



**AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, FEBRUARY 28, 2019
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
6:30 PM**

Page

1. CALL TO ORDER

**2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS
FLAGS**

**3. APPROVAL OF MINUTES FOR DECEMBER 20, 2018 P&Z
COMMISSION MEETING**

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3.1. [December 20, 2018 P&Z Draft Minutes](#)

4. ITEMS FOR INDIVIDUAL CONSIDERATION

4.1. Public Hearing – The Planning & Zoning Commission will hold a public hearing to receive input regarding proposed revisions to Chapter 10, Subdivision Regulations of the McLendon-Chisholm Code of Ordinances.

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4.2. Discussion and action regarding a recommendation for proposed revisions to Chapter 10, Subdivision Regulations of the McLendon-Chisholm Code of Ordinances.

[City Planner Report/Recommendations for Proposed Revisions to Subdivision Regulations](#)
[Chapter 10, Subdivision Regulations Proposed Revisions](#)

4.3. Public Hearing – The Planning & Zoning Commission will hold a public hearing to receive input regarding proposed revisions to Chapter 14, Zoning Regulations of the McLendon-Chisholm Code of Ordinances.

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4.4. Discussion and action regarding a recommendation for proposed

revisions to Chapter 14, Zoning Regulations of the McLendon-Chisholm Code of Ordinances.

[City Planner Report/Recommendations for Proposed Revisions to Zoning Regulations](#)

[Chapter 14, Zoning Regulations Proposed Revisions](#)

- 170 - 171
- 4.5. Public Hearing – The Planning & Zoning Commission will hold a public hearing to receive input regarding proposed revisions to the Official City of McLendon-Chisholm Zoning Map. Proposed revisions are updates to the map of previously approved zoning changes.
- 4.6. Discussion and action regarding a recommendation for proposed revisions to the Official McLendon-Chisholm Zoning Map. Proposed revisions are updates to the map of previously approved zoning changes.
[City Planner Report/Recommendations for Revisions to 2019 Zoning Map](#)
[Proposed Zoning Map](#)
- 4.7. Public Hearing – The Planning & Zoning Commission will hold a public hearing to receive input regarding proposed revisions to the Official City Limit/Extraterritorial Jurisdiction (ETJ) Map. Proposed revisions include previously approved changes to the City Limits and Extraterritorial (ETJ).
- 172 - 173
- 4.8. Discussion and action regarding a recommendation for proposed revisions to the Official City Limit/Extraterritorial Jurisdiction (ETJ) Map. Proposed revisions include previously approved changes to the City Limits and Extraterritorial Jurisdiction (ETJ).
[City Planner Report/Recommendations for City limits and ETJ Map](#)
[Proposed City Limits/ETJ Map](#)

5. SCHEDULE FUTURE MEETINGS

6. ADJOURN

I, Lisa Palomba, do hereby certify that the above Notice of Meeting of the Planning & Zoning Commission of McLendon-Chisholm, Texas was posted on or before 5:00 p.m., February 21, 2019 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



**PLANNING & ZONING COMMISSION
City of McLendon-Chisholm, Texas
Regular Meeting and Workshop Meeting Minutes
December 20, 2018**

The Planning and Zoning Commission of the City of McLendon-Chisholm convened in Workshop on Thursday, December 20, 2018, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

Robert Rohde	Chairman
Lesley Schwalje	Vice Chairman
Florencia Wilkinson	Commission Member
Tommy Baugh	Commission Member

Staff Present:	Lisa Palomba	City Administrator/City Secretary
	Mike Coker	City Planner

1. Chairman Rohde called the meeting to order at 7:30 p.m.
2. Chairman Rohde led the Pledge of Allegiance.
3. Discussion and action regarding approval of Minutes of the June 14, 2018 Planning & Zoning Commission Regular meeting and November 27, 2018 Regular Meeting and Workshop.

Commissioner Baugh, seconded by Commissioner Schwalje, moved to approve the June 14, 2018 Planning & Zoning Commission Meeting Minutes. A vote was cast and the motion carried with 4 in favor, 0 opposed.

Commissioner Baugh, seconded by Commissioner Wilkinson, moved to approve the November 27, Planning & Zoning Commission Meeting Minutes. A vote was cast and the motion carried with 4 in favor, 0 opposed.

4. Adjourn Regular Meeting.

Chairman Rohde stated that they had completed all the agenda items for the regular meeting. Vice Chairman Schwalje moved to adjourn Regular Meeting. Chairman Rohde asked for a second to the Motion. Commissioner Baugh seconded the motion. Chairman Rohde called for a vote. The motion to adjourn the regular meeting carried with 4 in favor, 0 opposed.

The regular Meeting adjourned at 7:34 p.m.

PLANNING & ZONING COMMISSION WORKSHOP

1. Chairman Rohde called the meeting to order at 7:34 p.m.

2. Chapter 10 Subdivision and Chapter 14 Zoning, Code of Ordinance Updates. City Planner Mike Coker will brief P&Z Commissioners regarding proposed updates to the Code of Ordinances, Chapter 10 Subdivision Regulations and Chapter 14 Zoning Regulations. Commissioners will discuss and consider proposed changes, provide input and schedule a plan to move forward with adoption of Code changes.

Mr. Coker stated that he has proposed changes to many but not all zoning regulations. The bulk of the changes he made were to reduce redundancy, make it consistent with state law, and to do away with items that are no longer applicable. There are three or four major items he made changes to including the length and width requirement for residential districts. He explained that the minimum lot width is 300 feet. He further explained that developers need some flexibility with depth which will give them a lot more design flexibility.

Mr. Coker stated due to the rural nature of McLendon Chisholm he has recommended to give more allowance to agriculturally used parcels of 10 acres or more. He feels this is important because there are people who do not live in McLendon Chisholm who run ranches and they need the opportunity to get water and electrical permits. He clarified that these permits require them to have a Certificate of Occupancy.

Commissioner Baugh asked Coker if this would allow barndominiums. Coker responded it would not.

Mr. Coker stated considering the main house, that people can build up to four times the air conditioned spaced on their property or accessory structures no matter the size of land.

