and planted on four (4) foot centers. All such landscape screens shall be permanently maintained. Adequate facilities shall be provided for permanent watering at the time of installation.

37.2.48 Light Load Vehicles (LLV) - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight not greater than 11,000 pounds, and having no more than two (2) axles, such as pick-up trucks, vans, recreational vehicles, campers and other similar vehicles, but not including automobiles and motorcycles.

37.2.49 Living Unit - The room or rooms occupied by a family and which includes cooking facilities.

37.2.50 Reserved.

37.2.51 Lot - An undivided tract or parcel of land under one (1) ownership having frontage upon a public street or officially approved place, either occupied or to be occupied by a building or building group, together with accessory buildings, and used together with such yards and other open spaces as are required by this

ordinance, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat of record.

- 37.2.52 Lot, Corner - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than 135 degrees. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.
- 37.2.53 Lot Coverage - The percentage of the total area of a lot occupied by the base (first story of floor) of a building located on the lot or the area determined as the maximum cross-sectional area of the building.
- 37.2.54 Reserved for future use.
- 37.2.55 Lot Line, Front - That boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots either street line may be selected as the front lot line providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.
- 37.2.56 Lot Line, Rear - That boundary of a building lot which is most distant from or is most nearly parallel to the front lot line.
- 37.2.57 Lot Line, Side - That boundary of a building lot which is not a front lot line or a rear lot line.
- 37.2.58 Lot Lines - The line bounding a lot as defined herein.
- 37.2.59 Lot of Record - A lot which is part of a subdivision, a plat of which has been recorded in the office of the county clerk of Bosque County; or a parcel of land the deed for which is recorded in the office of the county clerk of Bosque County prior to the adoption of this ordinance.
- 37.2.60 Reserved.
- 37.2.61 Lot or Building Site - Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.
- 37.2.62 Lot Width - The width of a lot at the front building lines.
- 37.2.63 Main Building - The building or buildings on a lot which are occupied by the primary use.
- 37.2.64 Manufactured Home (HUD Code) Park - Any tract of land, under single ownership, of not less than three (3) acres and not more than ten (10) acres, approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the Town of Valley View relating to the location, use, construction, operation or maintenance of manufactured housing.
- 37.2.65 Manufactured Home (HUD Code) Subdivision - A tract of land of not less than two (2) acres to be used as a location primarily for owner-occupied HUD Code manufactured homes and which has been final platted of record in its entirety in accordance with the Town of Valley View Subdivision Regulations and in accordance with the Section 25 of this ordinance.
- 37.2.66 Manufactured Modular Homes - "Modular Home" means a structure or building module as defined by statute and under the jurisdiction and control of the Texas Department of Labor and Standards, installed and used as a residence by a consumer, transportable in one (1) or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined by statute; nor does it include building modules incorporating concrete or masonry as the primary structural component.
- 37.2.67 Manufacturing Processes - Uses restricted from other zoning districts but permitted in the M-1 and M-2 districts under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor gas, fumes, or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent area.
- 37.2.68 Mobile Home Park - See Manufactured Home (HUD Code) Park.
- 37.2.69 Mobile Home Subdivision - See Manufactured Home (HUD Code) Subdivision.

- 37.2.70 Reserved.
- 37.2.71 Non-Conforming Building or Use - A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is located.
- 37.2.72 Occupancy - The use or intended use of the land or buildings by proprietors or tenants.
- 37.2.73 Off-Street Parking Incidental to Main Use - Off-street parking spaces provided in accordance with the requirements specified by this ordinance and located on the lot or tract occupied by the main use or within two hundred (200) feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.
- 37.2.74 Off-Street Parking Space - An area for the temporary storage of an automobile which shall be permanently reserved for such purpose and which shall not be within or on any public street, alley or other right-of-way. (See Section 26 for detailed descriptions and regulations.)
- 37.2.75 Open Space - Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material. Also see "Usable Open Space" (Section 37.2.101).
- 37.2.76 Open Storage - The storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six (6) feet above ground level, for more than twenty-four (24) hours.
- 37.2.77 Parking Space - An all-weather surfaced area used for parking a vehicle, not on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street, permitting free ingress and egress without encroachment on the street.
- 37.2.78 Planning and Zoning Commission - The duly appointed Planning and Zoning Commission of the Town of Valley View.
- 37.2.79 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 Town of Valley View and subject to approval by the Planning and Zoning Commission.
- 37.2.80 Reserved.
- 37.2.81 Radio, Television and Microwave Towers - Structures supporting antenna for transmitting or receiving any portion of the radio spectrum but excluding non-commercial antenna installations for home use of radio or television.
- 37.2.82 Residence - Same as dwelling; when used with district, an area of residential regulations.
- 37.2.83 Residential District - Any zoning district included in this ordinance in which residential use constitutes the primary permitted use classification, including the SF-E, SF-1, SF-2, MF, MH-1 and MH-2 district classification.
- 37.2.84 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.
- 37.2.85 Screening Device - See "Landscape Screen".
- 37.2.86 Setback - The minimum horizontal distance between the front wall of any projection of the building, excluding steps and unenclosed porch and the side street.
- 37.2.87 Sign - An outdoor advertising device that is a structure, or that is attached to or painted on a building, or that is leaned against a structure for display on premises.
- 37.2.88 Site Plan - A detailed line drawing, to scale, showing scale used, north arrow, date and title of project, clearly describing the project and showing the following information:
- a) Property lines, location and widths of all streets, alleys and easements.
 - b) Proper dimensions on all fundamental features such as lots, buildings, parking spaces and

landscaped areas.

- c) The location of setback lines, driveway openings and sidewalks.
 - d) All proposed buildings, free-standing sign locations, parking areas and open spaces.
 - e) All required landscaping, together with a description of type of material to be used.
 - f) A cross section of any required or proposed screening.
 - g) Total square footage of the development lot; total square footage of proposed structures; total footage of landscaped areas; total percentage of coverage; density of floor area ratio where applicable; height of all structures; number of parking spaces; square footage and design features of all signs; and solid waste collection facilities.
 - h) Name, address and telephone number of the proponent.
- 37.2.89 Story - The height between the successive floors of a building from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.
- 37.2.90 Street - Any thoroughfare or public driveway, other than an alley, more than thirty (30) feet in width, which has been dedicated or deeded to the public or public use.
- 37.2.91 Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street; the right-of-way.
- 37.2.92 Structural Alterations - Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.
- 37.2.93 Structure - (Same as Building.)
- 37.2.94 Swimming Pool (Private) - A swimming pool constructed for the exclusive use of the residents of a single family, two-family or apartment dwelling and located within the required side or rear yards; however, a pool shall not be located closer than eight (8) feet to any property line.
- 37.2.95 Tennis Court (Private) - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas except as may be otherwise provided or restricted by the Specific Use Permit.
- 37.2.96 Thoroughfare - (Same as Street.)
- 37.2.97 Two Family Dwelling - A building designed for occupancy by two families living independently of each other within separate units which have a common wall and are under one roof.
- 37.2.98 Usable Open Space - An open area which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten (10) feet, and may include landscaping, walks, water features and decorative objects. Usable open space shall not include rooftops, accessory buildings, parking areas, driveways, turn-around areas, or right-of-way or easement for streets or alleys.
- 37.2.99 Variance - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.
- 37.2.100 Wholesale - The sale of goods, merchandise, services and/or commodities for resale by the purchaser and does not offer retail sales to the general public.
- 37.2.101 Yard - An open space, other than a court, on the lot in which a building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.
- 37.2.101a Yard, Front - An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

- 37.2.101b Yard, Rear - An open, unoccupied space, except for accessory buildings placed at least five (5) feet off the property line, as herein permitted extending across the rear of a lot from one (1) side lot line to the other side lot line.
- 37.2.101c Yard, Side - An open, unoccupied space or spaces on one (1) side or two (2) sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or front line shall be deemed a side line.
- 37.2.102 Zoning District Map - The official certified map upon which the boundaries of the various zoning districts are drawn.
- 37.2.103 Zoning Ordinance - This ordinance containing land use regulations for the Town of Valley View.

SECTION 38 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

38.1 General Requirements

No permanent structure may be constructed or otherwise located within the Town limits prior to issuance of a Building Permit by the Building Inspector. No permanent structure constructed or otherwise located within the Town limits may be occupied prior to issuance of a Certificate of Occupancy by the Building Inspector. No change in the existing conforming use of a permanent structure, or of land to a use of a different classification under this ordinance, and no change in the legally conforming use of a permanent structure or of land may take place prior to issuance of a Certificate of Occupancy by the Building Inspector.

38.2 Procedure for New or Altered Buildings

Plans for any permanent structure to be constructed or otherwise located within the Town limits must be approved by the Building Inspector who, upon approval, shall issue a Building Permit. A complete application for a Building Permit shall contain details of foundation and structure sufficient to determine compliance with applicable provisions of the Building Code. Upon submission of a complete application, the Building Inspector shall issue a Building Permit. After issuance of a Building Permit and prior to issuance of a Certificate of Occupancy, the Building Inspector shall conduct a foundation, plumbing, electrical and framing inspection. After such inspection, the Building Inspector shall issue a Certificate of Occupancy if the plans and the results of the inspection comply with the provisions of all applicable ordinances and regulations.

38.3 Procedure for Vacant Land or a Change in Use

Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a non-conforming use, as herein provided, shall be made to said Building Inspector. If the proposed use is in conformity with the provisions of this ordinance, the Certificate of Occupancy therefor shall be issued with ten (10) days after the application for same has been made.

38.4 Contents of Certificate of Occupancy

Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of all Certificates of Occupancy shall be kept on file in the Office of the Building Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

38.5 Temporary Certificate

Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Issuance of a temporary certificate shall not be construed to alter the respective rights, duties, or obligations of the owner or of the Town relating to the use occupancy of the premises or any other matter covered by this ordinance.

38.6 Certificates for Non-Conforming Uses

A Certificate of Occupancy shall be required for all lawful non-conforming uses of land or buildings created by adoption of this ordinance. Application for such Certificate of Occupancy for a non-conforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such non-conforming use within one (1) year of the effective date of this ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a lawful non-conforming use, but failure to apply for such Certificate of Occupancy for a non-

conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this ordinance.

**SECTION 39 CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND
ADMINISTRATIVE PROCEDURES**

39.1 Declaration of Policy

The Town declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

39.1.1. To correct any error in the regulations or map.

39.1.2. To recognize changed or changing conditions or circumstances in a particular locality.

39.1.3 To recognize changes in technology, style of living, or manner of doing business.

39.2 Authority to Amend Ordinance

The Town Council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and/or the zoning map any change in the classification or boundaries of the zoning districts may be ordered for consideration by the Town Council, may be initiated by the Planning and Zoning Commission, the Town Council, or may be requested by the owner of the affected real property or the authorized representative of an owner of affected real property.

39.2.1 Initiating Zoning Changes

The Town Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map. Any Ordinance regulations or zoning district boundary amendment may be ordered for consideration by the Town Council, be initiated by the Planning and Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property.

39.2.2 Zoning Change Applications

Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing, filed with the Town Secretary, and shall be accompanied by payment of the appropriate fee as established by the Town Council. The application shall also be accompanied by the following information: plans, maps, exhibits, legal description of property, information about proposed uses, and such other material as deemed necessary by the Town of Valley View.

39.3 Public Hearing and Notice

39.3.1 Upon filing of an application for an amendment to the zoning ordinance and map, the Planning and Zoning Commission and Town Council shall hold a public hearing on said application. The Town Council and Planning and Zoning Commission can choose to conduct joint hearings when necessary.

39.3.2 Written notice of such hearings shall be sent to the owner of the property or his agent and to all owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice, mailed first-class return receipt requested, to be given not less than ten (10) days before the date of such hearing, to all owners who have rendered their said property for Town taxes as the ownership appears on the last approved Town tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the Town Post Office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the Town after the final date for making the renditions which are included on the last approved Town tax roll, notice to such owners shall be given by one publication in the official newspaper at least fifteen (15) days before the time of the hearing. Also, the Town Secretary shall have the property, lot or tract posted with a sign at least eighteen (18) by twenty-four (24) inches in size which shall state "Zoning change Requested for information call Town Hall" and the telephone number shall be listed. Failure of owners to receive notice of hearing shall

in no way affect the validity of the action taken.

39.4 Action of the Planning and Zoning Commission

- 39.4.1 If, at the conclusion of the hearing, the Planning and Zoning Commission recommends amendment of this ordinance to the Town Council, said recommendation shall be by resolution of the Planning and Zoning Commission carried by the affirmative votes of not less than a majority of its total membership present and voting. A copy of any recommended amendment shall be submitted to the Town Council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.
- 39.4.2 The Planning and Zoning Commission may recommend denial of an application with or without prejudice against the applicant to refile the application. If the Commission recommends denial of the application and fails to clearly state the same is being denied with prejudice, then it shall be deemed that said application is being recommended for denial without prejudice against refiling. If it is later determined by the Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing. Newly annexed land which has been given Agricultural zoning is exempt from the one (1) year waiting period.

39.5 Action of the Town Council

- 39.5.1 If the Planning and Zoning Commission has recommended approval or denial of an application, the Town Council shall set said application for public hearing and shall give notice of the time and place of the hearing by one (1) publication in the official newspaper at least fifteen (15) days prior to such hearing, and in addition shall send written notices to the owner of the property or his agent, and to all property owners of real property lying within two hundred (200) feet of the subject property pursuant to Section 39.3.2.
- 39.5.2 If the Planning and Zoning Commission has recommended to the Town Council that a proposed amendment be disapproved, the Town Council may refuse to adopt the amendment by a simple majority vote of the Councilmen present and voting. However, in order to adopt the amendment which has been recommended for disapproval by the Planning and Zoning Commission, the amendment shall not become effective except by the favorable vote of a simple majority of all members of the Town Council of the Town of Valley View present and voting.
- 39.5.3 When the Planning and Zoning Commission has recommended to the Town Council that a proposed amendment be approved, the Town Council may disapprove the petition or application for amendment by a simple majority vote of the Town Councilmen present and voting. In the event of a tie vote of the Town Councilmen present and voting, the Mayor may cast the deciding vote.
- 39.5.4 In the case of a protest against an amendment to the ordinance signed by the owners of twenty percent (20%) or more either of the area of the lots or land immediately adjoining the area included in the proposed change and extending two hundred (200) feet from that area, such amendment shall not become effective except by the favorable vote of a simple majority of all members of the Town Council of the Town of Valley View.
- 39.5.5 In making its determination, the Town Council shall consider the following factors:
- 39.5.5.1 Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the Town as a whole.
- 39.5.5.2 Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.
- 39.5.5.3 The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the Town, and any special circumstances which may make a substantial part of such vacant land unsuitable for development.
- 39.5.5.4 The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed changes.
- 39.5.5.5 The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
- 39.5.5.6 Any other factors which will substantially affect the public health, safety, morals or general welfare.

39.5.6 In considering a motion to deny a zoning application, or upon voting to deny a zoning application, the Town Council shall further consider whether said application shall be denied with or without prejudice against refiling. If the Town Council shall deny the application and fail to clearly state the same is being denied with prejudice, then it shall be deemed that said application is being denied without prejudice against refiling. If an application is denied with prejudice, no application may be filed for all or part of the subject tract of land for a period of one (1) year from the date of denial by the Town Council. If it is determined by the Planning and Zoning Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing. Newly annexed land which has been given Agricultural zoning is exempt from the one (1) year waiting period.

39.6 Effect of Denial of Petition

In case the application for an amendment to the Zoning Ordinance is denied by the Town Council, said application shall not be eligible for reconsideration for one (1) year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Planning and Zoning Commission, to be eligible for consideration within one (1) year of the denial of the original application.

In the event of a reapplication affecting the same land is for a zone that will permit the same use of the property as that which would have been permitted under the denied application, the same shall not be considered to be substantially different from the application denied.

39.7 Final approval and Ordinance Adoption

If the amending ordinance is not approved within six (6) months from the time of its original consideration, the zoning request, at the option of the Town Council, may be recalled for a new public hearing.

39.8 Changes in Zoning Regulations

Amendments to the Zoning Ordinance not involving a particular property but involving change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the Town, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

SECTION 40 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Town Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule shall be posted in the office of the administration official and may be altered or amended only by the Town Council.

No permits, certificates, special exception, or variance shall be issued unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

The exact charge for the following services will be established by separate ordinance:

- a. For docketing a zoning petition with the Planning and Zoning Commission of the Town of Valley View.
- b. For docketing an application for relief with the Board of Adjustment of the Town of Valley View.

SECTION 41 PENALTY FOR VIOLATIONS

38.1 Civil and Criminal Penalties

Town shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

38.2 Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

38.3 Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Town's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

38.3.1 injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and

38.3.2 a civil penalty up to one thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and

SECTION 42 **VALIDITY, SEVERANCE AND CONFLICT**

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so dedicated to be invalid or unconstitutional. To the extent any provision of this ordinance conflicts with other ordinances of the Town of Valley View the terms of this ordinance shall control.

SECTION 43**EFFECTIVE DATE**

This ordinance shall be effective upon the posting and/or publication of its caption as required by law and the Town Secretary is hereby directed to implement such posting and/or publication.

RECOMMENDED FOR ACCEPTANCE by the Planning and Zoning Commission of the Town of Valley View, Texas, on the ____ day of _____, 2004.

ATTEST:

SIGNED:

Secretary, Planning & Zoning Commission_____
Chairman, Planning & Zoning Commission

PASSED AND APPROVED by _____ vote of the Town Council of the Town of Valley View, Texas, on this the ____ day of _____, 2004.

ATTEST:

SIGNED:

Town Secretary_____
Mayor

A	11	AGRICULTURE	
SF-E	11	SINGLE FAMILY ESTATE	43,560 SQF
SF-1	12	SINGLE FAMILY RESIDENTIAL	9,000 SQF
SF-2	12	SINGLE FAMILY RESIDENTIAL	7,200 SQF
TF	13	TWO FAMILY RESIDENTIAL (DUPLEX)	6,000 SQF
TH	13	TOWNHOUSE RESIDENTIAL	3,000 SQF
MH-1	14	MANUFACTURED HOME	
MH-2	15	MANUFACTURED HOME PARK	
MF	16	MULTIFAMILY RESIDENTIAL	
C-1	16	COMMERCIAL - OFFICE, LIGHT RETAIL, NBH SERVICES	
C-2	17	COMMERCIAL – GENERAL	
C-3	18	COMMERCIAL – HEAVY	
M-1	18	MANUFACTURING – LIGHT	
M-2	19	MANUFACTURING – HEAVY	
PD	20	PLANNED DEVELOPMENT	
FP	23	FLOOD PLAIN DISTRICT	

APPENDIX I (SEE NOTES TO APPENDIX I IN ADDITION TO THE FOLLOWING CHART)

DISTRICT REGULATIONS

	A	SF-E	SF-1	SF-2	TF	TH	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2
MAXIMUM HEIGHT (feet)	35	35	35	35	30	30	45	35	45	45	50	30	50	50
SIDE YARD WIDTH (feet)	15	15	15	10	8	8	15	15	5	5 III	5	10	5	5
REAR YARD (feet)	30	30	25	20	15	15	15	5	5	5	5	10	5	5
FRONT YARD (feet)	35	35	30	25	20	20	20	20	20	20 IV	20	25	20	20
LOT AREA (square feet)	87,120	43,560	9,000	7,200	6,000	3,000	I	I	I	II	II	II	II	II
MINIMUM LOT WIDTH (feet)	100	100	70	60	60	25	70	II	II	II	II	II	II	II
MINIMUM LOT DEPTH (feet)	200	200	100	100	100	100	150	II	II	II	II	II	II	II
MAXIMUM LOT COVERAGE	10%	10%	40%	45%	60%	60%	50%	II	II	II	II	II	II	II

I - Total lot area shall not be less than 9,000 square feet for dwelling unit construction. For each dwelling unit over three (3) in number, no less than 1,500 square feet of additional lot area is required. A maximum of ten (10) units may be constructed per acre.

II- None required except where non-residential use abuts a residential lot in which case the requirements shall be as set forth in the notes to appendix 1.

III- The interior side setback may be zero (0) if within the Central Business District. (lots facing square)

IV- The front setback may be zero (0) if within the Central Business District. (lots facing square)

NOTES TO APPENDIX 1 (SEE APPENDIX I CHART IN ADDITION TO THE FOLLOWING NOTES)

- a. The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than required which was an official "lot of record" at the time of the adoption of this ordinance may be used for a one family dwelling.

No lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

- b. The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory buildings. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the yard.

On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets (unless shown specifically otherwise on a final plat).

Where a building line has been established by a plat approved by the Town Council or by ordinance and such line requires a greater or lesser front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat provided no such building line shall be less than twenty (20) feet, except as approved under a Planned Development (see Section 20).

Where the frontage on one side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.

On any corner lot for which front and side yards are required, no wall, fence, structure, sign, tree, or other planting or sloped terrace or embankment may be maintained higher than three (3) feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point thirty (30) feet back from the right-of-way corner. Visual clearance shall be provided in all zoning districts so that no fence, wall, vegetation, architectural screen, earth mounding, or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.

Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare upon which a lot abuts, the front or side yard shall be measured from the future right-of-way.

- c. Every part of a required side yard shall be open and unobstructed except for (a) accessory buildings as permitted in Section 30; (b) the ordinary projections of window sills, belt courses, cornices, and other architectural features not more than twelve (12) inches into the required side yard; and (c) roof eaves projecting not more than thirty-six (36) inches into the required side yard. Balconies shall not project into the required side yard.

Minimum side yard setbacks in the Original Town Plat shall be seven (7) feet for single family residential uses, regardless of other requirements listed here.

When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the non-residential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

- d. The required rear yard shall be open and unobstructed from a point thirty (30) inches above the average elevation of the graded rear yard, except for accessory buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four (4) feet. Balconies shall not project into the required rear yard.

- e. A one-story wing or extension may be built to within fifteen (15) feet of the rear lot line.
- f. No lot containing multifamily units shall contain less than nine thousand (9,000) square feet total or one thousand five hundred (1,500) square feet per dwelling unit, whichever is greater.

Minimum lot sizes for townhouses and zero lot line houses shall be three thousand (3,000) square feet per dwelling unit. See Section 26.1.17.

Minimum lot sizes for all other permitted uses shall be seventy five hundred (7,500) square feet or one thousand five hundred square feet per living unit, whichever is greater.
- g. Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be twenty (20) feet per ground floor unit plus side yard requirements.

Lot width for a lot containing other permitted uses shall be not less than sixty (60) feet.
- h. If a side yard or rear yard is adjacent to a single family residential district, there shall be a twenty five (25) foot setback and a sixty (60) foot setback from the adjacent property line for buildings in excess of one (1) story in height.

If more than one building is located on the same lot, there shall be a ten (10) foot separation between buildings without openings (windows) and fifteen (15) feet between buildings with openings.
- i. The height of any multifamily building sited on a lot adjacent to an area zoned for single family dwellings or where single family dwellings of one story in height exist shall be limited to one story for a distance of sixty (60) feet from the single family district boundary or the land on which the single family dwelling is located.
- j. See Section 27.6.2 for additional open space for multi-family regulations.
- k. In a non-residential district the front yard setback shall be forty-five (45) feet where parking is allowed in front of the building. Accessory buildings shall have a sixty (60) foot front yard setback.
- l. In a non-residential district a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.
- m. In a non-residential district no building shall exceed fifty (50) feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.
- n. In a non-residential district a front yard of not less than fifty (50) feet shall be provided upon that portion of a lot abutting or across a street or alley from property in a residential or commercial district.
- o. In a non-residential district a side yard or a side street yard of not less than twenty-five (25) feet in width shall be provided on the side of the lot adjoining or across a street or alley from a residential or commercial district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.
- p. In a non-residential district a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street or alley from a residential district, except that such rear yard requirement shall be twenty-five (25) feet in depth where the property in the residential district backs up to the rear street. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.
- q. In a non-residential district a building may be erected to a height of eighty (80) feet if set back from all required yard lines is increased a distance of one (1) foot for each two (2) feet of additional height above fifty (50) feet. This requirement is in addition to all other relevant setback requirements.
- r. An industrial use side yard requirements shall be not less than fifty (50) feet in width and provided for on the side of the lot adjoining or across the street from a residential or commercial district.

CITY OF VALLEY VIEW TEXAS

SUBDIVISION REGULATIONS

ORDINANCE _____

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS, PLANS AND SUBDIVISION OF LAND WITHIN THE CITY OF VALLEY VIEW, TEXAS, AND ITS LEGALLY DEFINED EXTRATERRITORIAL JURISDICTION; CONTAINING CERTAIN DEFINITIONS; PROVIDING PROCEDURES FOR THE APPROVAL OF SUBDIVISION PLATS; PRESCRIBING REGULATIONS FOR THE DESIGN AND CONSTRUCTION OF STREETS, SIDEWALKS, ALLEYS, WATER AND SANITARY SEWAGE UTILITIES, DRAINAGE AND COMMUNITY FACILITIES; PROVIDING A PENALTY FOR EACH VIOLATION THEREOF; PROVIDING A VALIDITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, under the provisions of the constitution and laws of the State of Texas, including particular Chapters 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore and hereafter amended (compiled as Articles 974a and 6702.1 Vernon's Annotated Civil Statutes), as heretofore and hereafter amended, every owner of any tract of land situated within the City of Valley View who may hereafter divide the same in two (2) or more parts for the purpose of laying out any subdivisions of such tract of land or any addition to said City, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parks or other portions intended for public use, or the use of purchasers or submit a plat of such subdivision of addition for approval by the Planning and Zoning Commission and the City Council of the City of Valley View; and,

WHEREAS, the rules and regulations of the City established by this Ordinance governing plats and subdivisions of the land in the corporate limits of the City of Valley View are hereby extended to and shall apply to all of the area under the extraterritorial jurisdiction of said City, as provided for in the Municipal Annexation Act, 1963, enacted by the State of Texas and which appears as Article 970A, Vernon's Annotated Civil Statutes; and,

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APPENDIX A

SECTION 1 GENERAL PROVISIONS

1.1 Title

This chapter shall be known and may be cited as "the City of Valley View Subdivision and Property Development Regulations."

1.2 Purpose

The purposes of this chapter are:

- A. To protect and provide for the public health, safety, and general welfare of the City.
- B. To guide the future growth and development of the City in accordance with the Comprehensive Plan.
- C. To ensure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To guide public and private development in order to provide adequate and efficient transportation, water, sewerage, drainage, and other public requirements and facilities.
- E. To provide for the circulation of traffic and pedestrians required for the beneficial use of land and buildings and to avoid congestion throughout the City.
- F. To establish reasonable standards of design and procedures for platting to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of platted land.
- G. To ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or development and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services.
- H. To prevent the pollution of streams and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources, and enhance the stability and beauty of the community and the value of the land.
- I. To provide for open spaces through the most efficient design and layout of the land.
- J. To remedy the problems associated with inappropriately platted lands, including premature subdivision, incomplete subdivision and scattered subdivision.

1.3 Authority

This chapter is adopted under the authority of the Constitution and Laws of the State of Texas, including particularly and without limitation Chapter 212, subchapters A and B, of the Texas Local Government Code. The rules and regulations herein adopted apply equally to the subdivision and development of land within the corporate limits and within the extraterritorial jurisdiction of the City.

1.4 Jurisdiction

A. Duty of Landowner to Plat Property

1. Subdivision Plats

- a. Plat Required. Except as expressly exempted by these subdivision and property development regulations under subsection A.1.b the owner of a tract of land located within the corporate limits or in the extraterritorial jurisdiction of the City of Valley View who divides the tract into two or more parts to lay out a subdivision or any addition, building or lot, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- b. Exemptions. The following divisions of land do not require approval by the City of Valley View:
 - (1) The creation of a leasehold for a space within a multi-occupant building or a commercial building site which does not abut a public street, provided that the property is a part of an approved subdivision or development plat and regulated in accordance with the site plan requirements of the City, and such plat has been amended as may be required to add easements or otherwise serve the leasehold. For purposes of this section, a leasehold abuts a public street if it is immediately adjacent to a public street or if it is so close to a public street that no usable property lies between the leasehold and the public street.
 - (2) The creation of a leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for

any purpose not directly related to agricultural use of the land or crops or livestock raised thereon.

- (3) The division of property through the probate of an estate, or by a court of law and not for purposes of development.
 - (4) The division of land into parts each of which is greater than five (5) acres in size for which no public improvement is to be dedicated and where each part has access from a public street.
 - (5) Remainder tracts, except to the extent required for purposes of supplying information needed for evaluation of the proposed development.
- B. Subsequent Divisions. Approval of a subdivision plat pursuant to Section 1.4.A, 1 shall be required prior to sale, lease or development of any tract for which a development plat has been previously approved and for which division into two or more parts subsequently is proposed by the property owner.
- C. Remainders. The owner of a tract or parcel who seeks to divide the land into two or more parts for purposes of sale, lease or development may designate one part which is not be developed as a remainder tract. Such tract shall be clearly identified by the term "remainder" and shall be deemed not to be part of the subdivision or development plat.
- D. Platting Information. A written request may be directed to the Commission for information concerning whether a plat is required under these regulations, in accordance with Section 212.0115, as amended, of the Texas Local Government Code.
- E. Legal Description. Except as provided above, no land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the Council in accordance with these regulations.
- F. Prohibition. Except as provided above, no land shall be divided for purposes of sale, lease, or transfer, nor shall land be developed until the property owner has obtained approval of a final subdivision plat or development plat as required by these regulations.
- G. Withholding Public Improvements. The City shall withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service, from all tracts, lots or additions, the platting of which has not been officially approved and for which a certificate of compliance has not been issued.

- H. Limitation on Permits. No building permit or certificate of occupancy shall be issued for any parcel or tract of land until such property has received final plat or development plat approval and is in substantial conformity with the provisions of these subdivision and property development regulations, and no private improvements shall take place or be commenced except in conformity with these regulations.

1.5 Interpretation, Conflict and Separability

- A. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
- B. Conflict with Other Laws. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision, which is more restrictive or imposes higher standards shall control.
- C. Separability. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application, which is judged to be invalid.

1.6 Amendment to Subdivision and Property Development Regulations

For the purpose of protecting the public health, safety and general welfare, the Council may from time to time propose amendments to these regulations, which shall then be approved or disapproved by the Council at a public hearing.

1.7 Effect on Pending Plats

All applications for subdivision or development plat approval, including final plats, pending on the effective date of these regulations, together with any subsequently filed plat applications which are deemed to be vested, shall be reviewed under subdivision and property development regulations in effect immediately preceding the date of adoption of these regulations, and such regulations shall be kept in effect for such purpose.

1.8 Enforcement

- A. Violations and Penalties. Any person who violates any of these regulations for lands within the corporate boundaries of the City shall be subject to a fine of not more than \$2000 per day, pursuant to the Texas Local Government Code 54.001 - 2, et. seq. as amended of Acts 1987, ch. 680.
- B. Civil Enforcement. Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, to restrain, correct, or abate a violation of these regulations, whether such violation occurs with respect to land within the corporate boundaries of the City or within the City's extraterritorial jurisdiction. These remedies shall be in addition to the penalties described above.

1.9 Filing Fees

A schedule of filing fees for the City of Valley View may be obtained from the City Secretary or a designated assistant and may be found in the fee schedule in the Appendix of this Code. All filing fees and charges must be paid in advance and no action of the Planning and Zoning Commission or the City Council shall be valid until the fees shall have been paid to the officer designated herein.

1.10 Incorporation of Design Manuals

The following design standards and specifications are incorporated by reference into this ordinance: All manuals referred to in the City of Valley View Code of Ordinances, Building and Construction Codes, the North Central Texas Council of Governments (NCTCOG) Standard Specifications for Public Works Construction, and the attached City Design Criteria.

SECTION 2 DEFINITIONS

2.1 Usage

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this Article
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.
- C. The word "shall" wherever used in this article will be interpreted in its mandatory sense; the word "may" shall be deemed as permissive.

2.2 Words and Terms Defined

- 1. Abandonment. The relinquishment of property, or a cessation of the use of property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.
- 2. Addition. A subdivision.
- 3. Amending Plat. A revised plat correcting errors or making minor changes to the original recorded final plat as defined in Tex. Loc. Gov't Code Ann. § 212.016.
- 4. Amenity. An improvement providing an aesthetic, recreational or other benefit.
- 5. Base Flood Elevation. The flood having a one percent chance of being equaled or exceeded in any given year. The base flood shall be determined by using a fully developed watershed and the criteria for a 100-year storm.
- 6. Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.
- 7. Bond. Any form of a surety bond in an amount and form satisfactory to the City.
- 8. Building. Any structure or building for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind.
- 9. Capital Improvements Program. A proposed schedule of future capital improvement projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

10. Comprehensive Plan. The planning document described in Chapter 211 of the Texas Local Government Code and being the Comprehensive Plan of the City and adjoining areas recommended by the Planning and Zoning Commission and approved by the City Council, as may be amended from time to time.
11. Concept Plan. A plan for development which enables the City to evaluate major impacts of a proposed development pursuant to Section XXX of the Valley View Zoning Regulations, or predecessor zoning regulations.
12. Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.
13. County. ^{Cooke}~~Wise~~ County, Texas.
14. Developer. The person, business, corporation or association responsible for the development of the subdivision, development plat, or addition. In most contexts the terms Developer and Property Owner are used interchangeably in these regulations.
15. Development. Any man-made change to improved or unimproved real estate, including but not limited to, construction, enlargement or improvements of buildings, other structures, streets, alleys, paved surfaces, drainage facilities, park facilities or utilities. Development does not include agricultural activities.
16. Development Exaction. Any dedication of land or easements for, construction of, or contribution toward construction of a public improvement required as a condition of approval of a subdivision or development plat by the City pursuant to these regulations.
17. Development Plan. The plan authorizing development in a Planned Development District pursuant to the standards and procedures of Section 22 of the Valley View Zoning Regulations, or predecessor zoning regulations.
18. Drainage Way. All land areas needed to allow passage of the Base Flood, including sufficient access above the Base Flood elevation along each side of the parallel to the natural or excavated channel.
19. Easement. An interest in the real property of another, which is the dominant estate and is a right to use such real property for the purposes specified therein.
20. Engineer. A person duly authorized under the provisions of the Texas Engineering Practice Act, heretofore or hereafter amended, to practice the profession of engineering.

21. Escrow. A deposit of cash with the City in accordance with City policies.
22. Final Plat. The map of a subdivision or development plat to be recorded after approval by the City Council and any accompanying material and additional requirements as described in these regulations.
23. Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation or runoff of surface waters from any source.
24. Flood Plain. An area of land lying below the 100-year water surface elevation. Flood plains include but are not limited to those areas designated on FEMA-FIA maps, City maps or any other area with a ground elevation below the one hundred year water surface elevation.
25. Lot. A tract, plot or portion of a subdivision or development plat occupied or to be occupied by a building and its accessory buildings, or open space, park improvements or other facilities to be privately held and maintained, such as may be required under these or other development regulations, and having its principal frontage upon a public street or officially approved place.
26. Minor Plat. A plat involving not more than four lots fronting on an existing street, which does not require the creation of any new street or extension of municipal facilities and which meets the requirements of section 3.11 of these regulations.
27. Municipal Facility. An improvement owned and maintained by the City.
28. Mutual Access Easement. An officially approved, privately maintained drive, constructed to city street standards, open to unrestricted and irrevocable public access, serving two or more lots as their primary means of access.
29. Off-Site Improvement. Improvements required to be made on an area not included within the plat application, which are required to be made to serve the proposed development with adequate public facilities, including but not limited to, road widening and upgrading, stormwater facilities, and traffic improvements.
30. One Hundred (100) Year Water Surface Elevation (100-Yr WS El.) -That water surface elevation established by hydrologic/hydraulic analysis of a stream, river, creek, or tributary, using the 100-year fully developed watershed, based upon the 100-year rainfall event.

31. On-site Sewerage Facilities. Facilities acceptable to the Texas Natural Resources Conservation Commission and other regulatory agencies having jurisdiction over the treatment and disposal of wastewater on an individual lot and which do not require a waste discharge permit. On-site sewerage facilities includes septic tanks, treatment tanks, drain fields, absorption beds, evapo transpiration beds and alternative treatment systems.
32. Performance Bond; and/or Surety Bond. Bond required to ensure the completion of a development project pursuant to Texas Local Government Code § 212.073.
33. Perimeter Street. Any existing or planned street, which abuts the subdivision or development to be platted. Perimeter streets may be included within or located outside the land to be platted.
34. Planned Development - Commercial District. A zoning district that allows a mix of retail, office, and civic uses within an urban framework, which is small in scale and compatible with adjacent developments pursuant to a concept plan, as authorized under Section 3 of The City of Valley View Zoning Ordinance.
35. Planned Development - Residential District. A zoning district that combines standard residential zoning districts (base districts) that allows development of a residential project containing a mix of dwelling types and/or lot size, which units are clustered to achieve higher density than otherwise would be authorized within the base zoning district, pursuant to a concept plan, as authorized under Section 3 of The City of Valley View Zoning Ordinance.
36. Planned Development District. A Planned Development - Commercial District, a Planned Development - Residential District, or any other zoning district authorized under the City's Zoning Regulations that requires approval of a concept plan prior to development within the district.
37. Planning and Zoning Commission. The agency appointed by the City Council as an advisory body to it relative to zoning, platting and planning matters and the physical development of the City and its environs and designated as the Planning and Zoning Commission.
38. Plat. The map of a proposed subdivision or development plat, as the context may indicate.
39. Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed layout of the subdivision or development plat to be submitted to the City Council for approval (a Master Plat is a preliminary plat with multiple phases, see Section 3.3).