Mr. Coker continued stating that about 95% of his proposed revisions to the zoning ordinance included removing unnecessary words. For example, on the first page he suggested removing duplicate information. He added that there are several pages that he did not touch such as landscaping. He encouraged members of the Planning and Zoning Commission to let him know if they find things that should be added or modified.

Vice Chairman Schwalje asked if they went through the subdivision page by page last month.

Mr. Coker responded that they did. He added that they can do that today as well. He commented that he has made changes to the Zoning Map section in order to show there are electronic versions that will be updated quickly as changes are approved. They are supposed to have one map that is updated each time there is change. The building official gets that electronic copy and it gets updated within a week after the Council changes something.

Mr. Coker stated that he would now go through and point out some of the proposed changes he made. He added that commission members could point out any additional items or changes they wish to bring up.

Mr. Coker stated that he added information to action of the City Council section on page 7. He clarified that this change puts more responsibility on the applicant and will save the City money. He commented that another item under zoning requests is the fee schedule which includes paying for the City Planner's services.

Page 14, Mr. Coker stated that the difference between something that is illegal, and non-conforming is that uses that are non-conforming were started before the change to the ordinance that made it no longer compliant. He also reviewed denial and denial with prejudice.

Mr. Coker commented that he only made changes to the last page of the use charts. At the bottom of the chart next to private stables he added a number 32, which is a reference to an additional special permission for land uses found on page four. He added that if they do not like that idea, they can recommend something else.

Vice Chairman Schwalje commented that this stated it has to be on a minimum of a 10-acre lot.

Mr. Coker stated that he made changes under Plats on page 38. Mr. Coker stated there are other terms they use for "premises" such as "lot" or "parcel."

Mr. Coker stated he feels that the Planning and Zoning Commission has an important role under the State law in recommending amendments to the zoning ordinance and should be involved in the process along with City Council. He added that he wanted to discuss an item on the bottom of page 52. He added that nobody was enforcing the item and it no longer made any sense. He then stated if an owner wants something to go back to agriculture that should be fine since there are different uses for it.

Commissioner Wilkinson asked if there would be a difference in taxes.

Mr. Coker responded that there could be. He added that whether land is zoned as agricultural or residential, it will be tagged as residential for the appraisal district if there is a house on it.

Mr. Coker stated that the minimum dimensions changed from 300 to 200 and 200 to 300. He added that if you multiply 200 feet by 300 feet it is still not an acre and a half.

Vice Chairman Schwalje stated that if it is 200 feet wide it would be more than 300 feet deep and vice versa.

Mr. Coker responded that there is a number they have to meet but this would be providing the flexibility for the designers of the subdivisions.

Vice Chairman Schwalje asked Mr. Coker why they did the 300 feet wide to begin with. She clarified that she does not feel they should make regulation changes to please developers.

Mr. Coker stated he believes part of it had to do with agricultural barns. He added there is another place that says 400 feet. He clarified that he is not sure what the right distance is. The Board of Adjustment has had two cases where people have asked for a variance to allow for less than 300 feet. He stated that the change is not only to provide flexibility but to make it conform to subdivision regulations.

Vice Chairman Schwalje stated she did not have a problem with the change but was simply curious.

Mr. Coker stated that he understands the question but may not have the answer. He clarified in the right-hand column of the land use section there are numbers which refer to other sections.

Vice Chairman Schwalje commented it is under the agricultural use section. She added that she only asked since her neighbor's fence for their horses is up against her property line.

Mr. Coker responded that agricultural zoning district is a residential zoning district. He then asked if this is something he needs to look at more.

Vice Chairman Schwalje responded she did not know.

Mr. Coker stated he thinks it is something he needs to take a look at.

Vice Chairman Schwalje stated she would not consider that a kennel or a pen.

Mr. Coker commented that it is restricted either way.

Vice Chairman Schwalje stated it is also under the kennel section.

Mr. Coker stated he would go through it again. He added that Council will see this again at their public hearing sometime next month. He then commented that they will know what changes have occurred since this meeting.

Vice Chairman Schwalje commented that nine shows up under kennel and agricultural use. She added that it is strange under the agricultural use section, but she agrees with it under the kennel section.

Mr. Coker stated that maybe they change agricultural use.

Vice Chairman Schwalje commented that it was also under veterinarian's office.

Mr. Coker responded that he was not sure it belonged in that section.

Vice Chairman Schwalje stated it shows up a lot.

Mr. Coker replied that it does. He then added that he did not spend very much time on the use Chart. He commented that he would compare it to the other 31 uses and if the Commission had any recommendations or changes they would like made before the 17th they can give those to Ms. Palomba.

Vice Chairman Schwalje stated that she lives on a private street. Private streets that are not being maintained is a problem.

Mr. Coker stated they need to be sure that home owners' associations adopt those rules and that they are attached to a subdivision. This way people will understand the responsibilities that go with their property when they purchase it.

Mr. Coker stated page 71 addresses Light Industrial Districts which they currently do not have but may have in the future. He then stated that he has made recommendations to change the building form for commercial buildings such as adjusting the minimum square footage requirement for a commercial building on a single floor.

Mr. Coker stated that he added a new section on page 81.

Mr. Coker stated that he has taken a lot out from the specific use permit section on page 82. On page 84 it addresses time limits for a person to accomplish something before their specific use permit becomes invalid. He would like for the Planning and Zoning Commission to be able to make recommendations to City Council on the length of those time limits. This will allow them to suggest a shorter time period for certain specific use permits. An example of this would be giving a time limit of 10 years for a school on a piece of land if the City had other plans for the property in the future.

Mr. Coker stated that he added some things to page 88. He then added that parking has to be in the garage. They can also have as much additional non-required parking as they want.

Vice Chairman Schwalje asked if it was standard to require and enclosed garage.

Vice Chairman Schwalje clarified that it is not required for a garage to be attached but it has to be enclosed.

Mr. Coker responded that is correct.

Mr. Coker commented that he did not make any modifications to the landscaping section. He also did not discuss wireless facilities since they did that earlier this year.

Mr. Coker stated that they should take another look at the additional conditions and language changes made and if they have any further suggestions they can bring those to Ms. Palomba who will get those to him. He will then send the amended sections back out for them to see. He added that he feels this is a good start since it is the first time they have gone back over the Zoning Ordinances since 2007. He then asked if there were any further questions.

Mr. Coker stated that he was finished and turned the time back over to Mr. Rhode.

3. City Limit and Zoning Map Updates. City Planner Mike Coker will review proposed changes to the official City Maps. These changes reflect previously approved zoning changes and boundary adjustments. P&Z Commissioners may discuss and consider each map, provide input and schedule future public hearings in preparation for adoption of the official maps.

Chairman Rhode asked if they would like to discuss the Map Updates.

Mr. Coker commented to Mr. Rhode that they have time to discuss it.

Mr. Coker presented the proposed map updates.

Vice Chairman Schwalje mentioned it is important to keep the future land use map electronically. She further stated that while the Zoning Map is important the Future Land Use Map is more so.

Chairman Rhode asked if there were any more questions or comments.

4. Schedule future meetings.

The next meeting is scheduled for January 17, 2019.

5. Adjourn Workshop.

There being no further business, Commissioner Baugh moved to adjourn the meeting, seconded by Vice Chairperson Schwalje. Chairman Rhode adjourned the workshop at 8:26 p.m.

ATTEST:

Lisa Palomba, City Secretary

APPROVED:

Robert Rohde, Chairman

HONORABLE PLANNING AND ZONING COMMISSION

CITY OF MCLENDON-CHISHOLM, TEXAS

REPORT PREPARED BY MICHAEL COKER

DATE PREPARED: January 14, 2019

APPLICANT: City of McLendon-Chisholm

LOCATION: City Wide

SIZE OF REQUEST: City Wide

REQUEST: Recommendations for amendments to Chapter 10, Subdivision Regulations of the McLendon-Chisholm Code of Ordinances

REPRESENTATIVE: City Planner

PLANNING AND ZONING COMMISSION HEARING DATE:

February 28, 2019

STAFF RECOMMENDATION:

APPROVAL OF THE RECOMMENDED CHANGES TO THE SUBDIVISION REGULATIONS

The recommended amendments have been distributed previously and have been discussed with the Planning and Zoning Commission at a previous workshop.

CHAPTER 10

SUBDIVISION REGULATION

ARTICLE 10.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 10.02 SUBDIVISION ORDINANCE*

Sec. 10.02.001 Purpose

(a) Under the provisions of the Constitution and laws of the State of Texas, including particularly chapter 212 of the Texas Local Government Code, as heretofore or hereafter amended, hereafter every owner of any tract of land situated within the city or within the extraterritorial jurisdiction of the city, who may hereafter divide the same in two or more parts described by metes and bounds or otherwise for the purpose of laying out any subdivision of such tract of land or any addition to the city; or for laying out suburban, building or other lots, or to lay out streets, alleys, squares, parks, or other parts, are required to submit a plat of such subdivision or addition for approval by the governing body of the city. The rules and regulations of the city established by ordinance governing plats and subdivisions of land be and the same are hereby extended to and shall apply to all of the area under the extraterritorial jurisdiction of the city.

(b) On and after the passage of this article, any person, firm or corporation seeking approval of any plat, plan or replat of any subdivision of land within the city, and its legally established extraterritorial jurisdiction shall be required to comply with the requirements of this article before such approval may be granted.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-1)

Sec. 10.02.002 General

These regulations shall govern every person, firm, association or corporation owning any tract of land within the city limits who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the city, or for laying out suburban, building or other lots, or for laying out any streets, alleys, squares, parks or other portions intended to be dedicated for public use, or other portions intended for public use, or the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts. (Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-2)

Sec. 10.02.003 Definitions

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

The word "shall" shall be deemed as mandatory. The word "may" shall be deemed as permissive.

Administrative officers. Any officers referred to by title, i.e., city manager, city attorney, city secretary, city engineer, director of public works, etc., and shall be the person so retained in this position by the city, or his duly authorized representative.

Alley. Minor way used primarily for vehicular service to the rear or side of properties otherwise abutting on a street.

Building line. A line beyond which any structure must be set back from the street or road right-of-way line or

property line.

City or the city. The City of McLendon-Chisholm.

City council. The governing body of the city.

Codes. Any adopted set of regulations. All improvements within the city shall be in accordance with the codes adopted by the city.

Collector street. A street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares, highways, or business districts.

Commission. The city planning and zoning commission, if active. If inactive, then commission shall refer to the city council as the authority for plat review, study and approval.

Cul-de-sac. A short residential street having but one vehicular access to another street and terminated by a vehicular turn-around.

Dead-end street. A street with only one outlet. There shall be no dead-end streets without a cul-de-sac turn-around.

Easement. An area on private property designated for some specific purpose, together with the uninhibited right of access and use of said area as long as this purpose is served.

Engineer. The city engineer, the city's consulting engineers, or their duly authorized representatives.

Final plat. Any plat or any lot, tract, or parcel of land that is to be recorded of record in the deed records of the county.

Master plan. The comprehensive plan of the city and adjoining areas as adopted by the city council, including all its revision. This plan indicates the general location recommended for various land uses, transportation routes, public developments and improvements.

Owner, subdivider, or owner/subdivider. As used herein shall refer to the person or entity owning the property in fee simple or possessing the lawful authority to subdivide or convey the property. It shall also include the duly authorized agent or representative of the owner of the real estate or a person holding a lawful and valid power of attorney concerning the property.

Plat. A subdivision exhibit, legal description, plans and necessary signature blocks.

Preliminary plan. Any plat of any lot, tract, or parcel of land that is not to be recorded of record but is only a proposed division of land for review and study by the city.

Replating The resubdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.

Residential street. A street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.

Resubdivision. The division of an existing subdivision, together [with] any change of lot size therein, or with the relocation of any street lines.

Street. A way for vehicular traffic whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Street right-of-way width. The shortest distance between the lines, which delineate the rights-of-way of a street.

Subdivision. The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale, building, development, or transfer of ownership, and shall include resubdivision.