40. Property Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the subdivision or development, or any representative or agent thereto, who has express written authority to act on behalf of such owner.
41. Public Improvement. Any drainage way, roadway, parkway, sidewalk, utility, street light, pedestrian way, off-street parking area, fire lane, lot improvement, open space, buffer, screen, park, public trail, right-of-way, easement, or other facility for which the City or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established or that affects the health, safety or welfare of general public.
42. Public Improvement Agreement. A contract entered into by the developer and the City by which the developer promises to complete the required public improvements within the subdivision or development within a specified time period following final plat approval.
43. Record Drawings. Drawings that show, according to the best construction records available, the location of all public utilities constructed to serve the subdivision or development.
44. Remainder. The residual land left after platting of a portion of a tract.
45. Replatting. Any change in an approved or recorded plat, except as permitted as an amended plat, that affects any street layout on the map or area reserved or dedicated thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or developments pursuant to Tex. Local Gov't Code §§ 212.014-.015 or §§ 212.041, et seq. Replatting includes the combination of lots into a single lot for purposes of development.
46. Resubdivision. The replatting of an approved subdivision plat.
47. Right-of-Way. A parcel of land occupied or intended to be occupied by a street or alley, and where appropriate, other facilities and utilities including sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The use of right-of-way shall also include parkways and medians outside of pavement. The usage of the term "right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public

agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

48. Security. The letter of credit, cash escrow or first and prior lien on the property provided by the applicant to secure its promises in the public improvement agreement.
49. Standard Street. A street or highway that meets or exceeds the requirements of the Engineering Design Manual and complies with the Thoroughfare Plan and the Functional Classifications in the Comprehensive Plan.
50. Standard Commercial or Residential Development District. Any residential or non-residential district established pursuant to the City's Zoning Regulations that is not a Planned Development - Commercial or Planned Development - Commercial Zoning District.
51. Street. A public thoroughfare, which affords the principal means of access to property, including any road, or other thoroughfare except an alley as defined herein.
52. Street Improvement. Any street or thoroughfare, together with all appurtenances required by City regulations to be provided with such street or thoroughfare, including but not limited to: sidewalks; drainage facilities to be situated in the right-of-way for such street or thoroughfare; traffic control devices; street lights; and street signs, for which facilities the City will ultimately assume the responsibility for maintenance and operation.
53. Subdivider. Any person who (1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision or platted as an addition or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision or development, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or addition or any interest, lot, parcel site, unit or plat in a subdivision or development, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.
54. Subdivision. The division of any tract or parcel of land into two or more lots, for the purpose of, whether immediate or future, offer, sale, or lease or for the purpose of development, except as expressly exempted pursuant to Section 1.4. Subdivision also includes resubdivision. Subdivision also refers to the land to be so divided, as the context may indicate.
55. Substandard Street. An existing street or highway that does not meet the minimum requirements of the Engineering Design Manual and/or does not

comply with the Thoroughfare Plan or the Functional Classifications in the Comprehensive Plan.

56. Surveyor. A Registered Professional Land Surveyor licensed under the laws of the State of Texas.
57. Temporary Improvement. Improvements built and maintained by an owner during construction of the development of the subdivision or addition and prior to release of the performance bond or improvements required for the short term use of the property.
58. Thoroughfare Plan. The official plan for streets and thoroughfares for the City of Valley View, including transportation goals and policies, Functional Street Classifications and the Transportation System Diagram, contained in the City's adopted Comprehensive Plan
59. City. The City of Valley View, Texas, together with all its governing and operating bodies.
60. Planning and Zoning Administrator. That person appointed by the Mayor and City Council to manage City Planning, Zoning and Subdivision reviews.
61. City Council. The governing and legislative body of the City of Valley View, Texas.
62. City Engineer. The duly authorized Engineer of the City of Valley View.
63. Zoning Application. An application for a tentative or final development plan, site development plan or site plan.
64. Zoning Regulations. The City of Valley View Zoning Ordinance as adopted in 2004, as amended.

SECTION 3 PLATTING PROCEDURE**3.1 Coordination of Zoning and Platting Applications.**

- A. Coordination Required. Approval of applications for subdivision and development plats shall be coordinated with approval of zoning applications. In no case shall a subdivision or development plat application be accepted for filing until any pending zoning application for the same land has been finally approved.
- B. Development in Planned Development Zoning Districts. The following sequence of approval of zoning and platting applications is required for development within a Planned Development Zoning District. Whenever a subdivision or development plat application follows in sequence a zoning application listed in this section, such application shall not be accepted for filing until the zoning application has been approved and the proposed subdivision or development plat is consistent with such approved zoning application.
 - 1. Within Planned Development - Residential Districts, development applications shall be submitted in the following sequence:
 - a. Tentative development plan
 - b. Preliminary subdivision plat
 - c. Final subdivision plat
 - 2. Within Planned Development - Commercial Districts, development applications shall be submitted in the following sequence:
 - a. Tentative development plan
 - b. Preliminary subdivision plat
 - c. Final subdivision plat

- C. Development in Standard Zoning Districts. The following sequence of approval of zoning and platting applications is required for development within standard zoning districts. Whenever a subdivision or development plat application follows in sequence a zoning application listed in this section, such application shall not be accepted for filing until the zoning application has been approved and the proposed subdivision or development plat is consistent with such approved zoning application.
1. For proposed residential developments within a standard zoning district, development applications shall be submitted in the following sequence:
 - a. Site development plan
 - b. Preliminary subdivision or development plat
 - c. Final subdivision or development plat
 2. For proposed non-residential developments within a standard zoning district, development applications shall be submitted in the following sequence:
 - a. Site plan
 - b. Preliminary subdivision or development plat
 - c. Final subdivision or development plat
- D. Consistency Required. No application for a subdivision plat or development plat shall be approved on land for which there is an approved development plan, site development plan or site plan unless the proposed plat conforms to such approved zoning application for the development.
- E. Filing Prohibited. A subdivision or development plat application shall be accepted for filing only after approval of the applicable zoning application identified in the sequences in Sections 3.1.B and 3.1.C. A platting application may be accepted for review with the zoning application that immediately precedes the platting application in sequence only if the applicant submits an unconditional waiver of all time limitations imposed by these regulations or state law for processing such application.
- F. Conditions. Conditions attached to approval of a development plan, site development plan or site plan shall be the basis for imposition of consistent conditions on preliminary subdivision or development plat applications.
- G. Replats Included. The provisions of this Section 3.1 apply equally to replats.

3.2 Statutory Procedure

- A. Time for Action on Plat. The Commission, or the Council as required by these regulations, shall take final action on each complete application for a preliminary or final subdivision or development plat, including applications for replats, within thirty (30) days after the date the complete application for plat approval is officially filed.
- B. Official Filing Date. The date from which the time period in Section 3.2.A. commences to run shall be the date the plat is deemed filed in accordance with this section. The acceptance or processing by any City official of a plat application prior to the official filing dates established in this section hereby is deemed to be null and void and, upon discovery, shall be grounds for denial of such plat application.
1. Official Filing Date for Commission. The official filing date for plats to be initially reviewed by the Commission shall be the date on which the Planning and Zoning Administrator or his designee certifies in writing that the plat application is complete in accordance with the regulations governing submission requirements in this SECTION 3. No application for plat approval shall be deemed filed with the Commission until the Administrator or his designee has certified the application as complete.
 2. Official Filing Date for Council. The official filing date for Council review shall be the date final action is taken on the plat application by the Commission.
 3. Official Date for Modified Plat Application. If the applicant elects to withdraw the plat application in order to make modifications recommended by the Commission or to satisfy conditions attached by the Council, the official filing date shall be the date on which the Planning and Zoning Administrator or his designee certifies in writing that the modified plat application is complete in accordance with the regulations governing submission requirements in this SECTION 3.
 4. Official Date for Minor Plat Application. The official filing date for minor plat applications shall be the date on which the Planning and Zoning Administrator or his designee certifies in writing that the plat application is complete and qualifies as a minor plat application, in accordance with the regulations governing submission requirements in this SECTION 3.
- C. Compliance Procedure. The Administrator shall place the plat application on a regularly scheduled or specially called meeting of the Commission or Council, as the case may be, prior to the expiration of thirty (30) days following the official filing date. The Commission or Council shall approve, conditionally approve or deny such application within such period.

3.3 Master Plats

- A. Master Plat Applications. A property owner may elect to divide property into phases for purposes of development through the use of a master plat, which shall be processed as an application for preliminary subdivision plat approval. Master plats may only be submitted for residential development within a standard zoning district. The master plat application shall be consistent with the approved site plan if the property is part of a residential planned development.
- B. Schedule for Phased Development. Master plats shall be accompanied by a schedule summarizing the intended plan of development in phases and the proposed dedication of land or rights-of-way for and construction of public improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. All phases of the development shall be included in the preliminary plat application. Any contiguous land owned by the applicant that is not intended to be a part of the proposed staged development shall be identified with the designation "remainder tract." A remainder tract shall be identified on the plat application, but shall not be included within the boundaries of the proposed plat.
- C. Expiration of Master Plats. Master plats shall expire as provided in Section 3.6.8.B.

3.4 Remainder Tracts

- A. Remainder tracts shall not be considered lots and shall not be included within the boundaries of the preliminary plat. Approval of a preliminary plat shall not constitute approval of development on a remainder tract.
- B. Information accompanying a preliminary plat application for remainder tracts shall be deemed to be an aid to the Commission and the Council in taking action on the preliminary plat application and may be used to determine whether development of the land subject to the plat will be adequately served by public facilities and services and is otherwise in compliance with these regulations, taking into account the development of the property as a whole. Based upon such information, the Commission or the Council may require that additional land be included in the preliminary plat in order to satisfy the standards in these regulations.

3.5 Pre-Platting Conference

Prior to the filing of a preliminary plat application, the owner may request a pre-platting conference with the Planning and Zoning Administrator or his designee for familiarization with the City's subdivision and property development regulations and the relationship of the proposed subdivision or development to the Valley View Comprehensive Plan, Zoning Regulations and Engineering Design Manual. At such meeting, the general character of the development may be discussed, and items may be included concerning zoning, the availability of existing and demand for new utility service, street requirements, and other

pertinent factors related to the proposed subdivision or development. At the pre-platting conference, the subdivider may be represented by his/her land planner, engineer, or surveyor.

3.6 Procedure for Preliminary Subdivision Plat Approval

3.6.1 Purpose and Applicability

- A. Purpose. The purpose of the preliminary subdivision plat is to assure conformity of the proposed development with requirements and conditions imposed in approved zoning applications for the land subject to the proposed plat and to evaluate construction plans for public improvements or to provide adequate security for construction of the same.
- B. Applicability. A preliminary subdivision plat shall be required for any subdivision that is not a minor subdivision.

3.6.2 Application Requirements

Twenty five (25) copies of the proposed preliminary subdivision plat shall be submitted to the Planning and Zoning Administrator, and shall be accompanied by the same number of copies of additional documents set forth in subsection B, unless otherwise provided therein. The preliminary subdivision plat shall be prepared by or under the supervision of a registered professional land surveyor in the State of Texas and shall bear his/her seal, signature and date on each sheet. No application for a preliminary subdivision plat shall be certified as complete by the Planning and Zoning Administrator unless the application is accompanied by the following:

- A. Preliminary Subdivision Plat Contents. The proposed preliminary subdivision plat shall be submitted on sheets a maximum size of twenty-four (24) inches by thirty-six (36) inches and drawn to a scale of one hundred (100) feet to the inch, or in the case of small subdivisions, fifty (50) feet to the inch. In cases of large developments, which would exceed the dimensions of the sheet at a one hundred (100) foot scale, preliminary subdivision plats may be two hundred (200) feet to the inch. The plat shall contain the following graphic information:
 - 1. The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract. The bearing system used for the plat shall be shown.

2. True bearings and distances to the nearest established survey lines and established subdivisions and additions, which shall be accurately described on the plat.
3. Accurate ties to the abstract and survey corners as required by Texas Surveying law and the amount of acreage in each abstract shown.
4. The exact layout including:
 - a. Proposed streets and alleys with names, sidewalks, easements, blocks, parks, etc., with principal dimensions.
 - b. The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents.
 - c. All easements for rights-of-way provided for public services or utilities and any limitations of the easements.
 - d. All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street alley lines.
5. The exact location of all contiguous property owned or controlled by the applicant. A separate drawing may be submitted for this purpose.
6. The location of all existing property lines, buildings, sewer or water mains, fire hydrants, gas mains or other underground structures, easements of record or other existing features within the area proposed for subdivision.
7. A designation of the zoning district(s) for the land included within the subdivision plat.
8. All physical features of the property to be subdivided or developed, including location and size of all water courses, ravines, bridges, culverts, existing structures, drainage area in acres or acreage draining into subdivisions and additions, and other features pertinent to subdivision. The outline of wooded areas or the location of important individual trees may be required.
9. The angle of intersection of the centerlines of all intersecting streets which are intended to be less than ninety (90) degrees.
10. Covenants and restrictions - draft of any protective covenants whereby the subdivider proposes to regulate land use or development standards in the subdivision, or in which land is to be dedicated to a homeowners association.
11. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be

reserved by deed covenant for the common use of the property owners in the subdivision.

12. The name and location of a portion of adjoining subdivisions or developments shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets and alleys and other features that may influence the layout and development of the proposed subdivision. Where adjacent land is not subdivided, the owner's name of the adjacent tract shall be shown.
13. Front setback lines.
14. Special restrictions including, but not limited to, water line, sanitary sewer line, drainage, and landscape easements; fire lanes; screening; buffering; standard notes for floodway, if applicable; finished floor elevation for lots adjacent to a floodway, within a floodplain or having an on-site sewerage facility; and other standard notes.
15. Contours at five (5) foot intervals are required.
16. Proposed name of the subdivision.
17. Name, address and phone number of the property owner and the name of the surveyor who prepared the plat.
18. North arrow, scale, site location map and date.
19. Certification by a surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown, and that the survey correctly shows the location of all visible easements and rights-of-way and all rights-of-way, easements and other matters of record affecting the property being platted.
20. A notation in the legend labeling the document "Preliminary Plat" and identifying the scale.
21. Designation of remainder tracts (shown outside the boundaries of the area to be platted).
22. For master plats, designation of the boundaries of each phase.

B. Accompanying Documents

1. Preliminary plats shall be accompanied by a lot grading plan drawn at a scale of one hundred (100) feet to one (1) inch. Lot grading plans shall clearly show drainage patterns and elevations sufficient to determine drainage patterns and finished grade slopes. Lot grading plans shall be consistent with any open space or reclamation plans approved under the Zoning Regulations.
 2. Boundary survey closure and area calculations shall be included.
 3. Additional documents necessary for dedication or conveyance of easements or rights-of-way as required by the City to satisfy adequate public facilities standards shall be provided. The City may, in some instances, require the conveyance of fee simple title for certain rights-of-way.
 4. 15 copies of approved tentative development plans, site development plans or site plans for the land included within the preliminary plat and remainder tracts shall be submitted.
 5. Floodplain Reclamation Permit application.
 6. A receipt shall be submitted with the preliminary plat showing that the filing fees as prescribed by the City Council have been paid.
 7. For master plats, a schedule summarizing the intended plan of development in phases and the proposed dedication of land or rights-of-way for and construction of public improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision.
 8. For remainder tracts, the zoning designation for the tract and any pending applications for rezoning, tentative development plans, site development plans or site plans shall be provided. Information also shall be provided illustrating the location of all existing and proposed water, wastewater roadway, and drainage easements or facilities located or proposed within the boundaries of the remainder tract.
 9. Preliminary construction plans consistent with approved zoning applications and the proposed preliminary subdivision plat shall be submitted.
- C. Format for Documents. All documents shall be submitted in both printed and electronic versions unless otherwise specified. For maps and plats, the prints shall be both on full size 24" x 36" sheets and on approximately half-size (11" x 17" sheets). Other supporting documents shall be printed on 8½" x 11" sheets.
1. Electronic formats for maps and plats shall be one of the following:
 - a. AutoCAD drawing files - DWG format

- b. AutoCAD data exchange - DXF format
 - c. Bitmapped - BMP format at a resolution of not less than 600 dpi.
 - d. JPEG - at a resolution of not less than 600 dpi.
 - e. Encapsulated PostScript - EPS format.
 - f. TIFF - at a resolution of not less than 600 dpi.
2. Electronic formats for text and photographic documents shall be one of the following:
 - a. Microsoft Word
 - b. Corel WordPerfect
 - c. Microsoft PowerPoint
 - d. Electronic formats listed above except AutoCAD
3. Electronic copies may be submitted on 3.5" floppy disks (small projects only) or on a CD (for large projects).

3.6.3 Staff Review and Distribution

- A. Determination of Completeness. The Planning and Zoning Administrator or his designee shall determine whether the preliminary subdivision plat application is complete within ten (10) working days of the date the application is submitted. The Administrator shall provide the applicant with written notification of his determination. If the application is incomplete, the Administrator shall return the application to the applicant with an explanation of additional items or documents that must be provided before the application can be considered complete. If the application is complete, the Administrator shall file the application with the Commission for decision and place the application on the agenda of a regularly scheduled or specially called meeting of the Commission.
- B. Distribution for Review. Preliminary subdivision plats and other required documents shall be distributed by the Planning and Zoning Administrator to the following:
 1. Planning and Zoning Commission (7 printed copies). Electronic copies are not required.
 2. City Council (6 printed copies). Electronic copies are not required.
 3. Planning and Zoning Administrator (6 printed copies, 1 electronic copy and one 11"x17" reduced scale print)
 4. City Engineer (2 printed copies, 1 electronic copy and one 11"x17" reduced scale print)
 5. Electricity Provider (1 printed copy)

6. Natural Gas Provider (1 printed copy)
7. Telephone Service Provider (1 printed copy)
8. Cable Service Provider (1 printed copy)
9. Valley View Independent School District (1 printed copy)
10. City Planner/Consultant (1 electronic copy)

At least six (6) days prior to the meeting of the Planning and Zoning Commission at which the preliminary subdivision plat application is to be considered, each agency listed above other than City officials shall submit written recommendations concerning the plat application to the Planning and Zoning Administrator for consideration by the Commission.

- C. Report. A written report containing recommendations on the proposed preliminary subdivision plat shall be prepared by the City Engineer, incorporating the comments of the Planning and Zoning Administrator and other officials and agencies to whom a request for review has been made. The report of the City Engineer shall be submitted to the Planning and Zoning Commission prior to the Commission's review of the plat application. Any fee for reviewing the proposed plat application by the City Engineer shall be charged to the applicant.

3.6.4 Standards for Approval

Neither the Commission nor the Council shall recommend approval of, approve or conditionally approve a preliminary subdivision plat unless the following standards have been met:

1. The plat conforms to approved zoning applications for the land subject to the preliminary subdivision plat and any conditions attached thereto.
2. The plat conforms to the goals and policies of the Valley View Comprehensive Master Plan and the Thoroughfare Plan incorporated therein.
3. Easements or rights-of-way for all public water, sanitary sewer, roadway, and drainage facilities have been designated.
4. Fire lanes access easements or street rights-of-way have been provided for access to all fire hydrants and fire department connections.
5. Easements have been designated for all landscaped buffers, public trails and open space.

6. The plat meets all other requirements of these subdivision and property development regulations.
7. Provision for public facilities adequate to serve the development of the property in accordance with Section 1.2(G) of these regulations has been made.
8. Construction plans are complete and consistent with approved zoning applications and the preliminary subdivision plat.
9. For master plats, each phase of the development is to be supported by timely provision of adequate public facilities.
10. Payment of applicable fees and escrows has been made.