Thoroughfare. A principal traffic thoroughfare more or less continuous across the city which is intended to connect remote parts of the city, or areas adjacent thereto, and act as a principal connecting street with state and interstate highways.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-3)

Sec. 10.02.004 Purpose, authority and jurisdiction

(a) Under the authority of chapter 212 of the Texas Local Government Code, which is hereby made a part of these regulations, the city does hereby adopt the following regulations to hereafter control the subdivision of land within the corporate limits of the city and in the unincorporated

areas lying within the extraterritorial jurisdiction of the city limits, in order to provide for the orderly development of the areas and to secure adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewage, and other facilities.

(b) Any owner of land located inside of or within the extraterritorial jurisdiction (i.e., within one-half mile) of the city wishing to subdivide such land shall submit to the city a plan of the proposed subdivision which shall conform to the minimum requirements set forth in these regulations. An owner subdividing his land into parcels of not less than five acres each for agricultural use and not involving new streets shall be exempt from these requirements.

(c) An owner of land within the city or within its extraterritorial jurisdiction shall submit to the city a plan of the proposed subdivision which shall conform to the minimum requirements set forth in these regulations if, in addition to the conditions set forth in the foregoing subsection (b) of this section, the owner intends to lay out suburban, building or other lots, to lay out streets, alleys, squares, parks, or other parts to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to said streets, alleys, squares, parks, or other parts. An owner who intends to build on or improve any unplatted tract of real property within the city or within its extraterritorial jurisdiction shall conform to the minimum requirements set forth in these regulations if the owner must dedicate, convey, transfer, create or otherwise set aside easements for public utilities.

(d) No subdivision plat shall be filed or recorded, and no lot in a subdivision inside of or within one-half mile of the corporate limits of the city shall be improved or sold, until a plat thereof shall have been first approved by the city council. The city shall have the authority to prohibit the installation of public utilities in unapproved streets and to prohibit the issuance of building permits for structures on lots abutting on unapproved streets.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-4)

Sec. 10.02.005 Preliminary plans and final plats

(a) Procedure.

(1) A preliminary plan of any proposed subdivision shall first be filed by the property owner or his duly appointed representative with the city secretary and submitted to the planning and zoning commission for review, study, and recommendation to the city council before the owner proceeds with the final plat of record. Following recommendation by the commission, the preliminary plan shall be submitted to the city council commission for review, study, and approval. This preliminary plan shall be drawn to a scale not to exceed 200 feet to the inch.

(2) The preliminary plat shall contain the following information:

(A) Existing features inside subdivision.

(i) The existing boundary lines of the land to be subdivided. Boundary lines shall be drawn in heavy [lines] for easy identification, complete with bearings and distances.

(ii) The location of existing watercourses, railroads, and other similar drainage and transportation

features.

(iii) The location and width of existing streets, alleys, easements, pipelines, watercourses, location and site of any existing water or sewer mains.

(iv) An accurate legal description of the land to be subdivided.

(B) Existing features outside subdivisions.

(i) The name and property lines of adjoining property owners with legal file reference.

(ii) The name and location of adjacent subdivisions, streets, easements, pipelines, watercourses, and location and site of any existing water or sewer mains.

(C) New features inside subdivision.

(i) The proposed name of the subdivision.

(ii) The location, right-of-way width and names of proposed streets.

(iii) The approximate width and depth of all lots. If the side lines are not parallel, the approximate distance between them at the building line and at the narrowest point should be given.

(iv) The location of building lines, alleys and easements.

(v) The location and approximate size of sites for schools, churches, and parks and other special land uses, intended to be dedicated to public use or reserved for common use of owners in the subdivision.

(vi) The approximate acreage of the property to be subdivided.

(vii) A proposed utility plant should be included and where, unusual grade conditions exist, the city's engineer may require preliminary street grades.

(viii) The proposed use of any land contained in the subdivision that is not within the boundaries of lots or street right-of-way.

(D) Key map. A key map showing relation of subdivision of well-known streets in all directions to a distance of at least one mile.

(E) Title, etc. The date, scale, north point and title under which the plat is to be recorded, with the name of the owner and engineer platting the tract.

(3) Submission. The city shall be furnished with ten legible prints of the preliminary plan and with ten copies of a letter of transmittal stating briefly the type of street surfacing, drainage, results of site soil test reports, sanitary facilities, and water supply proposed, and the name and address of the owner or agent and engineer, together with a written application for approval on a form prescribed by the city. The prints, letters and application shall be filed with the city secretary at least ten but not more than 21 consecutive calendar days before the next available meeting of the planning and zoning commission at which such preliminary plan is to be considered. A preliminary plan application filed prior to the 21st day preceding the next succeeding regular meeting may be considered as having been filed on the 21st day preceding the meeting. A preliminary plan

application filed within ten days of the next succeeding regular meeting shall be considered as having been filed on the 21st day preceding the second succeeding regular meeting. A plan application which is not accompanied with the prescribed filing fees will not be considered as having been filed.

(4) Approval. The planning and zoning commission shall recommend that the preliminary plan be approved, conditionally approved or disapproved within 30 days of the date that the plan is considered to have been filed. The city council shall approve, conditionally approve or disapprove the preliminary plan within 30 days of the date that the commission makes its recommendation. Approval of the preliminary plan shall not constitute final acceptance of the final plat.

Preliminary approval will expire six months after the approval by the city council of the preliminary plan or final sections thereof, except that if the owner shall apply in writing prior to the end of such six-month period setting forth reasons for needing the extension, this period may be extended for another six months but not beyond a total of one year.

(b) Final plat. After approval of a preliminary plan by the city council, a final plat, prepared by a registered engineer and bearing his seal, shall be submitted to the city council by filing in the office of the city secretary. Such plat shall have all changes and alterations made on it that were required on the previously submitted preliminary plan.

(1) Sheet size and scale. All final plats shall be drawn in India ink or comparable on tracing cloth or plastic tracing sheets 24 inches by 30 inches and to a scale of one inch equals 100 feet or in accordance with the county final plat requirements. Where more than one sheet is required, an index sheet of maximum size 18 inches by 27 inches shall be filed showing the entire subdivision.

(2) The final plat shall contain the following information.

(A) Existing features inside subdivision.