3.6.5 Approval Procedures

- A. Action by Commission. The Commission shall consider and take action on the preliminary subdivision plat application at a regularly scheduled or specially called meeting. Following review of application, the Commission shall recommend approval of the application as submitted, approval of the application subject to conditions, or denial of the application. The action of the Planning and Zoning Commission shall be noted on two (2) copies of the preliminary subdivision plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the applicant and the other retained in the files of the City staff. A notation of the action taken on each preliminary subdivision plat application and requisite reasons therefore shall be entered in the minutes of the Planning and Zoning Commission.
- B. Processing of Plat Following Commission Recommendation. Following action by the Commission recommending approval, approval subject to conditions or denial of the preliminary subdivision plat application, the Planning and Zoning Administrator shall place the application on the agenda of a regularly scheduled or specially called meeting of the City Council for review. The preliminary subdivision plat application, together with the recommendations established by the Planning and Zoning Commission, shall be forwarded to the City Council for its consideration. Six (6) additional copies of the application shall be submitted to the City Council through the Planning and Zoning Administrator not less than fifteen (15) days prior to the City Council meeting at which the plat is to be considered. The applicant's failure to have a representative at the meeting shall be grounds for disapproval of the application.
- C. Withdrawal of Plat. Following a recommendation of conditional approval or denial of the preliminary subdivision plat application by the Commission, the applicant may elect within five (5) working days of the Commission's action to withdraw the plat application in order to prepare amendments or modifications responsive to the Commission's recommendation. Written notice of withdrawal shall be sent to the

Planning and Zoning Administrator within such period. In such event, the Planning and Zoning Administrator shall not schedule the plat application for consideration by the City Council. Upon resubmission of the modified preliminary subdivision plat application, the plat shall be considered by the Commission as a new application.

- D. Council Action. After review of the preliminary subdivision plat application, all staff reports, the Commission's recommendations and the record of proceedings before the Commission, and following consideration of all materials presented at the public meeting, the City Council shall approve, approve subject to conditions, or deny the preliminary subdivision plat application. The action of the Council shall be noted on two (2) copies of the preliminary subdivision plat. One (1) copy shall be returned to the applicant and the other retained in the City files.
- E. Conditions. In order to assure that the preliminary subdivision plat application is in compliance with standards for approval, the Commission in its recommendation to the Council or the Council in taking action on the application may identify requirements or attach conditions to be satisfied prior to final subdivision plat approval.

3.6.6 Effect of Council Action

- A. Approval or conditional approval of a preliminary subdivision plat application by the Council constitutes authorization for the City Engineer to release construction plans following review and final approval. Upon release of the construction plans, the City Engineer shall issue a certificate indicating the construction plans have been released and construction of the public improvements are thereafter authorized and that grading by the property owner may commence. Additional certificates may be issued by the City Engineer authorizing the construction of private utilities on a phased schedule.
- B. Approval of a preliminary subdivision plat application also authorizes the property owner, upon fulfillment of all requirements and conditions of approval, to submit an application for final plat approval. Conditional approval of the preliminary plat by the City Council, however, shall not constitute approval of the final plat.
- C. If the City Council denies the preliminary subdivision plat application, the applicant may not file a substantially similar application for a period of six (6) months following such denial.

3.6.7 Amendments to Preliminary Plat

- A. Proposed Amendments. At any time following approval of a preliminary subdivision plat application by the City Council, and before the expiration of such approval, a property owner may request an amendment.

1. A minor amendment shall include minor changes of street and alley alignments, lengths, and paving details, the adjustment of lot lines not resulting in new lots, and variation from other details of the original preliminary plat as may be designated by the Planning and Zoning Commission, provided that such changes comply with these regulations. Major amendments include all other proposed changes.
 2. The Commission may approve or deny a minor amendment subject to the standards in these regulations. Major amendments shall be approved under the same procedures and standards required for approval of the original preliminary subdivision plat application.
- B. Approval. The Commission shall recommend and the Council shall approve, conditionally approve or deny any proposed major amendment and may make any modifications to the terms and conditions of preliminary subdivision plat approval reasonably related to the proposed amendment.
- C. Retaining Previous Approval. Unless the previous preliminary subdivision plat has been withdrawn, if the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the City, the applicant may withdraw the proposed amendment and the previously approved preliminary subdivision plat shall remain in effect, subject to all conditions of approval and subject to expiration dating from the original approval.

3.6.8 Expiration of Approval, Extension and Reinstatement Procedure

- A. Expiration of Preliminary Subdivision Plat. Unless a shorter time is required by the City's zoning regulations or by conditions attached to the original approval of the application, the approval of a preliminary subdivision plat application shall remain in effect for a period of two (2) years from the date that the application was approved or conditionally approved by the City Council, during which period the applicant shall submit and receive approval for a final subdivision plat for the land subject to the preliminary subdivision plat. If a final subdivision plat application has not been approved within two-year period, the preliminary subdivision plat approval shall expire and such plat shall be null and void. Thereafter, the property owner shall be required to obtain approval for a new preliminary subdivision plat subject to the then existing Valley View zoning, subdivision and property development regulations prior to development of the land.
- B. Master Plats. An application for final subdivision plat shall be submitted and approved for the initial phase of an approved master plat within two years from the date the master plat was approved or conditionally approved by the City Council. Thereafter, for each subsequent phase of the development, an application for final subdivision plat shall be submitted and approved within two years from the date the preceding phase of the master plat was approved or conditionally approved by the City Council. If a final subdivision plat application has not been approved within

such two-year period for any phase of the master plat, preliminary subdivision plat approval for such phase and all succeeding phases shall expire and such preliminary subdivision plats shall be null and void. Thereafter, the property owner shall be required to obtain approval for a new preliminary subdivision plat for all such expired phases of the original master plat, subject to the then existing Valley View zoning, subdivision and property development regulations prior to development of the land.

- C. Extension of Approval. At least sixty (60) days prior to the expiration of approval for the preliminary subdivision plat, the property owner may petition the City Council to extend or reinstate the approval. Such petition shall be considered and decided at a public meeting of the Council prior to expiration of the preliminary subdivision plat.
1. In determining whether to grant such request, the Council take into account the reasons for delay in development of the land, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision and property development regulations shall apply to the plat. The Council shall extend the plat or deny the request, in which instance the plat shall expire in accordance with this section.
 2. The Council may extend the time for expiration of the plat for a period not to exceed one (1) year.

3.7 Procedure for Final Subdivision Plat Approval

3.7.1 Purpose and Applicability

- A. Purpose. The purpose of a final subdivision plat is to enable recordation of the subdivision of property that includes the elements and is in compliance with the requirements of Tex. Loc. Gov't Code ch. 212 and that meets the requirements of these subdivision and property development regulations.
- B. Applicability. A final subdivision plat shall be required for all subdivisions of property.

3.7.2 Timing of Public Improvements

- A. Unless the City Council authorizes deferral of such obligations pursuant to subsection B, all public improvements serving a subdivision shall be installed, offered for dedication and accepted by the City prior to issuance of a building permit. All landscaping, buffering, screening and erosion control measures shall be completed and be in good condition as determined by the City.

- B. The City Council upon petition by the applicant, or upon its own motion, may permit or require the deferral of the construction of public improvements if, in its sole judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. If the Council authorizes deferral of construction of some or all public improvements required to support the subdivision, provision for constructing and assuring construction of such improvements shall be made in accordance with SECTION 4 of the final subdivision plat by the Council.

3.7.3 Application Requirements

Twenty-five (25) copies of the final subdivision plat, together with a reproducible transparent drawing, prepared to a scale of 1" = 100' or larger, shall be submitted to the Planning and Zoning Administrator, and shall be accompanied by the same number of copies of additional documents set forth in subsection B, unless otherwise provided therein. The final subdivision plat shall be prepared by or under the supervision of a registered professional land surveyor in the State of Texas and shall bear his/her seal, signature and date on each sheet. No application for a final subdivision plat shall be certified as complete by the Planning and Zoning Administrator unless the application is accompanied by the following:

- A. Final Subdivision Plat Contents. When more than one sheet is used for a plat, a key map showing the entire subdivision at smaller scale with block numbers and street names shall be shown on one of the sheets or on a separate sheet of the same size. The final subdivision plat shall contain the following graphic information:

1. All requirements set forth for preliminary subdivision plats in § 3.6.2.A, except the following:
 - a. Existing or proposed buildings and utilities.
 - b. Physical features.
 - c. Contours.
 - d. Zoning information.
2. The name of the owner and/or subdivider and of the surveyor responsible for the plat and the following language:

Notice: Selling a portion of this addition by metes and bounds is a violation of the City Ordinance and state law and subject to fines and withholding of utilities and building permits.

3. The name of the subdivision or development and adjacent subdivisions or developments, the names of streets (to conform wherever possible to existing street names) and number of lots and blocks, in accordance with a systematic arrangement. In case of branching streets, the lines of departure shall be indicated.

4. An accurate boundary survey of the property, with bearings and distances, referenced to survey lines and established subdivisions or developments, and showing the lines of adjacent lands and the lines of adjacent streets and alleys, with their width and names. Street, alley and lot lines in adjacent subdivisions or developments shall be shown in dashed lines. The bearing system used for the plat shall be shown.
5. Location of proposed lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimal fractions of feet, with the length of radii and of arcs of all curves, all angles, and with all other engineering information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points. The plat shall be marked with a notation indicating formal offers of dedication.
6. The location of building lines on front and side streets and the location of utility easements.
7. The accurate location, material, and size of all monuments approved by the City Engineer. For all subdivisions or developments, global positioning systems (GPS) shall be used to establish the location of a minimum of two corners of the subdivision. The establishing of the location of one additional monument by GPS may be required for each additional twenty acres or fraction thereof for developments that are larger than twenty acres. These monuments shall be tied vertically and horizontally to the City's existing GPS coordinate system. All GPS coordinates shall be determined such that the maximum error does not exceed 0.05 feet. Elevations and the location of all other subdivision corner monuments shall be established to at least third order accuracy.
8. The following certificates shall be placed on the plat in a manner that will allow them to be clearly visible on the Final Plat.

RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING COMMISSION OF VALLEY VIEW, TEXAS, on the ____ day of, 20__.

ATTEST:

Chairman

City Secretary

APPROVED BY THE CITY COUNCIL OF VALLEY VIEW, TEXAS, on the ____ day of _____, 20__.

ATTEST:

Mayor

City Secretary

B. Accompanying Documents

1. An instrument of dedication shall be provided that is signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lien interest in the property, showing all restrictions, reservations and/or easements, if any, to be imposed and reserved in connection with the addition. Easements shall be provided for all landscaped areas, open space areas, public trails, utilities and drainage ways, whether within the platted area or off site, that will allow but not require the City to maintain these areas.
2. A certificate of dedication shall be provided incorporating irrevocable offers of dedication to the public of all streets, public highways, alleys, parks, easements, and other land intended for public use, signed by the owner or owners and by all other parties who have a mortgage or lien interest in the property. The certificate of dedication shall incorporate the standard easement language of the City of Valley View as jointly prepared by the City Attorney and the City Engineer. All deed restrictions that are to be filed with the plat shall be submitted with the final plat.
3. A tax certificate showing that all taxes then due have been paid on the property shall be provided.
4. Certification shall be provided by a surveyor, duly licensed by the State of Texas, that the plat represents a survey he made, and that all the necessary survey monuments are correctly shown thereon, in accordance with section 5.1(E).
5. Three (3) sets of final construction plans shall be provided. Unless a public improvement agreement has been executed in accordance with section 4.1, the final subdivision plat also shall be accompanied by one Mylar reproducible and electronic set of "record drawings" prepared in accordance with Section 4.3 and meeting the City of Valley View Engineering Design Manual of the construction plans for all water, sanitary sewer, drainage and paving facilities and any other public improvements required to serve the subdivision.
6. A certified grading plan prepared by a registered professional land surveyor showing finished grade elevations and demonstrating that the completed grading is consistent with the approved grading plan shall be provided.
7. Certification or approval of the plat by all electric, gas and telephone companies that will serve the development shall be provided and that all

easements that are required by these utility companies have been described on the plat.

8. If a public improvement agreement is proposed in lieu of construction of public facilities, a complete draft of the public improvement agreement prepared in accordance with Section 4.1 of these regulations, together with a security authorized in Section 4.1 in a form satisfactory to the City Attorney and in an amount established by the City Council upon recommendation of the City Engineer, shall be provided. The agreement shall include a provision that the property owner shall comply with all terms of the final subdivision plat approved by the Council.
9. A plat fee, together with other authorized fees applicable to the development, in an amount as set by the City Council.

- C. Format for Documents. Unless otherwise specified, all documents shall be submitted in both printed and electronic versions as required by § 3.6.2.

3.7.4 Staff Review and Distribution

- A. Determination of Completeness. The Planning and Zoning Administrator or his designee shall determine whether the final subdivision plat application is complete within ten (10) working days of the date the application is submitted. The Administrator shall provide the applicant with written notification of his determination. If the application is incomplete, the Administrator shall return the application to the applicant with an explanation of additional items or documents that must be provided before the application can be considered complete. If the application is complete, the Administrator shall file the application with the Commission for decision and place the application on the agenda of a regularly scheduled or specially called meeting of the Commission.
- B. Distribution for Review. Final subdivision plats and other required documents shall be distributed by the Planning and Zoning Administrator to the following:
 1. Planning and Zoning Commission (7 printed copies). Electronic copies are not required.
 2. City Council (6 printed copies). Electronic copies are not required.
 3. Planning and Zoning Administrator (6 printed copies, 1 electronic copy and one 11"x17" reduced scale print)
 4. City Engineer (2 printed copies, 1 electronic copy and one 11"x17" reduced scale print)
 5. Valley View Independent School District (1 printed copy)

6. City Planner/consultant (1 printed copy and 1 electronic copy)

- C. Report. A written reports containing recommendations on the proposed final subdivision plat shall be prepared by the City Engineer, and City Planner, incorporating the comments of the Planning and Zoning Administrator and other officials. The reports of the City Engineer shall be submitted to the Planning and Zoning Commission prior to the Commission's review of the plat application. Any fee for reviewing the proposed plat application by the City Engineer shall be charged to the applicant.

3.7.5 Standards for Approval.

Neither the Commission nor the Council shall recommend approval of or approve a final subdivision plat unless the following standards have been met:

- A. The plat substantially conforms to the preliminary subdivision plat, if a preliminary subdivision plat was required, including master plat requirements for phasing and provision of adequate public facilities.
- B. The plat satisfies conditions attached to approval of the preliminary subdivision plat.
- C. Required public improvements have been constructed and accepted or a public improvement agreement has been accepted by the City providing for the subsequent completion of improvements.
- D. The plat conforms to approved zoning applications for the land subject to the final subdivision plat and any conditions attached thereto.
- E. The plat meets all other requirements of these subdivision and property development regulations.
- F. Payment of all fees has been made.

3.7.6 Approval Procedures

- A. Action by Commission. The Commission shall consider and take action on the final subdivision plat application at a regularly scheduled or specially called meeting. Following review of the application, the Commission shall recommend approval or denial of the application. In denying the application, the Commission may identify conditions that, if satisfied, would lead to approval of the application. The action of the Planning and Zoning Commission shall be noted on two (2) copies of the final subdivision plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the applicant and the other retained in the files of the City staff. A notation of the action taken on each final subdivision plat application and requisite reasons therefore shall be entered in the minutes of the Planning and Zoning Commission.
- B. Processing of Plat Following Commission Action. Following action by the Commission recommending approval or denial of the final subdivision plat application, the Planning and Zoning Administrator shall place the application on the agenda of a regularly scheduled or specially called meeting of the City Council for review. The final subdivision plat application, together with the recommendations established by the Planning and Zoning Commission, shall be forwarded to the City Council for its consideration. Seven (7) additional copies of the final subdivision application shall be submitted to the City Council through the Planning and Zoning Administrator not less than fifteen (15) days prior to the City Council meeting at which the plat is to be considered. The applicant's failure to have a representative at the meeting shall be grounds for disapproval of the application.
- C. Withdrawal of Plat. Following a recommendation of denial of the final subdivision plat application by the Commission, the applicant may elect within five (5) working days of the Commission's action to withdraw the plat application in order to prepare amendments or modifications responsive to the Commission's recommendation. Written notice of withdrawal shall be sent to the Planning and Zoning Administrator within such period. In such event, the Planning and Zoning Administrator shall not schedule the plat application for consideration by the City Council. Upon resubmission of the modified final subdivision plat application, the plat shall be considered by the Commission as a new application.
- D. Council Action. After review of the final subdivision plat application, all staff reports, the Commission's recommendations and the record of proceedings before the Commission, and following consideration of all materials presented at the public meeting, the City Council shall approve, deny or deny subject to reconsideration the final subdivision plat application. In denying the application subject to reconsideration, the Council shall identify conditions that, if satisfied, would lead to approval of the application. The action of the Council shall be noted on two (2) copies of the final plat. One (1) copy shall be returned to the applicant and the other retained in the City files. Notation of the action taken on the final subdivision plat application and the requisite reasons therefore shall be entered in the minutes of the Council.

3.7.7 Effect of Council Action

- A. Effect of Approval. Approval of a final subdivision plat application by the City Council shall serve as certification that the plat complies with these subdivision and property development regulations. Approval of the application also shall authorize the mayor to execute any public improvement agreement submitted with the application. The owner shall be notified in writing that the final subdivision plat has been approved.
- B. Right to Record. An approved and signed final plat may be filed with the County as a record of the subdivision of land, and the dedication of rights-of-way, easements and other covenants and may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.
- C. Denial With Reconsideration. Denial of a final subdivision plat application by the City Council subject to reconsideration shall authorize the applicant to file a modified application with the City Council without prior review by the Commission. In such event, the official filing date shall be the date on which the Planning and Zoning Administrator certifies that the modified final subdivision plat application is complete.
- D. Denial Without Reconsideration. Denial of a final subdivision plat application by the City Council without recourse to reconsideration shall require the applicant to prepare a new application in accordance with the requirements and subject to the procedures of this Section 3.7, provided that such application is finally approved prior to expiration of the approved preliminary subdivision plat.

3.7.8 Signing and Recording of Final Plat

- A. When a public improvement agreement and security are required, the Mayor and the City Engineer shall endorse approval on the final plat after the agreement and security have been approved by the Council, and all the conditions pertaining to the final plat have been satisfied.
- B. When installation of public improvements is required prior to approval of the final plat, the Mayor and Engineer shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer stating that the necessary dedication of public lands and installation of public improvements has been accomplished.
- C. It shall be the responsibility of the Planning and Zoning Administrator to file the final plat with the County Clerk. Simultaneously with the filing of the final plat, the Planning and Zoning Administrator shall record such other agreements of dedication

and legal documents as shall be required to be recorded by the City Attorney. The final plat, bearing all required signatures, shall be recorded after final approval and within ten (10) working days of its receipt. One (1) copy of the recorded final plat will be forwarded to the property owner by the Planning and Zoning Administrator.

- D. A developer or subdivider, at his/her option, may obtain approval of a portion or a section of a subdivision provided he/she meets all the requirements of this article with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision and the Final Plat thereof is approved by the City Council in sections, each Final Plat of each section is to carry the name of the entire subdivisions, but is to bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

3.8 Petition for Hardship Exception.

- A. Petition for Exception. The applicant for a subdivision application or the owner of the property subject thereto may petition the City Council for exception of any standard of this Subdivision Ordinance or the imposition of a condition related thereto, where the petitioner alleges that unreasonable hardships will result from strict compliance with such standard or condition.
- B. Procedures. A petition for an exception shall be submitted in writing to the Planning and Zoning Administrator (or his designee) by the petitioner at the time the subdivision application is filed for the consideration by the Planning and Zoning Commission. The petition shall state fully the grounds for the application, and all of the facts relied upon by the petitioner. The City staff shall prepare a report evaluating the request for exception and make its recommendation to the Commission. The Commission shall make its recommendation and the City Council shall finally act on the petition for an exception in conjunction with the action taken by each on the subdivision application.
- C. Criteria for Approval. The City Council, following recommendation by the Planning and Zoning Commission, may grant or conditionally grant the exception only upon finding that:
 - 1. Granting the exception will not be detrimental to the public safety, health or welfare, and will not be injurious to other property;
 - 2. The conditions upon which the request for a exception is based are unique to the property for which the exception is sought, and are not applicable generally to other property;
 - 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the

owner would result, as distinguished from a mere inconvenience, if the standard is strictly applied;

4. The exception will not result in variation of the provisions of the Zoning Ordinance or Comprehensive Plan, Future Land Use Plan, Thoroughfare Plan, Water and Wastewater Master Plans, or other adopted plans; and.
5. The exception is not contrary to the intent and purpose of these subdivision regulations.