(i) The existing boundary lines with accurate distances and bearings of the land to be subdivided. Boundary lines shall be drawn in heavy [lines] for easy identification.

(ii) The location of existing watercourses, railroads, and other similar drainage and transportation features.

(iii) True bearings and distances to the nearest established street lines, official monuments, or subdivision corners.

(iv) The location and width of existing streets, alleys, easements, rights-of-way, buildings, and structures to be retained.

(v) Topographical information with contour lines at one-foot intervals.

(vi) An accurate location of the subdivision in reference to the deed records of the county which shall include the volume and page of the deed of the property to be subdivided.

(B) Existing features outside subdivision.

(i) The name and property lines of adjoining subdivisions and of the adjoining property owners,

together with the respective plat or deed references.

(ii) The name and location of adjacent streets, alleys, driveways, easements, watercourses, etc. All lines outside of subdivision boundaries shall be dashed.

(C) Streets, alleys, easements. Engineering construction standards for inspections are set forth in [appendix 1](#).

The lines and names of all proposed streets or other ways or easements to be dedicated to public use shall be shown on the final plat with the following engineering data:

(i) For streets. Complete curve data (delta, length, radius, tangent, point of curve, point of reverse curve, point of tangent) shown on the centerline on each side of street; length and bearings of all tangents; dimensions from all angle points and points of curve to an adjacent side lot line.

(ii) For watercourses and easements. Drainage easements will be provided covering all land within the subdivision that is subject to inundation by a 100-year storm. Lots that are adjacent to a major watercourse will show minimum finish flood elevations two feet above the calculated 100-year flood elevation.

(D) Lots and blocks. The lines and numbers of all proposed lots and blocks with complete bearings and dimensions for front, rear and side lot lines, and area of each lot.

(E) Reservations. The use and property dimensions of all special reservations, including sites for schools, churches, and parks.

(F) Monuments and control points.

(i) The description and location of all permanent survey monuments and control points.

(ii) Suitable primary control points to which all dimension bearings and similar data shall be referred. Dimensions shall be shown in feet and decimals of a foot.

(iii) Reference to source of bearing for legal description.

(iv) Reference to existence of any floodplain indication on FEMA map.

(G) Key map. A key map showing relation of subdivision to well-known streets in all directions to a distance of at least one mile.

(H) Title, etc. The date, scale, north point and subdivision title, name and address, and seal of engineer.

(I) Dedications and certificates. Such dedications and certificates as are applicable.

(i) A certificate of dedication of all streets, public highways, alleys, parks, utility easements, and other land intended for public use forever, signed by the owner or owners and by all other parties who have a mortgage or lien interest in the property and acknowledged before a notary public. All deed restrictions that are to be filed with the final plat shall be shown or filed separately.

(ii) A waiver of claim for damages against the city occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades

established in the subdivision.

(iii) Certification by a registered engineer or a licensed state land surveyor, duly licensed by the State of Texas, to the effect that the plan represents a survey made by him, and that all the necessary survey monuments are correctly shown therein.

(iv) The following certificates shall be placed on the final plat, in a manner that will allow the filling in of the certificate by the proper party:

"1. Approved:

Mayor
Date

2. Acknowledged:

This approval shall be invalid unless the approved Final Plat for such Addition is recorded in the office of the County Clerk of Rockwall County, Texas within ninety (90) days from said date of final approval.

Witness my hand this _____ day of _____, 20_____.

City Secretary, City of McLendon-Chisholm, Texas"

(J) Special restrictions. Where restrictions of use of land, other than those given in these regulations, are to be imposed by the owner/subdivider, such restrictions shall be placed on the final plat or on a separate instrument filed with the plat.

(K) Tax certificates showing that all ad valorem taxes have been paid are to be submitted concurrent with the final plat.

(3) Submission. The city shall be furnished with ten legible prints and the original tracing of the final plat at least ten but not more than 21 consecutive calendar days before the next available meeting of the planning and zoning commission at which such final plat is to be considered. One additional copy of the final plat together with engineering plans shall be submitted to city staff for review at least ten days prior to the submission of the final plat to the city council. A final plat filed prior to the 21st day preceding the next succeeding regular meeting of the commission may be considered as having been filed on the 21st day preceding the meeting. A final plat filed within ten days of the next succeeding regular meeting shall be considered as having been filed on the 21st day preceding the second succeeding regular meeting. A plat which is not accompanied with the prescribed filing fees will not be considered as having been filed.

(4) Approval. Final approval will expire one year after the city council action granting approval of any final plat unless that plat has been filed for record, except that if the owner/subdivider shall apply in writing prior to the end of such one-year period, stating reasons for needing the extension, this period may at the discretion of the city council be extended for another year but not beyond

that period. The owner/subdivider may obtain approval of a portion or a section of a subdivision for which tentative or conditional approval was obtained on a preliminary plan provided he meets all the requirements of this article with reference to such portion or section in the same manner as is required for a complete addition. The final plat shall not be filed of record until the subdivision has been constructed and accepted by the city.

(5) The owner/subdivider may, at his option, elect to combine his preliminary plan and final plat of a subdivision whenever the tract of land:

(A) Is to be resubdivided without a change of street locations, or is so situated that the pattern of streets in said tract is predetermined by streets of immediately adjacent adjoining recorded subdivisions;

(B) The proposed development will be of the same use and of comparable density as adjacent existing or contemplated development; and

(C) Is a minimum of two and one-half acres in total area.

(6) Administrative approval of amending plats. The mayor and city administrator may jointly approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

(A) To correct an error in a course or distance shown on the preceding plat;

(B) To add a course or distance that was omitted on the preceding plat;

(C) To correct an error in a real property description shown on the preceding plat;

(D) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

(E) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(F) To correct any other type of scrivener or clerical error or omission previously approved by the city council, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(G) To correct an error in courses and distances of lot lines between two adjacent lots if:

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

(ii) Neither lot is abolished;

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

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

(H) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

- (I) To relocate one or more lot lines between one or more adjacent lots if:
 - (i) The owners of all those lots join in the application for amending the plat;
 - (ii) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (iii) The amendment does not increase the number of lots;
- (J) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - (i) The changes do not affect applicable zoning and other regulations;
 - (ii) The changes do not attempt to amend or remove any covenants or restrictions; and
 - (iii) The area covered by the changes is located in an area that the city council has approved, after public hearing, as a residential improvement area; or
- (K) To replat one or more lots fronting on an existing street if:
 - (i) The owners of all those lots join in the application for amending the plat;
 - (ii) The amendment does not attempt to remove recorded covenants or restrictions;
 - (iii) The amendment does not increase the number of lots; and
 - (iv) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

Notice, hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

(c) Fees and charges. The schedule of fees and charges, as adopted and maintained in the offices of the city, shall be paid into the general fund of the city when any map, plan or plat is filed with the city secretary for city council review, study and approval, or is tendered to the city council. Each of the fees and charges set forth therein may be changed or modified by the city council as set forth in the city's master fee schedule. Each of the fees and charges provided therein shall be paid in advance and no action of the city council shall be valid until the fee shall have been paid. Unless otherwise exempted or waived, any map, plan or plat not accompanied with the required fee shall not be considered as filed. The city secretary shall calculate the fees and charges in accordance with the master fee schedule.

- (1) Any engineering fees and attorney's fees incurred by the city in the plat review process [shall be paid by the owner/subdivider]. Such charges and fees shall be paid by the owner/subdivider upon presentation of an invoice for said charges. Should the owner/subdivider fail to reimburse the city for such charges and fees, the city may withhold any future approvals and/or the issuance of any permits related to the subdivision or its development.
- (2) These fees shall be charged on all plats, regardless of the action taken by the city council and whether the plat is approved or denied, unless otherwise waived or exempted by the city council.
- (3) The owner/subdivider shall cause a cashier's check or certified check to be made payable to

the city secretary to cover all recording fees involved in finishing the platting process and have this delivered to the city secretary 14 days prior to the submission for approval.

(d) Maintenance bond. The owner/subdivider shall furnish a good and sufficient maintenance bond in an amount not to exceed ten (100) percent of the total cost of all street and alley construction within the subdivision with a reputable and solvent corporate surety, in favor of the city, to indemnify the city or association of homeowners or property owners against any repairs which may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein, for a full period of two years from the date of final acceptance of the entire project. Final acceptance will be withheld until said maintenance bond is furnished to the city.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-5; Ordinance adopting Code)

Sec. 10.02.006 General requirements and design standards

(a) Streets.

(1) Conformity to major street plan. The width and location of streets shall conform to such major street plan as the city council may have adopted, both as to horizontal and vertical alignment and right-of-way widths.

(2) Relation to adjoining street system. The proposed street system shall extend all existing major streets and such existing secondary and local-access streets as may be desirable for convenience of circulation. Where possible, the width and the horizontal and vertical alignment of extended streets shall be preserved.

(3) Street jogs. Where off-sets in street alignment are, in the opinion of the city council, unavoidable, such off-sets may be employed provided the distance between centerlines is not less than 125 feet.

(4) Large-lot subdivisions. If the lots in the proposed subdivision are large enough to suggest resubdivision in the future, or if part of the tract is not subdivided, consideration must be given to possible future street openings and access to future lots which could result from such resubdivision.

(5) Through traffic. Local residential streets shall be designed so as to discourage high-speed or through traffic.

(6) Topography. The street system shall bear a logical relationship to the natural topography of the ground.

(7) Street right-of-way widths. Street width and street right-of-way width shall be measured from front lot line to front lot line of opposite lots.

(A) Residential streets. Residential streets shall have a minimum right-of-way width of 60 feet. Paving shall be not less than 24 (28) feet in width with three-foot shoulders without curbs or not less than 27 (29) feet with curbs.

(B) Collector streets. Collector streets shall have a minimum right-of-way width of 70 feet.

Paving shall be not less than 24 (37) feet in width with six-foot shoulders without curbs or not less than 37 (41) feet with curbs.

(C) Major thoroughfare. The width of major thoroughfares shall be determined by the city council or the city's master thoroughfare plan; however, this classification carries a minimum right-of-way of 100 feet and a maximum of 120 feet.

(8) Street horizontal alignment. The maximum deflection in alignment permitted without use of curve shall not exceed one degree.

(9) Major street curves. Curves along street centerlines shall conform to the following standards, with exceptions to these standards granted only by the city council:

Classification	Design Speed (MPH)	Centerline Radius (feet)	
		Desirable	Minimum
Major	55	1,000	800
Secondary	40	550	425
Local	30	300	200

(10) Reverse curves. Reverse curves whenever possible shall be separated by a minimum tangent of 100 feet.

(11) Vertical curves. Vertical curves shall be provided for all grade changes greater than one degree (see [appendix 1](#)).

(12) Dead-end streets/culs-de-sac.

(A) Turnarounds. Turnarounds are to have a minimum right-of-way radius of 60 feet and a pavement radius of 45 feet.

(B) Maximum length. The maximum length of a dead-end street with a permanent turnaround or a cul-de-sac with a permanent turnaround shall be 600 feet.

(C) Temporary turnaround. A temporary turnaround is to be provided at the end of streets more than 400 feet long that will be extended in the future. The following note should be placed on the plat: Cross-hatched area is temporary easement for turnaround until street is extended [give direction] in a recorded plat.

(13) Street intersections.

(A) Angle of intersection. Except where existing conditions will not permit, all streets, major and minor, shall intersect at a 90-degree angle. Variations of more than ten degrees on minor streets and more than five degrees on major or secondary streets must first be approved by the city council.

(B) Radius at acute corners. Acute angle intersections approved by the city council are to have

25 foot or greater radii at acute corners.

(C) Centerline tie with existing streets. Each new street intersecting with or extending to meet an existing street shall be tied to the existing street on centerline with dimensions and bearings to show relationship.

(14) Partial or half-streets. Partial or half-streets may be provided where the city council finds that a street should be located on a property line. The following note shall be used in all such dedications: "This _____ foot strip is dedicated as easement for all utility purposes including storm and sanitary sewers and shall automatically become dedicated for street purposes when and insofar as a _____ foot strip adjacent to it is so dedicated and the required improvements are installed."