D. Conditions. In approving a exception, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.2.

3.9 Petition for Relief

- A. Petition for Relief. The applicant for a subdivision application or the owner of the property subject thereto may petition the City Council for relief from the application of any provision of this Subdivision Ordinance that requires dedication of an interest in land for rights-of-way or construction of capital improvements in order to provide adequate water, wastewater, roadway or drainage facilities to serve the proposed subdivision, or the imposition of a condition related thereto. The petition must allege that application of the provision or the imposition of conditions relating to the provision and requiring such dedication of land or construction of capital improvements is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, roadway or drainage facilities system, as the case may be, or does not reasonably benefit the proposed development. The petition may also allege that the application of the provision or the imposition of conditions relating to the provision deprives the applicant or the property owner of the economically viable use of the land, or of a vested property right.
1. Prior to decision by the Commission on a subdivision application subject to this section, an applicant who proposes to challenge the application of a provision that requires dedication of an interest in land for rights-of-way or construction of capital improvements to serve the proposed subdivision, or the imposition of conditions related thereto, shall file a notice of intent to appeal such determination to the City Council. Approval of such subdivision application by the Commission shall include a condition that approval is subject to the Council's decision on the petition for relief.
 2. If a petition for a exception from the requirements of this Subdivision Ordinance pursuant to Section 3.10 has been filed by the petitioner, the petition for relief may be submitted in conjunction with the Council's review of such request.

3. If the subdivision application otherwise may be finally decided by an administrative officer or the Commission, the petition for relief shall be submitted by the petitioner within ten (10) days of receiving the staff report applying the requirement or imposing the condition.
- B. Study required. The applicant or property owner shall provide a study in support of the petition for relief that includes the following information:
1. Total capacity of the City's water, wastewater, roadway or drainage facilities system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the subdivision application is part of a phased development project, such information also shall be provided for the entire development proposed, including any phases already developed.
 2. Total capacity to be supplied to the City's water, wastewater, roadway or drainage facilities system by the proposed dedication of an interest in land for rights-of-way or construction of capital improvements. If the subdivision application is part of a phased development project, the information shall include any capacity supplied by prior dedications or construction of capital improvements.
 3. The study supplied by the petitioner shall be evaluated by City staff, who shall make its recommendation to the City Council based upon the information contained in the study and any additional information related to the petition produced by the staff. In evaluating the petition, the staff shall take into account the maximum amount of any impact fees to be assessed against the development, as well as any traffic impact, drainage or other adequate facilities studies evaluating the impacts of the development or similar developments on the City's water, wastewater, roadway or drainage facilities systems.
- C. Action on Petition. The City Council shall consider the petition and determine whether the application of the provision requiring dedication of an interest in land for rights-of-way or construction of capital improvements in order to provide adequate water, wastewater, roadway or drainage facilities to serve the proposed subdivision, or the imposition of a condition related thereto, is roughly proportional to the nature and extent of the impacts created by the proposed development on such public facilities systems, and reasonably benefits the development. In making such determination, the City Council shall consider the evidence submitted by the applicant or property owner and the staff's recommendation. If the petition also alleges that the proposed dedication or construction requirements constitute a deprivation of the economically viable use of the land or of a vested property right, the Council also shall resolve such issues. Following such determinations, the Council may take any of the following actions:

1. Deny the petition for relief, and impose the requirement or condition; or
2. Deny the petition for relief, upon finding that the proposed dedication or construction requirements are inadequate to offset the impacts of the development on community water, wastewater, roadway or drainage facilities, and either deny the subdivision application or require that additional dedications of rights-of-way for or improvements to such facilities systems be made as a condition of approval of the application; or.
3. Grant the petition for relief, and waive in whole or in part any dedication or construction requirement that is not roughly proportional; or
4. Grant the petition for relief, and direct that the City participate in the costs of acquiring right-of-way for or constructing such facility pursuant to standard participation policies.

3.10 Amended Plats, Replats, Resubdivision and Vacation of Plats

3.10.1 Replats Without Vacation

Replat of a subdivision, or a portion thereof, may be recorded and shall be deemed controlling over the preceding plat of the subdivision without vacation of that plat when:

- A. The replat has been signed and acknowledged by only the owners of the property being replatted; and
- B. The replat does not attempt to amend or remove any covenants, easements or restrictions contained in the preceding plat; and
- C. The replat, following public hearing, is approved in accordance with the procedures and standards applicable to the preceding plat under this Chapter.

3.10.2 Filing Time

Filing time for replats shall be governed by § 3.2.

3.10.3 Special Replat Requirements

- A. Circumstances. The following additional requirements for approval shall apply, in any replatting of a subdivision or development, without vacating the preceding plat, if any of the proposed area to be replatted was, within the immediate preceding five (5) years, limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot, or if any lot in the immediate previous subdivision was limited by deed restrictions to residential use for not more than two (2) residential units per lot:

- B. Notice. Notice of public hearings shall be given in advance, in the following manner:
1. Publication before the 15th day before the date of the public hearing in the official newspaper of the City of Valley View.
 2. Written notice of such public hearing, together with a copy of protest provisions, forwarded by the Council to owners of lots (as the ownerships appear on the last approved ad valorem tax roll of the City) that are in the original subdivision and that are within 200 feet of the lots to be replatted before the 15th day before the date of public hearing. Such notice may be served by depositing the same, properly addressed and postage prepaid, in a postal depository within the City or at the post office in Valley View.
- C. Protest. Where the proposed replat requires an exception, upon written petition signed by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, and which petition is filed prior to the close of the public hearing, approval of the replat shall require the affirmative vote of at least three-fourths (3/4) of the members of the Council present at the hearing. In computing percentages of ownership, each lot in such subdivision shall be considered equal to all other lots, regardless of size or number of owners, and the owners of each lot shall be entitled to cast only one (1) vote per lot. In computing the percentage of land area under this section, the area of streets and alleys shall be included.
- D. Provided, however, compliance with subsection C shall not be required for approval of a replatting or resubdividing of a portion of a prior plat, if all of the proposed area sought to be replatted or resubdivided was designated or reserved for usage other than for single- or duplex-family residential usage, by notation on the last legally recorded plat or in the legally recorded restriction applicable to such plat.

3.10.4 Amending Plats

- A. The Council may, upon petition of the property owner or developer, approve and issue an amending plat which is signed by the applicants only unless otherwise required to the contrary, and which is for one or more of the purposes set forth in this section, and such approval and issuance shall not require notice, hearing, or approval of other lot owners. This subsection shall apply only if the sole purpose of the amending plat is:
1. To correct an error in any course or distance shown on the preceding plat;
 2. To add any course or distance that was omitted on the preceding plat;
 3. To correct an error in the description of the real property shown on the preceding plat;

4. To indicate monuments set after death, disability, or retirement from practice of the surveyor charged with responsibilities for setting monuments;
5. To show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the preceding plat;
6. To correct any other type of scrivener or clerical error or omission as previously approved by the City Planning and Zoning Commission or Council; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. To correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
8. To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
9. To relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the amending plat, provided that such amendment does not:
 - a. Attempt to remove recorded covenants or restrictions; and
 - b. Increase the number of lots.
10. To replat one or more lots fronting on an existing street where the owner or owners of all such lots join in the application for the amending plat, provided that such amendment does not:
 - a. Attempt to remove recorded covenants or restrictions;
 - b. Increase the number of lots; and
 - c. Create or require the creation of a new street or make necessary the extension of municipal facilities.

- B. Procedures. Amending plats may be approved by the Council by a majority vote at a regularly or specially scheduled public meeting without notice, public hearing or approval of other lot owners.

3.10.5 Plat Vacation

- A. By Property Owner. The property owner of the tract covered by a plat may vacate, upon the approval of the Council, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- B. By All Lot Owners. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- C. Criteria. The Council shall approve the petition for vacation on such terms and conditions as are reasonable to protect public health, safety and welfare. As a condition of vacation of the plat, the Council may direct the petitioners to prepare a revised final plat in accordance with these regulations.
- D. Effect of Action. On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the Council's action on the petition, the property owner or developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the Council.
- E. Government Initiated Plat Vacation.
 - 1. General Conditions. The Council, on its motion, may vacate the plat of an approved subdivision or development when:
 - a. No lots within the approved final plat have been sold within five (5) years from the date that the plat was signed by the Chairman of the Mayor
 - b. The property owner has breached a public improvement agreement and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the property owner or its successor;
 - c. The plat has been of record for more than five (5) years and the Council determines that the further sale of lots within the subdivision or development presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.
 - 2. Procedure. Upon any motion of the Council to vacate the plat of any previously approved subdivision or development, in whole or in part, the Council shall publish notice in the City's official newspaper and provide personal notice to all property owners within the subdivision or development and shall also provide notice to the Council. The notice shall state the time

and place for a public hearing on the motion to vacate the subdivision or development plat. The Council shall approve the vacation only if the criteria in Section 3.12.5(C) are satisfied.

3. Record of Notice. If the Council adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office. If the Council adopts a resolution vacating a plat in part, it shall cause a revised final plat to be recorded, which shows that portion of the original plat that has been vacated and that portion that has not been vacated.

3.11 Engineering Inspection Fee

- A. A construction fee equal to three percent (3.0%) of the cost of the construction (as determined by the City's consulting engineer), including water, sewer, paving, and drainage facilities, shall be paid to the City prior to the construction of any facilities. Subdivider shall submit to the City's consulting engineer an estimate of construction costs. The City's consulting engineer shall either approve or disapprove the estimate and send a copy of said approval or disapproval to subdivider and City. If the estimate is disapproved, the City's consulting engineer shall consult with subdivider and attempt to negotiate an acceptable estimate. If such negotiations are unsuccessful, the subdivider may appeal to the City Council to resolve the dispute. Construction shall not begin until the City's consulting engineer has approved the estimate or in the alternative the City Council has approved the estimate.
- B. The City shall hold twenty-five percent (25%) of the subdividers inspection fee in an escrow account.
- C. The subdivider shall submit to City documentation showing actual cost of construction when construction is completed. If actual cost is less than the original estimate, the City shall refund the appropriate amount. If the actual construction cost is greater than the original estimate, subdivider shall pay to the City the appropriate amount, based on three (3.0%) of actual costs.

SECTION 4 ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

4.1 Required Improvements and Public Improvement Agreement

A. Completion of Improvements.

1. Except as provided below, before the issuance of a building permit, all applicants shall be required to complete, to the satisfaction of the City Engineer, all street, sanitary, and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required in these regulations. The required improvements shall be those specified and approved by the Council in the final plat. Where required by the provisions of this ordinance, said final plat shall dedicate those public improvements to the City. As used in this Section, "lot improvements" refers to grading and installation of improvements required for proper drainage and prevention of soil erosion.
2. As a condition of a final plat, the Council may require the property owner to deposit in escrow a sufficient deed describing by metes and bounds street rights-of-way and necessary easements required by these regulations, conveying such rights-of-way and easements to the City, pending acceptance of improvements by the City and recordation of the final plat. In the event the property owner is unable to complete said improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the City may compel the delivery of the deed in order to complete the improvements as required.

B. Public Improvement Agreement and Guarantee of Completion of Public Improvements

1. **Public Improvement Agreement.** The Council, upon recommendation of the Planning and Zoning Administrator, may waive the requirement of Section 4.1(A) and may permit the property owner to enter into a public improvement agreement by which the property owner covenants to complete all required public improvements no later than two (2) years following the date upon which the final plat is signed. The Council may also require the property owner to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a public improvement agreement for completion of the remainder of the required improvements during such two-year period. The owner shall covenant to maintain the required public improvements for a period of two (2) years following acceptance by the City of all required public improvements and shall provide a maintenance bond in the amount of 100% of the costs of the improvements for such period as required in Section 4.4. The Public Improvement Agreement shall contain such other terms and conditions as are agreed to by the property owner and

City. The agreements relative to any subdivision or development shall not be considered as complete until three (3) sets of record drawings, one (1) set of mylars, and an electronic (CAD) copy for such drawings for all streets and utilities including street lighting in the subdivision, certified by the developer's engineer, are filed with the Planning and Zoning Administrator. Nothing in this section shall nullify the City's obligation to participate in the construction of oversize facilities in accordance with Article 6.

2. Covenants to Run with the Land. The Public Improvement Agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs and assignees of the property owner. The Public Improvement Agreement shall be recorded in the Land Records of the appropriate County. All existing lien holders shall be required to subordinate their liens to the covenants contained in the Public Improvement Agreement. However, the City shall deliver a release to bona fide third party purchasers of individual lots once all required public improvements have been completed to the City's satisfaction.
3. Public Improvement Agreement and Security to Include Lot Improvements For residential subdivisions, the public improvement agreement shall include security sufficient to guarantee completion of all lot improvement requirements including, but not limited to, soil preservation, removal of debris and waste, and all other lot improvements required for the subdivision. Whether or not a building permit or certificate of occupancy has been issued, the City may enforce the provisions of the public improvement agreement where the provisions of this section or any other applicable law, ordinance, or regulation have not been met.
4. Security. Whenever the City permits a property owner to enter into a public improvement agreement, it shall require the owner to provide sufficient security, to ensure completion of the required public improvements. The security shall be in the form of one of the following:
 - a. a cash escrow, or
 - b. a letter of credit drawn upon a state or national bank. Said letter of credit shall be 1) irrevocable, 2) be of a term sufficient to cover the completion, maintenance and warranty periods, but not less than two years and, 3) require only that the City present the issuer with a sight draft and a certificate signed by an authorized representative of the City certifying to the City's right to draw funds under the letter of credit, or
 - c. a first and prior lien on the property.

Said securities shall be issued in the amount of 110% of the funds estimated by the City Engineer to be necessary to pay for all promises and conditions contained in the Public Improvement Agreement. In addition to all other security, for completion of those public improvements where the City participates in the cost, the owner shall provide a performance bond from the contractor, with the City as a co-obligee. The issuer of any surety bond and letter of credit shall be subject to the approval of the Planning and Zoning Administrator and the City Attorney.

5. As portions of the public improvements are completed in accordance with the Standard Specifications for Public Works Construction, as published by the North Central Texas Council of Governments (NCTCOG), and the approved construction plans, the owner may make application to the Planning and Zoning Administrator to reduce the amount of the original letter of credit or cash escrow. If the Administrator, with the concurrence of the City Engineer, is satisfied that such portion of the improvements has been completed in accordance with City standards, he may cause the amount of the letter of credit or cash escrow to be reduced by such amount that s/he deems appropriate, so that the remaining amount of the letter of credit or cash escrow adequately insures the completion of the remaining public improvements.
- C. Temporary Improvements. The property owner shall build and pay for all costs of temporary improvements required by the Council and shall maintain those temporary improvements for the period specified by the Council. Prior to construction of any temporary facility or improvement, the owner shall file with the City a separate public improvement agreement and escrow, or, where authorized, letter of credit, in an appropriate amount for temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained, and removed.
- D. Governmental Units. Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.
- E. Failure to Complete Improvements. For plats for which no public improvement agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the City, the preliminary plat approval shall be deemed to have expired. In those cases where a public improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the City may:

1. Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
 2. Suspend issuance of a building permit until the public improvements are completed and record a document to that effect for the purpose of public notice;
 3. Obtain funds under the security and complete the public improvements itself or through a third party;
 4. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision or development for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the tract;
 5. Exercise any other rights available under the law.
- F. Acceptance of Dedication Offers. Acceptance of formal offers of dedication of street, public areas, easements, and parks shall be by authorization and written notification to the City Engineer. The approval by the Council of a plat, whether preliminary or final, shall not of itself be deemed to constitute or imply the acceptance by the City of any street, easement, or park shown on the plat. The Council may require the plat to be endorsed with appropriate notes to this effect.

4.2 Construction Procedures

- A. Construction of all public works projects shall be in accordance with the most recent version of Standard Specifications for Public Works Construction issued by the North Central Texas Council of Governments, as may be amended in the City of Valley View Addendum to the NCTCOG Standard Specifications for Public Works Construction.
- B. Preconstruction Conference. The City Engineer may require that all contractors participating in the construction shall meet for a preconstruction conference to discuss the project prior to beginning work.
- C. Conditions Prior to Authorization. Prior to authorizing construction, the City Engineer shall be satisfied that the following conditions have been met:
 1. The final plat shall be completed to the requirements of the Council at the time of approval.
 2. All required plans and contract documents shall be completed and filed with the Planning and Zoning Administrator.

3. All necessary off-site easements or dedications required for City maintained facilities, not shown on the final plat must be conveyed solely to the City, with proper signatures affixed. The original of the documents, and filing fees as determined by the Planning and Zoning Administrator, shall be returned to the Planning and Zoning Administrator prior to approval and release of the engineering plans.
4. All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the City Engineer. These plans shall remain on the job site at all times.
5. A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the Planning and Zoning Administrator or City Engineer.
6. All applicable fees must be paid to the City.

4.3 Inspection of Public Improvements

- A. General Procedure. Construction inspection shall be supervised by the City Engineer. Construction shall be in accordance with the approved Plans, Standard Specifications and Standard Details of the City of Valley View. Any change in design required during construction should be made by the engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans and if those revisions are noted on the plans or documents. All revisions shall be approved by the City Engineer. If the City Engineer finds upon inspection that any of the required public improvements have not been constructed in accordance with the City's construction standards and specifications, the property owner shall be responsible for completing and/or correcting the public improvements.
- B. Certificate of Satisfactory Completion. The City will not accept dedication of required public improvements until the applicant's engineer has certified to the City Engineer, through submission of a detailed "as-built" survey plat of the property, the location, dimensions, materials, and other information required by the Council or City Engineer. The "as-builts" shall also include a complete set of drawings of the paving, drainage, water, sanitary sewer, or other public improvements, showing that the layout of the line and grade of all public improvements is in accordance with construction plans for the plat. Each as-built sheet shall show all changes made in the plans during construction and on each sheet there will be an as-built stamp bearing the signature of the engineer and date.

The Engineer shall provide to the City one reproducible drawing of each of the utility plan sheets containing the as-built information. When such requirements have been

met the City Engineer, on behalf of the City, shall thereafter accept the public improvements for dedication in accordance with the established procedure. Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the City for use and maintenance. The City Engineer may, at his or her discretion, accept dedication of a portion of the required public improvements, provided adequate surety has been given for the completion of all of the required public improvements. Upon acceptance of the required public improvements, the City Engineer shall submit a certificate to the Developer stating that all required public improvements have been satisfactorily completed.