(15) Reserve strips. Provisional one foot reserves may be used along the side or end of streets that abut acreage tracts, accompanied by a note on the plat that states as follows: "One foot reserve to become automatically dedicated for street purposes when adjacent property is subdivided in a recorded plat."

(16) Street names. New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the city.

(17) Street and alley maintenance. The repair and maintenance of all streets and alleys shall be the responsibility of the abutting property owners or a valid and functioning association of homeowners or property owners within the subdivision. All applications for approval of any preliminary plan or final plat of a proposed residential subdivision in which the construction or placement of any streets or alleys is a component must be accompanied by true and correct copies of homeowner's association regulations or deed restrictions which require all street and alley maintenance to be the responsibility of a homeowner's association or abutting property owners.

(b) Lots.

(1) Use. All lots shown on the plat will be for residential purposes unless otherwise noted. The standards that follow apply to residential lots.

(2) Lot size. The minimum area of all lots shall conform with the city's comprehensive zoning ordinance. The minimum area of all lots shall be at least the size prescribed in the zoning regulations applicable to that district.

(3) Minimum width. Lots with radial side lines diverging toward the rear shall have a minimum of 200 feet width, 75 feet behind the front property line, and lots that have radial side lot lines convergent toward the rear shall have a minimum of 200 feet width, 250 feet behind the front property line.

(4) Minimum depth. No lot shall have a depth of less than 300 feet.

(5) Lots on drainage easements. Minimum usable lot depths for lots backing on natural drainage easements shall not be less than 100 feet measured between front lot line and drainage easement.

- (6) Lot width definition. The lot width is the average of front and rear lot dimensions.
- (7) Lot shape. Lots should be rectangular insofar as practicable. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed two and one-half times.
- (8) Lot lines. Side lot lines should be perpendicular or radial to street frontage and the following note may be used in lieu of bearings: All side lot lines are either perpendicular or radial to street frontage unless otherwise noted.
- (9) Lot facing.
- (A) Street frontage. Each lot shall be provided with adequate street access.
- (B) Front facing. In general, an arrangement placing adjacent lots at right angles to each other should be avoided.
- (10) Lot numbering. All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plan.
- (11) Driveway restrictions. Rear and side driveway access to major thoroughfares shall be prohibited.
- (c) Building lines.
- (1) Front street. The front building lines shall not be less than 75 feet from the front property line.
- (2) Side, rear. The side and rear building line setbacks shall be as set forth in the city's comprehensive zoning ordinance and the zoning regulations applicable to the district in which the property lies.
- (d) Alleys.
- (1) Alley width. Where provided, alley rights-of-way shall not be less than 20 feet.
- (2) Alley intersections. All alleys intersecting with another alley shall have a centerline radius of 40 feet, a property line radius of 30 feet, and shall conform to the standard details.
- (3) Dead-end alleys. Dead-end alleys will not be permitted. Alleys in new subdivisions shall connect to alleys in adjacent subdivisions wherever feasible.
- (4) Alleys required. Alleys shall be required in all business areas and in those portions of new residential subdivisions where partial blocks are needed to complete existing blocks with alleys.
- (e) Easements.
- (1) Size. The size of easements for drainage shall be a minimum of 15 feet in width or as established by the city engineer.
- (2) Use. Where necessary, easements shall be retained for wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines or other utilities. Such easements may be required across parts of lots (including side lines), other than as described above, if in the opinion

of the city council same is needed.

(3) Underground utilities. All subdivisions shall place all utilities underground after the effective date of this article.

(4) Major trees within utility easements. Every precaution shall be utilized to protect the natural environment of the subdivision, preserving prominent trees wherever possible, and the owner/subdivider shall advise the city council of the necessity of destroying an inordinate amount of trees, and the method of restoration of the area in keeping with the spirit of the city.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-6)

Sec. 10.02.007 Improvements

(a) Monuments. Concrete monuments eight inches in diameter and 15 inches long shall be placed at reasonable intervals at all corners of the boundary lines of a subdivision. The exact intersection point on the monument shall be marked by a reinforcing bar one-half inch in diameter and 12 inches long embedded in the concrete monument.

Intermediate property corners, curve points and angle points shall be marked with a piece of one-half inch round reinforcing rod driven flush with the finished ground level or lower if necessary in order to keep same from being disturbed.

(b) Other required improvements, see engineering and construction standards.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-7)

Sec. 10.02.008 Landscape buffers

(a) Street buffer. In all zoning districts, a 20-foot landscape edge or buffer must be provided along the entire length of the perimeter of a lot or subdivision where the perimeter is adjacent to a public or private street, exclusive of driveways and alleys. The paved and unpaved portion of any city right-of-way shall not be included in this 20-foot buffer.

(b) Zoning district buffer. Whenever a nonresidential use, mobile-home use, or multifamily use is adjacent to property used or zoned for single-family residential purposes, the more intensive land use shall provide a landscaped area edge of at least ten feet in width along the common property line.

(c) Subdivision entryways.

(1) Entryways into and exits from subdivisions shall be landscaped. Both sides of streets, whether public or private, which serve as a means of ingress or egress from residential subdivisions that consist of at least ten lots shall be landscaped on both sides of the entry or exit way.

(2) Each landscape area shall consist of not less than 25 feet of frontage along the entry and exit way and 25 feet of frontage along the adjacent street, and shall have a depth of at least 20 feet.

(3) Subdivision entryway landscaping shall be designed so as to avoid an impairment of visibility of operators of motor vehicles entering and exiting the subdivision when the plant materials reach full maturity.

(4) The developer and/or property owners of residential subdivisions that consist of ten or more

lots shall have a homeowners' association that shall be responsible for the perpetual maintenance and upkeep of all landscape areas.

(d) Plant materials.

(1) Landscape buffers and landscaped areas of subdivision entryways shall be planted with at least one shade tree (minimum four inches in caliper measured at four feet above natural grade and 16 feet in height at time of planting) for each 20 linear feet or portion thereof of adjacent exposure.

(2) When required to be planted, tree types should include trees identified in the "approved replacement tree list" of the city's Tree Preservation Code. Landscape buffers and areas shall also consist of shrubs, ornamental trees, ground cover, or sod. All plant materials shall conform to the requirements described in the most current edition of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

(3) No tree may be planted closer than five feet of the paved portion of any impermeable surface.