“As-built” drawings shall be submitted in the following formats:

- a. Mylar reproducible drawings - 1 set
- b. Full size prints - 3 sets
- c. Electronic drawings in AutoCAD, or other format acceptable to the City Engineer - 1 set

4.4 Maintenance of Improvements

- A. The owner shall maintain all required public improvements during construction of the development including all drainage and erosion control facilities. All development and construction activities shall be conducted in a manner to prevent damage to adjacent property. The owner shall construct and maintain all facilities required damage to the adjacent property throughout the construction of the project and for two years after final acceptance of the project but the City.
- B. The owner shall covenant to maintain the required public improvements for a period of two (2) years following acceptance by the City of all required public improvements and shall provide a maintenance bond in the amount of 100% of the costs of the improvements for such period. All improvements located within an easement or right-of-way shall be bonded.

4.5 Issuance of Building Permits and Certificates of Occupancy

- A. No building permit shall be issued for a lot or building site unless the lot or site has been officially recorded by a final plat approved by the City and all public improvements as required by the Council have been completed, as attested to by the City Engineer through the issuance of a Certificate of Completion, except as permitted below.
 1. Building permits may be issued for non-residential and multi family development provided that a final plat is approved by the City and construction plans have been released by the City Engineer. Building construction will not be allowed to surpass the construction of fire protection improvements.

2. The City Engineer may authorize the Planning and Zoning Administrator to issue residential building permits for a portion of a subdivision, provided that all public improvements have been completed and accepted for that portion of the development, including but not limited to those required for fire and emergency protection, and a development agreement has been approved by the City for completion of all remaining public improvements.
- B. No certificate of occupancy shall be issued for a building or the use of property unless all public improvements have been completed for the phase of the subdivision or development in which the property is located and accepted and a final plat approved by the City has been recorded.

SECTION 5 REQUIREMENTS FOR PUBLIC IMPROVEMENT AND DESIGN**5.1 General Requirements**

- A. Plats Straddling Municipal Boundaries. Whenever access to the subdivision or development is required across land in another municipality, the Council may request assurance from that municipality's Attorney that access is legally established, and from its Engineer that the access road is adequately improved, or that a bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal, county or school district boundary lines.
- B. Character of the Land. Land that the Council finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or development and/or its surrounding areas, shall not be subdivided or platted unless adequate methods are formulated by the owner and approved by the Council, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions.
- C. Adequate Public Facilities Policy. The land proposed for subdivision or development must be served adequately by essential public facilities and services. Land shall not be approved for platting unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities and transportation facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or offsite. This policy may be defined further and supplemented by other ordinances adopted by the City.
1. Conformance to Plans. Proposed public improvements shall conform to and be properly related to the Transportation and Public Facilities Element of the City's adopted Comprehensive Plan, other adopted master plans for public facilities and services, and applicable capital improvements plans.
 2. Water. All platted lots must be connected to a public water system, which is capable of providing water for health and emergency purposes, including adequate fire protection.
 3. Wastewater. All platted lots must be served by an approved means of waste water collection and treatment. The City may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. Additional standards and requirements are defined in Section 5.9.

4. Streets. Proposed streets shall provide a safe, convenient and functional system for vehicular and pedestrian circulation and shall be properly related to the Plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. Additional standards and requirements are defined in Section 5.7.
 5. Drainage. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements in order to mitigate the impacts of the proposed development. Additional standards and requirements are defined in Section 5.9.
 6. Other Facilities. Adequate sites and convenient access for schools, parks, playgrounds, and other community services indicated in the City's Comprehensive Plan shall be related to the character and uses of the surrounding properties in accordance with the intent, policies and provisions of this ordinance.
 7. Phasing. The City may require the phasing of development or improvements in order to maintain current levels of service for existing public services and facilities or for other reasons based upon maintaining the health, safety and general welfare of the City's inhabitants. The Council shall determine whether the proposed public facilities and services are adequate pursuant to standards herein established.
- D. Subdivision or Development Name. The proposed name of the subdivision or development shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or development in the area covered by these regulations and shall, where possible correspond to named subdivisions or developments in the immediate vicinity. The Council shall have final authority to approve the name of the subdivision or development based upon the recommendation of the Administrator or City Engineer.
- E. Survey
1. The Surveyor, responsible for the plat, shall place permanent monuments at each corner of the boundary survey of the subdivision or development. These monuments shall be a four (4) inch diameter concrete post three (3) feet long; a steel rod five-eighths (5/8") inch in diameter imbedded twelve (12") inches in the monument, flush with the top, placed in the exact intersecting points of the corner. The monuments shall be set at ground level or at such an elevation that they will not be disturbed during the construction,

and the top of the monument shall not be more than twelve (12) inches below finished ground level.

2. GPS monuments shall be constructed of a four (4) inch diameter reinforced concrete monument at least 6 feet deep set flush with the ground. A brass or aluminum disc shall be set in the top of the monument and shall have the monument number, elevation and registration number of the surveyor stamped in the disc. The surveyor shall determine the Texas State Plane Coordinates and elevation of the monument and file a survey report with the City showing this information.
3. Markers shall be set at all block corners, street and alley curve points and angle points along the boundaries and also within the subdivision. These markers shall be a five eighths (5/8) inch reinforcing bar, eighteen (18) inches long. The markers shall be set at ground level or at such an elevation that they will not be disturbed during the construction, and the top of the marker shall not be more than twelve (12) inches below finished ground level.
4. Where no bench mark is established or can be found within one thousand (1000) feet of the boundary of the subdivision, such bench marker shall be established to sea level datum. Said bench mark shall be established; shall be readily accessible and identifiable on the ground; and set as a separate monument of the same concrete construction as described for GPS monuments with the elevation engraved on a bronze plate embedded flush in the top surface of the monument. Large subdivisions may require more than one bench mark; in any event, such marks shall be no more than two thousand six-hundred forty (2,640) feet apart or within two thousand six-hundred forty (2,640) feet of a previously established bench mark. All such bench marks shall be recorded on the final plat. Where GPS monuments meet this requirement, no additional benchmarks are required..
5. All lot corners shall be located and marked with one half (1/2) inch reinforcing bar, eighteen (18) inches in length, and shall be placed flush with the ground or counter sunk, if necessary, in order to avoid being disturbed.
6. Iron rods, one-half (1/2") inch in diameter and eighteen (18) inches long, shall be placed on all boundary corners, block corners, curve points, and angle points in water line, sanitary sewer line and drainage facility easements as well as floodway boundaries.

F. Facility Design

1. Streets, thoroughfares, drainage facilities, water lines, sanitary sewer lines and other such facilities which are to be owned, operated and/or maintained

by the City of Valley View shall be designed in accordance with the guidelines of the City of Valley View Design Standards

2. The Design Standards are intended to be minimum requirements. The project developer shall be responsible for determining if more stringent requirements are necessary for a particular development.
 3. In cases where the Design standards do not cover all aspects of a development, the developer will be expected to provide designs and facilities in accordance with good engineering practice and to cause to be constructed facilities utilizing first class workmanship and materials.
- G. Floodplain Regulation. All subdivision or development activity as regulated by this Ordinance shall be subject to the Flood Damage Prevention Regulations, Article XXXXX of the City of Valley View Code of Ordinances.

5.2 Lot Design and Improvement Standards

- A. Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Regulations, Building Code and other applicable ordinances, laws and regulations. Driveway access shall be provided to buildings on the lots from an approved street, alley or public way.
- B. Lot Dimensions. Lot dimensions shall comply with the minimum standards of the Zoning Regulations as determined in each district or the Planned Development District. All lots on building sites shall conform to the minimum standards for the area, width and depth prescribed by the Valley View Zoning Regulations for the district or districts in which the subdivision or development is located. In general, lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking, landscaping, and loading facilities required for the type of use and development contemplated, as established in the Zoning Regulations. Lot dimensions shall be measured at the property line, except that for residential lots located on cul-de-sac circles or at the corners of a loop street, lot width shall be measured at the front building line and one side lot line may be less than the minimum required by the zoning district, provided the lot meets width and area requirements.

In general, the depth of a residential lot should not exceed four times the width of the lot, unless topographic or environmental characteristics create a condition best addressed by an excessive lot depth.

- C. Double Frontage Residential Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to separate residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. The City may impose additional buffering and/or screening requirements for these lots.
- D. Soil Preservation and Final Grading. Top soil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots, parkways and medians. Permanent erosion control measures, shall be provided throughout the development prior to final acceptance of the improvements. Soil preservation shall consist of the following:
1. All street rights-of-way, regardless of slope, all finished grade slopes that are steeper than 1 foot vertical to 6 feet horizontal (6:1), and the flow lines of all drainage ditches and swales shall be completely covered with erosion control matting as specified in the North Texas Council of Governments Construction (N.C.T.C.O.G) BMP Manual.
 2. Grass shall be established on the slopes of all drainage channels that are steeper than 6:1. Grass shall meet the requirements of the Standard Specifications of the Texas Department of Transportation.
 3. Other erosion protection methods as described in the N.C.T.C.O.G. BMP Manual shall be used to control all erosion in the development. All erosion protection methods shall be approved by the City Engineer
- E. Minimum Lot and Floor Elevations. Minimum lot and floor elevations shall be established as follows:
1. Lots abutting a natural or excavated channel shall meet the specific standards for flood hazard reduction established in § XXXX of the City of Valley View Code of Ordinances.
 2. Where lots do not abut a natural or excavated channel, minimum floor elevations shall be a minimum of one (1) foot above the street curb or edge of alley, whichever is higher, unless otherwise approved by the City's Engineering Division. A lot grading plan is required. With permission of the City Engineer, the minimum finished floor elevation may be lower than the street curb, roadway or alley provided the floor elevation is at least one-foot above the rim elevation of the downstream manhole of the sanitary sewer system that serves the lot.
 3. Where lots are served by on-site sewerage facilities that rely on the gravity flow of wastewater, the minimum finished floor elevations shall be not less than 4.5 feet above the highest elevation of the ground at the drainfield, absorption bed or transpiration bed unless otherwise permitted by the City Engineer.

- F. **Debris and Waste.** No cut trees, timber, debris, large rocks or stones, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of final acceptance by the City Engineer, and removal of those items and materials shall be required prior to such acceptance. No items and materials as herein described shall be left or deposited in any area of the subdivision or development at the time of expiration of any public improvement agreement or acceptance of dedication of public improvements, whichever is sooner. However, dirt or topsoil may be stockpiled on a property at a location approved by the City Engineer.

5.3 Non-residential Plats

- A. **Design Principles.** In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Council that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:
1. Proposed non-residential parcels shall be suitable in area and dimensions to the types of non-residential development anticipated.
 2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon, but in no case shall be less than the design standards embodied in the Master Thoroughfare Plan.
 3. Residential areas shall be protected from potential nuisance from a proposed non-residential plat by means of screening or other physical separation as further described in Chapter 20 of the Valley View Zoning Regulations.
 4. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or future residential areas.
- B. **Frontage and Access Standards.** All non-residential lots established following the effective date of this ordinance shall meet the following frontage and access criteria:
1. **Frontage -** All non-residential lots abutting an arterial or higher thoroughfare shall have a minimum 200 linear feet. All non-residential lots abutting a collector or lower thoroughfare shall have a minimum of 150 feet of frontage.
 2. **Curb Cuts -** All non-residential lots shall have access to the public street system by a driveway onto a public street or, in certain instances subject to review by the City Engineer, by a driveway onto a dedicated mutual access easement. Curb cuts shall be located in accordance with the Master

Thoroughfare Plan, Engineering Design Manual and other applicable ordinances. Access drives shall be a minimum fifty (50) feet in distance from any street intersection and a minimum one hundred (100) feet from any intersection which is signalized or which in the opinion of the City Engineer will require future signalization, unless approved by the City Engineer.

3. Median Openings - Median openings shall be located in accordance with the Master Thoroughfare Plan and other applicable ordinances. Generally, median openings shall not be spaced closer than 350 feet centers nor closer than 250 feet from an intersection. If direct access to a median opening is not available, lots shall have indirect access through a mutual access easement between adjacent properties. Such mutual access shall be indicated on the plat whenever possible.

5.4 Sidewalks, Bikeways, Alleys and Landscaping

5.4.1 Sidewalks and Bikeways

- A. Sidewalks. Sidewalks are required along all streets.

1. Sidewalks shall be constructed of 2,000 psi concrete having a width of not less than four (4') feet and a minimum thickness of four (4") inches.
2. The sidewalk shall be constructed prior to the issuance of a Certificate of Occupancy.
3. In residential districts the sidewalks shall be (4') feet wide located (1') foot off of the property line or (6') feet wide located adjacent to the curb.
4. In All other districts the sidewalks shall be a minimum of (6') feet wide.

- G. Pedestrian Accesses. The Council may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least fifteen (15) feet in width. Easements shall be indicated on the plat.

- H. Bikeways. Hike and bike sidewalks (bikeways) shall be constructed along streets designated for hike and bike trails. Bikeways shall be constructed in the manner and locations specified in the Engineering Design Manual. Bikeways shall be built by the owner at the time of site development, or the owner may petition for the City to construct such facilities, subject to escrow policies stated in section 6 of these regulations.

- I. Alleys

1. Commercial and industrial areas: Alleys shall be provided in commercial and industrial districts where other provisions are not made for service access; off street loading, parking, and fire fighting.
 2. Residential areas: Alleys may be provided in residential areas.
 3. Construction: Alleys shall be constructed according to the standards for local streets in residential estates subdivision except in commercial and industrial areas where alleys shall be constructed according to the standards for their service function.
 4. Intersections: Alleys shall be perpendicular to streets at intersections. Minimum radius of pavement of street-alley intersections shall be eight (8) feet.
 5. Dead end alleys: Dead end alleys shall be provided with cul-de-sacs with a minimum paved surface radius of thirty (30') feet.
- E. Landscaping. Landscaping, buffering and screening improvements shall be required along certain roadways in conformance with standards established in Section 24A of the Zoning Regulations, or as provided in Planned Development Districts established pursuant to the City's Zoning Ordinance.

5.5 Fire Lanes and Fire Department Access

- A. Access to Fire Hydrants and other Fire Suppression Equipment. All fire hydrants shall be accessible by the City's fire trucks and equipment from a dedicated public street or a fire lane. The distance from fire hydrants to the edge of pavement for public streets shall not exceed five feet unless otherwise permitted by the City Engineer. The distance from the edge of the fire lane to fire hydrants and standpipe and fire department connections shall not exceed five feet unless otherwise permitted by the Fire Chief.
- B. Fire Lane Design Requirements. The width of all fire lanes shall not be less than twenty-four feet wide. Fire lanes shall be paved with a minimum of six inches of reinforced concrete. The minimum inside radius of a curve or turn shall not be less than 30 feet. A standard SU-20 design vehicle shall be able to travel from a public street along all fire lanes, be able to reach within five feet of all fire hydrants, and exit back onto a public street without backing up.
- C. Dead End Fire Lanes. Dead end fire lanes may be used only to obtain the required access to buildings, not to fire hydrants or fire department connections and the maximum length of a dead end fire lane shall not exceed 150 feet. All dead-end fire lanes shall include a turn around and the end of the fire lane for a SU-20 vehicle with vehicle backing allowed.

5.6 Water Facilities Standards

- A. Adequate Water Facilities. Water systems serving the subdivision or development shall connect with the City's water supply and distribution system. Water facilities shall be installed to adequately serve each lot and shall be sized to conform to the City's Water Distribution Master Plan and other requirements of the City. The City may require owners to provide a water study, including adequate engineering data to support water demand projections, before final plans will be approved.
- B. Design and Construction Requirements. Design of water systems shall be in accordance with the latest design criteria set forth by TCEQ. No water system will be constructed unless all plans have been reviewed and approved by the City to assure compliance with these requirements. All design and construction will be done under the inspection of the City and in accordance with established City policies and practices.
1. Water services for each lot shall be a minimum of ¾" type K copper. Each service shall be provided with a brass meter valve contained inside a meter box. Service to each lot shall have a maximum cover of eighteen (18") inches.
 2. Valves shall be located at maximum intervals of 600' feet on 12" and smaller lines. Valves shall be furnished with extensions such that the working nut is a maximum of 48" below grade.
 3. Water lines shall be installed with thirty (30") inches minimum cover over the top of the pipe,
 4. Water lines shall be disinfected in accordance with TCEQ Standards.
 5. PVC pipe shall have four (4) inch sand bedding, and twelve (12") inches of sand over top of pipe.
- C. Extension Policy. The developer shall extend all water mains and appurtenances necessary to connect the development with the City's water supply and distribution system and shall extend such mains and appurtenances to all property lines of the subdivision or development to allow connection to these facilities by adjoining property owners in accordance with the City's approved plans. Authority to extend water mains to serve newly subdivided or platted land shall be granted by the City only upon a determination by the Administrator that all facilities necessary to adequately serve the development are in place or will be in place prior to the issuance of occupancy permits for structures developed on such land.

- D. Minimum Size Mains. Water mains shall be located and sized in accordance with the TCEQ. However, the minimum water main shall be eight (8) inches nominal internal diameter and shall be UL and NSF certified.
- E. Fire Protection. Water service must be sufficient to meet fire flow requirements of the proposed development for domestic and industrial purposes, except where a suitable alternative means of fire protection is approved by the City.
- F. Fire Hydrants - Number and Locations. A sufficient number of fire hydrants shall be installed to provide hose stream protection for every point on the exterior wall of the building. There shall be sufficient hydrants to concentrate the required fire flow, as recommended by the publication "Fire Suppression Rating Schedule" published by the Insurance Service Office, around any building with an adequate flow available from the water system to meet this required flow. In addition, the following guidelines shall be met or exceeded:
1. Single Family and Duplex Residential. As the property is developed, fire hydrants shall be located at all intersecting streets and at intermediate locations between intersections at a maximum spacing of 500 feet between fire hydrants as measured along the route that fire hose is laid by a fire vehicle.
 2. Multi-Family Residential. As the property is developed, fire hydrants shall be located at all intersecting streets and at intermediate locations between intersections at a maximum spacing of 300 feet as measured along the length of the center line of the roadway, and the front of any structure at grade and shall be no further than 400 feet from a minimum of two (2) fire hydrants as measured along the route that a fire hose is laid by a fire vehicle.
 3. Other Districts. As the property is developed, fire hydrants shall be located at all intersecting streets and at intermediate locations between intersections at a maximum spacing of 300 feet as measured along the length of the center line of the roadway, and the front of any structure at grade and shall be no further than 400 feet from a minimum of two (2) fire hydrants as measured along the route that a fire hose is laid by a fire vehicle.
 4. Protected Properties. Fire hydrants required to provide a supplemental water supply for automatic fire protection systems shall be within 100 feet of the fire department connection for such system.
 5. Fire hydrants shall be installed along all fire lane areas as follows:

Non-Residential Property or Use

- a. Within 150 feet of the main entrance.

- b. Within 100 feet of any fire department connection.
 - c. At a maximum intermediate spacing of 300 feet as measured along the length of the fire lane.
- 6. Generally, no fire hydrant shall be located closer than fifty (50) feet to a non-residential building or structure unless approved by the City Engineer.
 - 7. In instances where access between the fire hydrant and the building which it is intended to serve may be blocked, extra fire hydrants shall be provided to improve the fire protection. Railroads, expressways, major thoroughfares and other man-made or natural obstacles are considered as barriers.
 - 8. All portions of all buildings in single-family residential districts shall be located within a three hundred-foot hose lay from fire lane or public roadway having a fire hydrant spacing meeting the requirements of these regulations.
 - 9. All portions of all buildings in all other districts shall be located within a three hundred-foot hose lay from fire lane or public roadway having a fire hydrant spacing meeting the requirements of these regulations.
 - 10. The hose lay shall be measured as a fire hose would be laid from the fire lane or roadway along aisles that are at least 24-feet wide and that are not obstructed by fences, buildings, stored materials, railroads or other obstructions.

5.7 Sanitary Sewer Facilities Standards

- A. Adequate Sewage Facilities. Sanitary sewer facilities serving the subdivision, development or addition shall connect to the City's sanitary sewer system or other public sewerage treatment facility, except as provided in subsection D. Sewage systems shall be installed to adequately serve each lot and shall be sized accordingly. All additions to the sanitary sewage system shall conform to the City's "Master Sewer Plan" and other requirements of the City. The City may require a sanitary sewer study, including adequate engineering data, to support projected sewer flows before final plan approval. The proposed wastewater discharge of a proposed development shall not exceed the capacity of the wastewater system based upon required studies.
- B. Design and Construction Requirements. Design of sanitary sewers shall be in accordance with the City of Valley View's Design Standards. No sewer system will be constructed unless all plans have been reviewed and approved by the City to assure compliance with these requirements. All design and construction will be done under the inspection of the City and in accordance with established City policies and practices.

- C. Extension Policy. The developer shall extend all sanitary sewer mains and appurtenances necessary to connect the development with the City's wastewater system. Sanitary sewer mains shall be extended to all property lines of the subdivision or development to allow connection to these facilities by adjacent property owners in accordance with approved plans. Authority to extend wastewater mains to serve newly subdivided or platted land shall be granted by the City only upon a determination by the Administrator that all facilities necessary to adequately serve the development are in place or will be in place prior to the issuance of occupancy permits for structures developed on such land.
- D. On-Site Treatment.
1. The owner and/or developer of the subdivision or development shall construct the necessary water facilities to serve the subdivision. If it is practical to construct sanitary sewer facilities and connect to a sanitary sewer facility with approved treatment facilities, then the owner and/or developer shall construct the necessary sanitary sewer facilities to properly serve the subdivision.
 2. No permit shall be issued by Wise County for the installation of a septic tank(s) if adequate sewer service is or will be feasibly available within two hundred (200') feet of the building to be served..
 3. If the City deems that it is not practical to connect to a sanitary sewer facility that will treat the sewage for the subdivision., then the area may be served by an approved on-site sewerage facility for the individual lots as licensed by Wise County and approved by regulatory authorities having jurisdiction over such facilities. The City may require a study to make such determination.
 4. All septic tank systems must comply with "Construction Standards for Private Sewage Facilities", published by the Texas Commission of Environmental Quality (TCEQ).
 5. If a sanitary sewage treatment system is to be installed the plans for such system shall be approved by the TCEQ and a permit secured from the TCEQ prior to approval of the final plat by the City Council.
- E. Design Standards.
1. All pipe joints shall be of the rubber ring gasket type conforming to the applicable ASTM standards.

2. The sewage collection system shall be designed to handle the anticipated flow of sewage from the subdivision, including development to future sections of the same subdivision. Recognized engineering design criteria in accordance with the requirements of the TCEQ shall be used to design the system.
3. All sewer lines shall be on such a grade as to provide a minimum velocity of two (2') feet per second with using an "n" value of 0.010 in the Manning Formula.
4. The minimum size line, excluding house service lines, shall be six (6") inches in diameter.
5. Manholes shall not be spaced more than five hundred (500') feet apart and shall be provided at all changes in grade, direction and pipe size.
6. The City of Valley View may require larger sewer lines than are necessary to serve the subdivision and future development, and adjacent areas. In the event that larger lines are required, then the developer shall be entitled to participating aid from the City on oversized lines when City funds become available.
7. Should a lift station, either temporary or permanent be necessary to provide sanitary sewer service to the subdivision, the developer shall construct the station and all appurtenances at his own expense. If and when the lift station is no longer needed, the installation will, unless other provisions are made, remain the property of the City of Valley View for reuse or disposal.
8. Sewer service lines for each lot shall have a minimum internal diameter of four (4") inches. Minimum cover at the property line shall be two (2') feet. Tracer tape shall be installed to indicate the location of the sewer stub out.
9. Offsite sewerage utilities shall be constructed by developers at no expense to the City.
10. Prior to acceptance, the sanitary sewers shall be subjected to an air leakage test and mandrel test.
11. The City Engineer may require, at the developer's expense, a TV examination of the sewer prior to acceptance.
12. The design of sewers shall conform to the criteria set forth in "WPCF Manual of Practice No. 9", latest edition as published by the American Society of Civil Engineers and the Water Pollution Control Federation and "Design Criteria for Sewage Systems" published by the TCEQ.

5.8 Roadway Facilities Standards

5.8.1 Streets and Thoroughfares

- A. Responsibility for Adequacy of Streets and Thoroughfares. The property owner shall assure that the subdivision or development is served by adequate streets and thoroughfares, and shall be responsible for the costs of rights-of-way and street improvements, in accordance with the following policies and standards, and subject to the City's participation in the costs of oversize facilities.

The subdivider shall construct all streets to city standards in rights-of-way as required by the Thoroughfare Plan or other valid development plans approved by the City, subject to participation policies stated in this ordinance. Streets (including sidewalks) which deadend at power lines, railroad, or similar rights-of-way, and are intended for future extension shall be constructed in the full right-of-way as required by the Thoroughfare Plan for half the distance across such right-of-way for each side. Developers of property abutting only one side of a street are responsible for the minimum paving widths prescribed by City regulations.

- B. General Adequacy Policy. Every subdivision or development shall be served by streets and thoroughfares adequate to accommodate the vehicular traffic to be generated by the development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation, and shall be properly related to the City's Thoroughfare Plan, road classification system, master plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each development.
- C. Road Network. New subdivisions and developments shall be supported by a road network having adequate capacity, and safe and efficient traffic circulation. The adequacy of the road network for developments of more than 75 dwelling units, or for developments involving collector or arterial streets not appearing on the City's adopted Thoroughfare plan, shall be demonstrated by preparation of a traffic impact analysis prepared in accordance with section 5.7.5, which takes into consideration the need to accommodate traffic generated by the development, land to be developed in common ownership and other developed property. In the event that the property to be developed is intended as a phase in a larger development project, or constitutes a portion of the land to be ultimately developed, the City may require a demonstration of adequacy pursuant to this section for additional phases or portions of the property as a condition of approval for the proposed plat.
- D. Approach Roads and Access. All subdivisions or developments must be connected to the City's improved thoroughfare and street system by two or more approach roads of such dimensions and approved to such standards as are hereinafter set forth. Connection of a subdivision to the City's street system with only one approach will require special approval by the City. Requirements for dedication of rights-of-way and improvement of approach roads may be increased depending on the density or

intensity of the proposed development if such need is demonstrated by traffic impact analysis. Access to all lots therein must be suitably improved or secured by provisions contained in these regulations.

- E. Off-site Improvements. Where traffic impact analysis demonstrates the need for such facilities, the property owner shall make such improvements to off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development or related developments. The City may participate in the costs of oversize improvements with the subdivider or developer pursuant to Section 6.1.
- F. Street Dedications.
1. Dedication of Right-of-Way. The property owner shall provide all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the Thoroughfare Plan or other valid development plans approved by the Planning and Zoning Commission or City Council.

The subdivider shall provide all right-of-way required for existing or future streets, including perimeter streets, as shown in the Thoroughfare Plan or other valid development plans approved by the City. In the case of perimeter streets, half of the total required right-of-way for such streets shall be provided. However, in some instances more than half shall be required, depending on the actual or proposed alignment of the street. A minimum parkway width of ten feet shall be provided along existing constructed thoroughfares. In such cases, no additional right-of-way will be required, except at intersections or other locations when deemed necessary by the City's consulting engineer.
 2. Perimeter Streets. Where an existing half-street is adjacent to a new subdivision, development or addition, the other half of the street shall be dedicated and improved by the developer of the subdivision, development or addition.
 3. Slope Easements. The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of four (4) feet horizontal to one (1) foot vertical.
 4. Access to Public Facilities. In cases where a subdivision or development contains or abuts a school, park or playground site, the subdivider shall provide and dedicate a normal residential street and provide for the cost of paving the street and the full cost of all utilities necessary.

- G. Intersection Improvements. Intersection improvements and traffic control devices shall be installed as warranted in accordance with the traffic impact analysis, where required by these regulations, subject to participation standards in section 6.

5.8.2 Types of Streets

- A. Arterial street or major thoroughfare: Any street designated in the comprehensive plan as being a principal route more or less continuous across the City or areas adjacent thereto, or any route carrying or designated to carry fast moving or large volumes of traffic.
- B. Collector street: The phrase "collector street" shall be a street which is continuous through several residential districts and intended as a connecting street between residential districts and thoroughfares or business districts.
- C. Local street: A street exclusively or primarily providing access to abutting properties. A local street may be located within a residential, commercial, or industrial area.
- D. Cul-de-sac: A local street having but one outlet to another street and terminated on the opposite end by a vehicular turnaround.
- E. Dead end street: A street other than a cul-de-sac having only one outlet.
- F. Frontage street: A local street lying parallel to and adjoining a major street right-of-way which provides access to abutting properties and protection from through traffic.
- G. Alley: A public or private way designed primarily for vehicular travel to provide access to the rear or side property otherwise abutting on a street.
- H. Loop street: A local street having only two (2) outlets onto one other street.

5.8.3 Design Standards

- A. Pavement and right-of-way width: All streets shall be constructed on stabilized subgrade. Asphalt streets shall have crushed limestone flexible base. Design and construction of streets shall conform to the following schedule:

Subgrade stabilization to 6" depth:

<u>Soil PI</u>	<u>Stabilization Method</u>
0 - 10	3% Cement
11 - 16	Mechanical Compaction
17 +	6% Lime

<u>Type Street</u>	<u>ROW</u>	<u>Pavement Width (Back of Curve)</u>
Thoroughfare	80'-120'	49' (with curb and gutter)
Collector	60'	37' (with curb and gutter)
Local	50'	31' (with curb and gutter)
Residential Estates	60'	22' (no curb and gutter)

<u>Type Street</u>	<u>Reinforced Concrete</u>	<u>Asphalt</u>	
	<u>Thickness</u>	<u>Thickness</u>	<u>Flex Base</u>
Thoroughfare	8" ⁽¹⁾	3" HMAC	10"
Collector	6" ⁽¹⁾	3" HMAC	8"
Local	5" ⁽²⁾	2" HMAC	6"
Residential Estates	5" ⁽²⁾	1-½" HMAC	6"

⁽¹⁾ Determine reinforcing from strength design based on expected traffic load.
Minimum steel ratio = 0.0012.

⁽²⁾ Minimum steel ratio = 0.0012

- B. Vertical alignment: Grades of streets shall be connected by vertical curves of a minimum length expressed as a multiple of the algebraic difference between the rates of grades, expressed in feet per hundred feet, and the values shown.

multiple of algebraic difference	<u>Design speed</u>			
	30	40	50	60
Crest vertical curve	28	50	80	150
Sag vertical curve	35	50	70	100

- C. Horizontal alignment: The center line curve of streets and alleys shall have a minimum radius as follows:

<u>Classifications</u>	<u>Minimum center line radius (feet)</u>
Thoroughfare	500
Collector	300
Local (commercial or industrial)	300
Residential	150
Loop streets and alleys	75

The maximum deflection of alignment permitted without use of curve shall be three (3) degrees.

- D. Reverse curves: Reverse curves on thoroughfares and collector streets shall be separated by a minimum tangent of one hundred (100') feet.

- E. Cul-de-sacs, Dead end streets;
 - 1. The maximum length of a cul-de-sac shall be four hundred (400) feet.
 - 2. Cul-de-sacs shall have a minimum right-of-way of fifty (50') feet and a minimum back of curve of forty (40') feet for single family and two family uses and a minimum right-of-way radius of sixty (60') feet and a minimum back of curve radius of forty-eight (48') feet for all other uses. A dead end street may be up to (400) feet long if a temporary cul-de-sac is provided according to the above standard.
- F. Street intersections: Street intersections shall be perpendicular.
- G. Partial or half streets: Partial or half streets shall not be authorized.
- H. Street names: Names of new streets shall not duplicate names of existing streets.
- I. Boundary streets:
 - 1. New streets on the boundary of a proposed subdivision shall conform to the right- of-way width and construction requirements of this ordinance.
 - 2. Half streets shall be built to complete existing half streets.
 - 3. When the proposed subdivision abuts an existing right-of-way that does not conform to the requirements of this ordinance, the developer shall dedicate right- of-way sufficient to make the right-of-way conform to this ordinance.
 - 4. When the proposed subdivision abuts an existing street that does not conform to, this ordinance, the developer may:
 - a) construct the street according to the standards of this ordinance;
 - b) place cash or other suitable security in deposit with the City of Valley View to pay one-half the cost of constructing the street according to the standards, of this ordinance; or
 - c) construct the street according to the standards of this ordinance for a distance equal to one-half the length of the existing abutting street.
- J. Curb and gutter: Except in Residential Estates Subdivisions, curb and gutter shall be installed by the developer on both sides of all interior streets. Provisions for curb and gutter shall be made on boundary streets in accordance with the paragraph entitled "Boundary Streets".

- K. **Street signs:** The City shall install street signs, at the developer's expense, at all intersections within the subdivision. A fee for this service shall be paid prior to acceptance of the streets and utilities.
- L. **Laboratory testing:** The City shall retain the services of a reputable commercial testing laboratory or will perform the necessary tests on subgrade soils, flexible base material, concrete, and other construction materials, to verify that specifications are being met. These laboratory tests will be made at the developer's expense and may include the following:
1. Moisture-density relationships
 2. Gradation
 3. Atterberg limits
 4. In-place moisture-density
 5. Concrete strength
 6. Other as required.
- M. **Street Posts and Markers.** The developer shall pay for the cost of purchasing and installing street posts and markers at each street intersection, which posts and markers shall be of the same type used throughout the City, and as specified in the City of Valley View Addendum to the NCTCOG Standard Specifications for Public Works Construction.
- N. **Street Lighting.** The subdivider shall provide at no expense to the City and as a part of the street improvements, street lighting in accordance with the following standards and such standards as designated in the Zoning Regulations and as specified in the City of Valley View Addendum to the NCTCOG Standard Specifications for Public Works Construction.
- O. **Alleys.**
1. Alleys shall be designed to allow fire department and waste collection vehicles to travel without impediment. A standard SU-20 design vehicle shall be able to negotiate all turns and intersections.
 2. Access to residential property for required off-street parking shall be from the alley wherever paved alley access is available. Access from the alley shall not exclude another means of access from the front or side. No side lot or rear lot access to residential property shall be allowed from any arterial street as defined herein.

2. Alley drive approaches shall have a radius of five (5) feet to assist ingress and egress to the lot and provide motorists passing one another with additional paved area.

5.8.4 Traffic Impact Analysis

Whenever these regulations require a traffic impact analysis, the following elements shall be included:

- A. General Site Description. The traffic impact analysis shall include a detailed description of the roadway network within one (1) mile of the site, a description of the proposed land uses, the anticipated stages of construction, and the anticipated completion date of the proposed land development. This description, which may be in the form of a map, shall include the following items: (a) all major intersections, (b) all proposed and existing ingress and egress locations, (c) all existing roadway widths and rights-of-way, (d) all existing traffic signals and traffic-control devices, and (e) all existing and proposed public transportation services and facilities within a one (1) mile radius of the site.
- B. Proposed Capital Improvements. The traffic impact analysis shall identify any changes to the roadway network within one-half (0.5) mile of the site, proposed by any governmental agency. This description shall include the above items as well as any proposed construction project that would alter the width and/or alignment of roadways affected by the proposed development.
- C. Roadway Impact Analysis.
 1. Transportation Impacts.
 - a) Trip Generation. The average weekday trip generation rates (trip ends) and the highest average hourly weekday trip generation rate between 4 P.M. and 6 P.M. for the proposed use shall be determined based upon the trip generation rates contained in the most recent edition of the **INSTITUTE OF TRANSPORTATION ENGINEERS, TRIP GENERATION Manual**.
 - b) Trip Distribution. The distribution of trips to arterial and collector roadways within the study area in conformity with accepted traffic engineering principles, taking into consideration the land use categories of the proposed development; the area from which the proposed development will attract traffic; competing developments (if applicable); the size of the proposed development; development phasing; surrounding land uses, population and employment; and existing traffic conditions identified.
 2. Adequacy Determination. The roadway network included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing roadways identified as arterials can accommodate the existing service volume, the service volume of the proposed development,

and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service C.

D. Intersection Analysis.

1. Level of Service Analysis. For intersections within the roadway traffic impact analysis area described in subsection (A) herein, a level of service analysis shall be conducted for one day Tuesday through Thursday and Friday on all intersections, including site driveways within one (1.0) mile of a proposed site. The City may waive analysis of minor intersections within the one-mile radius. The highest average hourly peak volume between 4 P.M. and 6 P.M. shall also be recorded. The level of service analysis shall take into consideration the lane geometry, traffic volume, percentage of right-hand turns, percentage of left-hand turns, percentage of trucks, intersection width, number of lanes, signal progression, ratio of signal green time to cycle time (G/C ratio), roadway grades, pedestrian flows, and peak hour factor.
2. Adequacy Analysis. The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service C.

E. Effect of Adequacy Determination. If the adequacy determination for roadways and intersections indicates that the proposed development would cause a reduction in the level of service for any roadway or intersection within the study area below the level of service required, the proposed development shall be denied unless the developer agrees to one of the following conditions:

1. the deferral of building permits until the improvements necessary to upgrade the substandard facilities are constructed, as shown in the City's Capital Improvements Program;
2. a reduction in the density or intensity of development;
3. the dedication or construction of facilities needed to achieve the level of service required; or
4. any combination of techniques identified that would ensure that development will not occur unless the level of service for all roadways and intersections within the traffic impact analysis study are adequate to accommodate the impacts of such development.

5.9 Drainage Facilities Standards

A. General Requirements.

1. Drainage facilities shall be designed and constructed at such locations, size and dimensions to adequately serve the development and the contributing drainage area above the development. The developer shall provide all the necessary easements and rights-of-way required for drainage structures including storm drains and open channels, lined or unlined.
2. Storm drainage released from the site will be discharged to a natural water course of an adequate size to control the peak runoff expected after development.
3. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area, whether upstream or downstream of the development, are not adversely affected by storm drainage from facilities on the development.
4. The requirements set forth herein are considered minimum requirements. The developer and his engineer shall bear the total responsibility for the adequacy of design. The approval of the facilities by the City Engineer in no way relieves the developer of this responsibility.
5. No individual, partnership, firm, or corporation shall deepen, widen, fill, re-route, or change the course or location of any existing ditch, channel, stream, or drainage way, without first submitting engineering plans for approval by the city engineer. Such plans shall be prepared by a professional engineer, registered in the State of Texas, and experienced in civil engineering.

B. Design of Facilities.

1. Computations for storm drainage from watersheds less than fifty (50) acres may be based upon the rational method, using the Texas Department of Transportation's frequency curves for Wise County. For larger watersheds, SCS and USACOE HEC-I methods shall be used.
2. Underground drainage structures for residential areas shall be designed for a five (5) year frequency rainfall, shopping centers and industrial developments for a ten (10) year frequency and downtown and central business districts for a twenty-five (25) year frequency rainfall.
3. Open channel drainage structures shall be designed for the one hundred (100) year rainfall and shall provide for one (1') foot of free board with sub-critical flow conditions.

4. The drainage system shall be designed and constructed to handle rainfall runoff that originates in and crosses the subdivision.
5. The drainage system shall be designed so that water shall not be greater than curb deep and shall not flow farther than one thousand (1,000') feet before reaching an inlet in thoroughfare, collector, and local streets under design rainfall conditions. Curb inlets shall be installed at the upstream end of all valley gutters crossing thoroughfare and collector streets.
6. Street crowns shall not be flattened or warped from one side of the street to the other side.
7. The developer shall pay for all costs of the drainage system.
8. Detention Facilities. Lakes, detention ponds, and retention ponds may be constructed in all areas provided they are approved by the City Engineer. Easements shall be provided to ensure protection of these areas for maintenance purposes.
9. Alternate Facilities. Other innovative drainage concepts will be considered if approved by the City Engineer.

C. Dedication of Drainage Easements

1. General Requirements. When a subdivision or development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water or drainage easement conforming substantially to the line of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
2. Access Easements. The property owner must provide sufficient access on each side of and parallel to creeks or drainage ways for maintenance purposes. The access shall be above the base flood elevation and accessible to vehicles and equipment. Access must also be provided at a maximum 1200 foot spacing along streets or alleys. The location and size of the access easement shall be determined by the City Engineer. The maximum width of the access easement shall be fifteen (15) feet. Permanent monuments, the type and locations of which to be determined by the City Engineer, shall be placed along the boundaries of the access easement and private property.

This access easement shall be included in the dedication requirements of this section.

3. Drainage Easements

- a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width, depending on slopes, for drainage facilities shall be provided across property outside the street lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall extend from the street to a natural watercourse or to other drainage facilities.
 - b. When a proposed drainage system will carry water across private land outside the subdivision or development, appropriate drainage easements must be secured by the developer.
 - c. Drainage easements shall be provided where any type of drainage system, including swales are used to convey storm water across any lot or tract in the development from an adjacent lot or tract whether or not the lot or tract is within the development or off-site.
 - d. All areas within any subdivision located in the one hundred (100) year flood plain of any river, creek or tributary stream shall be dedicated as a drainage and utility easement. The form and wording of the easement shall be approved by the Planning and Zoning Administrator.
- D. Grading. Site, street or development grading shall conform to the specifications in the Engineering Design Manual. All permeable surfaces within the development shall be graded to a smooth and uniform appearance that can be easily mowed with a small residential riding lawn mower.
- E. The developer shall provide plans and specifications and design calculations for all drainage structures. For flows in excess of an eight-four inch (84") pipe, unlined, open channels with concrete pilot channel constructed may be used. All open channels, which are not concrete lined, shall be designed to prevent erosion. The types of methods used for prevention of erosion shall be specifically approved by the City Engineer.

5.10 Utility Standards

A. Easements

1. The property owner shall be required to furnish all easements and rights-of-way required to serve the development. Where reasonable, all utilities, both public and private, should be located within streets or alley rights-of-way. Notwithstanding the above developers may offer easements outside of street and alley rights-of-way. All utility facilities existing and proposed throughout the property shall be shown on the preliminary plat and accompanying development plans.
2. Easements shall be provided for both municipal and private utilities. Municipal easements for water, sanitary sewer and storm sewer shall be a minimum of fifteen feet in width. All municipal easements may be wider as determined by the City Engineer depending on the depth and the size of the utility. Private utility easements must be sized by the utility company. Proper coordination shall be established between the City's property owner and the applicable utility companies for the establishment of utility easements on adjoining properties.
3. When topographical or other conditions are such as to make impractical the inclusion of utilities within the rear of residential lot lines, perpetual unobstructed easements at least fifteen (15) feet in width shall be provided along selected side lot lines for satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.
4. Water, sewer or drainage easements shall not straddle lots unless approved by the City Engineer.
5. Electric, gas, telephone and cable TV easements shall meet the requirements of the respective utility company and shall not conflict with or be coincident with water or sewer easements.

- B. Damage. The contractor and owner shall be responsible for all damage to existing public improvements caused during construction of new public improvements.

5.11 Public Lands Requirements

- A. Reservation of Land. Preliminary plats and final plats shall reserve land for future public use as designated in the Comprehensive Plan and associated plans for future public facilities and utilities. These uses include, but are not limited to: parks,

recreation and open space areas, schools, libraries, police and fire stations, pump stations, water storage tanks, and lift stations. Land reserved shall be of a suitable size, dimension, topography, and character for the designated purpose.

- B. Procedure for Reserving Land. All final plats and development plats shall provide for the necessary reservation of land for future public use. All plats submitted for approval shall indicate sites to the City for public use. Boundaries of land reserved for public use may be adjusted subject to the approval of the Council unless otherwise provided by agreement.
- C. Parks, School Sites, Public Areas. Preliminary subdivision plats shall provide sites for schools, parks, or other public areas as set out in the City's Comprehensive Plan. A dedication of five percent (5%) of the total tract acreage shall be required and used as parkland. In lieu of the dedication, the subdivider may pay to the City an amount of \$350 per residential lot or the value of five percent (5%) of the total tract acreage for non residential uses. Said value shall be determined by an independent certified property appraiser, to be selected by the City, in the event that subdivider and City cannot agree on the value of the property. It shall be the City's decision on whether dedication of acreage or cash payment or a combination thereof shall be required. The dedication and/or payment shall be made upon approval of the final plat and prior to the construction of any infrastructure improvements.

5.12 Underground Utilities

- A. All subdivision and development plats shall demonstrate compliance with the following underground utility standards:
 - 1. Except as otherwise herein provided, telephone lines, cable television utility lines, and all electric utility lines and wires shall be placed underground. In special or unique circumstances or to avoid undue hardships, the City Council may authorize exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and of overhead telephone cable television lines and may approve any

plat or site plan with such approved exceptions, in accordance with the standards in § 3.10.

2. Final plats shall display signature approval by utility companies. No building permits shall be issued until such approval is obtained and recorded on the plat.
 3. Where electrical service is to be placed underground, circuits for street and site lighting, except street lighting standards, also shall be placed underground.
 4. Electrical, cable television and telephone support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations in subdivisions shall be pad mounted or placed underground.
 5. All underground utilities, whether publicly or privately owned, shall be backfilled and compacted according to the City's specifications. Utility companies and contractors shall obtain a street cut permit before disturbing any pavement in public right-of-way.
 6. All public or privately owned underground utilities shall stub out all services from mains in all directions to the property lines in streets and in alleys where the services shall be stubbed out eighteen inches (18") inside the rear property line of platted lots and to the property line of unplatted property prior to commencing paving operations.
- B. Nothing herein set forth shall prohibit or restrict any utility company from recovering the difference between the cost of overhead facilities and underground facilities. Each utility whose facilities are subject to the provisions of this ordinance shall develop policies and cost reimbursement procedures with respect to the installation and extension of underground service.
- C. The Electric Utility Company may plan and construct overhead feeders and/or lateral lines on perimeters of subdivisions or property without obtaining an exception. Telephone and cable television lines may be constructed overhead where overhead electric utility lines are permitted.
- D. Nothing in this section shall prevent provision of temporary construction service by overhead utility lines and facilities and no exception shall be necessary to provide such temporary services.

- E. As used in this section, the terms "feeder lines," "lateral lines," and "service lines" shall have the following meanings:
1. Feeder Lines. Those electric lines that emanate from substations to distribute power throughout an area.
 2. Lateral Lines. Those electric lines that emanate from feeder lines and are used to distribute power to smaller areas of electric consumers. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse or disconnect switch.
 3. Service Lines. Those electric lines, which through a transformer connect a lateral line to a customer's service entrance.
- F. All installations regulated by the provisions set forth herein shall be in conformance with the intent of this section and shall conform to any regulations and/or specifications that the various public utility companies may have in force from time to time.
- G. Nothing in this section shall be construed to require any existing facilities to be placed underground; provided, however, that where overhead lines exist on land that is to be platted, they shall be removed before the final plat is filed.

5.13 Provision of Amenities

Amenities shall be required where approved pursuant to a Planned Development District or as required to be developed under the Valley View Zoning Regulations. Where these amenities are owned and maintained by property owners in common or through an association of property owners, or where the amenities are to be dedicated to the City and are to be maintained publicly or privately through agreement with the City, the City may require any or all of the following:

- A. Plans and illustrations of the proposed amenities;
- B. Cost estimates of construction, maintenance and operating expenses;
- C. Association documents, deed restrictions, contracts and agreements pertaining to maintenance of the amenities, if appropriate; and
- D. Provision of surety as required for maintenance and other expenses related to the amenities, if appropriate.

5.14. Protection of Drainage and Creek Areas

- A. Definitions and Methodology for Determining the Floodway Management Area (FMA) - The definitions for "floodway" and "floodway fringe" shall correspond to those set forth by the Federal Emergency Management Agency (FEMA). For purposes of the National Flood Insurance Program, the concept of a floodway is used as a tool to assist the local community in the aspect of flood plain management. Under this concept, the area of the 100 year flood is divided into a floodway and floodway fringe. The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100 year flood may be carried without substantial increases in flood heights as defined by FEMA. The area between the floodway and boundary of the 100 year flood is termed the floodway fringe. The floodway fringe is the area, which can be used for development by means of fill according to FEMA and City engineering criteria.

For the purposes of this Ordinance, the Floodway Management Area (FMA) will correspond to the Floodway as defined by FEMA.

- B. Areas Where an FMA is Required - All drainage areas or regulated floodways as referenced by the current panel number(s) on the Floodway and Flood Boundary Map (FIRM Maps) shall be included in the FMA. If FEMA does not specify a Floodway Zone in any of the above creeks or their tributaries, it shall be the developer's responsibility to establish and identify the FMA. The determination shall be made by a registered professional engineer and in accordance with the Flood Hazard Prevention Ordinance and approved by the City Engineer. Where improvements to a drainage area are required by other sections of this ordinance or other ordinances of the City for the purpose of safety or other reasons related to drainage, those sections or ordinances shall also be observed. The FMA is intended to apply to a creek or channel, which is to remain open, or in its natural condition. The creek shall remain in its natural state unless improvements are permitted by the City due to the pending development of properties adjacent to or upstream of the required improvements.
- C. Ownership and Maintenance of the FMA - The area determined to be the FMA shall be designated on and as part of the final plat. Approximate locations shall be shown on zoning change requests and preliminary plats. The City, at its option, may place utility lines in the area designated as the FMA. The FMA may qualify under parkland dedication requirements or other open space requirements, if authorized in the City's Zoning Regulations or other ordinances. At the City's option, the FMA shall be protected by one of the following methods:
1. Dedication - Dedicated to the City of Valley View; or

2. Easement(s) - Creeks or drainage ways in tracts which have private maintenance provisions, other than single-family or attached housing platted lots, can be designated as the FMA by an easement to the City on the final plat. Subdivisions with platted single-family or attached housing lots may designate the FMA by easement provided there is adequate maintenance provisions, but no lots or portions of lots may be platted in the easement unless specifically allowed by the City. The area designated as FMA may be identified by a tract number; or,
3. Recreational uses - Certain recreational uses normally associated with or adjacent to flood prone areas, except for uses involving structures, may be allowed in the FMA, such as golf courses. The uses allowed shall be in conformance with the Zoning Regulations and approved by the Planning and Zoning Commission and City Council.

Prior to acceptance of any drainage way as an FMA by the City, the area shall be cleared of all debris. Floodway Management Areas dedicated to the City shall be left in a natural state except those areas designated for recreational purposes.

D. Design Criteria - The following design criteria shall be required for development adjacent to the FMA:

1. Adequate access must be provided along the FMA for public or private maintenance. An unobstructed area a minimum of twenty feet (20') wide with a maximum 5:1 slope (five feet horizontal to one foot vertical), the length of the floodway shall be provided adjacent to one side or within the FMA. On the opposite side of the drainage area, an unobstructed area having a minimum width of five feet (5') shall also be provided, if possible.
2. Lots in residential zoning districts shall not be platted in the FMA. If lots back to an FMA, at least two reasonable points of access to the FMA, a minimum of twenty feet in width, shall be provided. Streets and alleys may qualify as access points. All areas of the FMA must be accessible from the access points. Lots used for attached housing may be platted in the FMA if the FMA is identified as an easement and is maintained as open space for use by the residents.
3. Public streets may be approved in the FMA by the Planning and Zoning Commission and City Council (if they conform to applicable engineering standards).

4. Whenever possible, public streets shall be constructed adjacent to the FMA to allow access for maintenance or recreational opportunities.
- E. Drainage areas, which have been altered and are not in a natural condition can be exempted from an FMA and this section at the discretion of the City Council upon recommendation of the City Engineer.
- F. All floodplain reclamation shall be according to the City's floodplain reclamation and preservation provisions contained in Sections 23 of the Zoning Ordinance.

SECTION 6 PARTICIPATION POLICIES AND ESCROW POLICIES**6.1 General Standards****A. Facilities agreement.**

The subdivider shall be required to enter into an agreement with the City which shall govern his subdivision, pro rata payments, City participation in cost, escrow deposits, other future considerations, variances, non standard development, improvements to be dedicated to the City, improvements that will not be completed prior to filing of the final plat in the county records. This agreement shall be based upon the requirements of this ordinance; and shall provide the City with specific authority to complete the improvements required by the agreement in the event of failure by the developer to perform and to recover the full costs of such measures. The City may subordinate its facilities agreement to the prime lender if provided for in said agreement.

The facilities agreement shall be a binding agreement between the City and the developer specifying the individual and responsibilities of the City and the developer. Unusual circumstances relating to the subdivision shall be considered in the facilities agreement such that the purpose of this ordinance is served for each particular subdivision. The developer shall indemnify the City against any claims arising out of the developer's subdivision.

B. Prorata payments.

The developer shall be responsible for the construction of oversize or off-site access, utilities, drainage and other improvements necessary for his subdivision unless other provisions are approved by the City Council. Provisions for reimbursement of costs in excess of those necessary to serve the subdivision and any other provisions, shall be made a part of the facilities agreement. For a period of five years following the filing of the final plat, subsequent subdivisions utilizing such facilities shall pay any cost due prior developers as the use by the new subdivision bears to the amount due. Such prorata amounts will be made a part of any subsequent facilities agreement, collected by the City and repaid to the original developer making such improvements, not to exceed his actual cost incurred.

All such reimbursements or prorations shall be based on the actual cost of the improvements at the time of their construction. The original developer shall therefore provide the City with acceptable documentation of actual construction costs from which calculation of reimbursable amounts will be made for inclusion in the facilities agreement.

1. Whenever the City agrees to accept escrow deposits in lieu of construction by the subdivider of the property under these regulations, the subdivider shall deposit an

amount equal to his share of the costs of design and construction in escrow with the City. Such amount shall be paid prior to release of construction plans by the City's consulting engineer. In lieu of such payment at such time, the City may permit the subdivider to contract with the City and shall agree in such contract that no building permit shall be issued for any lot included within said plat, or increment thereof, until the full amount of the escrow is paid, or a pro rata part thereof for the full increment if developed incrementally. The obligations and responsibilities of the subdivider shall become those of subdivider's transferees, successors, and assigns; and the liability therefor shall be joint and several.

2. The amount of the escrow shall be determined by using the average of the comparable bids awarded by the City in the preceding year or, if none exists, current market value of construction as determined by an estimate of the City's consulting engineer. Such determination shall be made as of the time the escrow is due hereunder.
3. If any street or highway for which escrow is deposited for, is constructed or is reconstructed by another governmental authority at no cost to the City, the escrowed funds and accrued interest shall be refunded to the subdivider after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another governmental authority, the difference between the subdivider's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.
4. As a condition of plat approval, the subdivider shall pay all fees, charges and assessments required to assure adequacy of public facilities to the subdivision or addition, as may be imposed under these or other regulations of the City.

C. City participation.

The City may, but shall have no obligation to, participate with the developer on items of construction which benefit existing or future development in addition to that being subdivided. The amount of financial responsibility of each party and the terms of discharging such responsibility may be provided for in a facilities agreement.

The construction of certain facilities required by the provisions of this ordinance may not be possible or practical at the time the developer prepares his plans for public improvements. Such deletion or delay of improvements may be specified in the facilities agreement, together with provisions for escrow deposits or future payment by the developer.

SECTION 7 CONFLICT WITH OTHER ORDINANCES

Whenever the standards and specifications in this ordinance conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.

SECTION 8 SAVING CLAUSE

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof, or provision or regulation contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provision of this ordinance.

PASSED AND APPROVED by the Planning and Zoning Commission of the City of Valley View, Texas, on this the ____ day of _____ 2004.

Co. Chairman, Planning & Zoning Commission

Attest:

City Secretary

PASSED AND APPROVED by unanimous vote of the City Council of the City of Valley View, Texas, on this the ____ day of _____ 2004.

Mayor

Attest:

City Secretary

APPENDIX A

SURVEYOR'S CERTIFICATE

That I, Joe R. Smith, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual and accurate survey of the land made on the ground and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Valley View, Texas.

Joe R. Smith
Registered Professional Land Surveyor
RPLS No. 0000

STATE OF TEXAS
COUNTY OF WISE }

Before me, _____, a Notary Public in and for Wise County, Texas, on this day personally appeared Joe R. Smith known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____, A.D. 20__.

Notary Public in and for Wise County, Texas

My commission expires: _____

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF VALLEY VIEW, TEXAS on this the ____ day of _____, 20__.

Chairman, Planning and Zoning Commission

APPROVED BY THE CITY COUNCIL OF THE CITY OF VALLEY VIEW, TEXAS on this the ____ day of _____, 20__.

Mayor

ATTEST:

City Secretary

FILING FEES AND CHARGES

The following schedule of fees and charges shall be paid to the City when any plat is tendered to the Planning and Zoning Commission, City Council, or any other authorized board or agency of the City. Each of the fees and charges provided herein shall be paid in advance, and no action of the Commission, the City Council or any other board or agency shall be valid until the fee or fees shall have been paid to the officer designated therein.

These fees shall be charged on all plats, regardless of the action taken by the Planning and Zoning Commission and the City Council, and whether the plat is approved or denied.

The subdivider shall cause a check to be made payable to the City of Valley View to cover all recording fees involved in finishing the platting process and have this delivered to the City Secretary prior to the submission for approval.

The City shall calculate the fees and charges, in accordance with the following schedule.

Preliminary Plats

\$250.00 per plat, plus \$3.00 per lot.

Final Plats

\$200.00 per plat, plus \$3.00 per lot.

Combination Preliminary and Final Plats

\$300.00 per plat, plus \$1.00 per lot.

Multiple Dwelling, Commercial, or Industrial Areas

For approval of multiple dwelling areas, commercial or industrial areas not subdivided into lots, the preliminary plats shall carry a fee of \$250.00 per plat, plus \$5.00 per acre. The fee for the final plat shall be \$200.00 per plat, plus \$5.00 per acre.

Modular Homes

\$200.00 per plat, plus \$3.00 per lot.

Manufactured Home Subdivision

\$200.00 per plat, plus \$3.00 per lot or mobile home space.

Manufactured Home Parks

\$200.00 per plat, plus \$3.00 per mobile home space.

Replat

In the event of a replat, the subdivider shall reimburse the City for all costs incurred in the process of carrying out all replatting requirements as outlined in this ordinance.