(4) No plant material shall be planted or located in such a way that, at full maturity, the plant material may obstruct or impair the view of operators of motor vehicles on any public or private street or interfere with the use and maintenance of utility fixtures or equipment.

(5) In the event that any plant materials shall die or be removed or destroyed within a period of one year after planting, the developer, property owner or homeowners' association shall replace the plant material with similar or suitable plantings.

(e) Waivers by city council.

(1) The city council may reduce the width of the required landscape buffer when the reduction is required for public improvements.

(2) The city council may waive or modify any of the requirements of this section upon application by the developer, property owner or homeowners' association, following recommendation by the planning and zoning commission, when deemed to be in the best interests of the public health, safety, morals or general welfare.

(f) Landscape plans.

(1) Prior to or simultaneously with the submission of an application for approval of a site plan or preliminary plan, including replats of existing lots and subdivisions, a landscape plan must also be submitted.

(2) The landscape plan must show the location, type and species of all plants and plant materials and must affirmatively show compliance with the requirements of this section.

(3) Landscape plans shall make provisions for perpetual maintenance by the developer, property owner or homeowners' association.

(g) Lot coverage for nonresidential property. For nonresidential and multifamily property, at least 15 percent of the gross lot or tract (exclusive of rights-of-way) shall be maintained as a landscaped

area. All screening, parking perimeter, and interior parking landscaping shall be included in the overall 15 percent of gross site landscaping. No parking lot tree island may be less than ten feet wide in any dimension and shall not contain less than 100 square feet of continuous permeable land.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-7A)

Sec. 10.02.009 Floodplains

No permanent structures shall be built within any floodplain at an elevation below the 100-year flood line. The finished floor pad shall be a minimum two feet above the 100-year flood level. No septic tanks or on-site septic systems shall be built, located or situated in areas designated as a floodplain. (Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-8)

Sec. 10.02.010 Drainage requirements

(a) General policy.

(1) The commission shall not recommend for approval any plat, development plan, or subdivision which does not make adequate provision for stormwater or floodwater runoff channels or basins and the city council may not approve such plats, development plans, or subdivisions without such provisions. Drainage provisions shall ensure the health and safety of the public and property in times of flood and such drainage facilities shall not cause excessive increases in flood heights or velocities, particularly to adjacent and downstream properties. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(2) The owner/subdivider or applicant may be required by the planning and zoning commission or city council as a condition of preliminary plan and/or final plat approval to carry away by pipe or open ditch any spring or surface water that exists either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications of the town.

(b) General design standards. For all subdivisions consisting of more than ten lots, the following requirements must be demonstrated as a condition for the approval of any preliminary plan or final plat, and must be shown on the face of the plan or plat or by separate document filed contemporaneously with the application for approval of the plan or plat:

(1) Coordination with any comprehensive master drainage plan adopted by the city council is required and shall be demonstrated in the preliminary plan and/or final plat.

(2) The complete drainage system is composed of:

(A) The initial system, consisting of inlets, storm drains, and the associated appurtenances to convey the initial storm runoff (ten-year 100 -yr); and

(B) The major system of the major runoff (100-year), which consists of swales, creeks, channels, floodways and emergency overflows to prevent water encroachment into residential and commercial facilities.

(3) Channels are to be concrete-lined at least to the ten-year frequency channel flow level with additional height to carry the 25-year flow. 100-year flow is to be contained within the ~~building~~ (~~channel easement~~) lines of the channel ~~with a minimum of 1 foot of freeboard below the top of the embankment~~. Unlined channels will be considered and may be approved for quantities of floodwater larger than the equivalent flow of a 72-inch pipe.

(4) Utilization of ~~retention~~ (detention) ponds and dispersion areas and preservation of major floodplains, etc., shall be strongly encouraged and may be required if a proposed drainage improvement is found to create actual or potential upstream, adjacent or downstream property damage due to the creation of excessive flood velocities or heights.

(5) The city's major drainage floodplains that are still functioning in a natural or semi-natural state will require special drainage and other preservation considerations. To implement this policy of the natural 100-year floodplain for flooding areas draining one square mile or more, it may be recommended that these areas be zoned for planned development when zoning requests are made so that channel improvements and preservation efforts will be coordinated and defined on the site plan before detailed plans are submitted.

(6) Criteria for pipes.

(A) Minimum velocity with the pipe flowing full shall be three feet per second.

(B) The minimum storm drainpipe diameter shall be 15 (18) inches.

(C) Pipe diameters shall not normally decrease downstream.

(D) Pipe crowns at change in sizes should be set at the same elevation.

(7) Vertical curves in the conduit will not be permitted, and horizontal curves will be permitted only with the approval of the town engineer.

(8) Inverted crown sections will be permitted only in alleys.

(9) At streets with culverts or bridges, an emergency overflow shall be provided to contain the 100-year channel flow within the ~~building~~ (designated right-of-way or easement) lines.

(10) Detention ponds may be used to control the increase in runoff between the development and undeveloped areas if approved by the city council.

(c) Off-site drainage.

(1) The owner or developer of property to be developed shall be responsible for all storm drainage flowing on his property. This responsibility includes the drainage directed to that property by ultimate development as well as drainage naturally flowing through the property by reason of topography.

(2) Adequate consideration shall be given by the owner in the development of property to determine how the discharge leaving the proposed development will affect adjacent and downstream property.

(3) On lots or tracts of three acres or more where stormwater runoff has been collected or concentrated, it shall not be permitted to drain onto adjacent property except in existing creeks, channels or storm sewers unless proper drainage easements or notarized letters of permission from the affected property owners are provided. If necessary easements or letters of permission cannot be obtained, the city engineer will review the downstream damage potential and make recommendations to the commission and city council.

(4) The owner/subdivider shall pay for the cost of all drainage improvements required for the development of the subdivision, including any necessary off-site channels or storm sewers and acquisition of the required easements.

(5) Where it is anticipated that additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility, whether natural or manmade, the commission or city council may withhold approval of the subdivision, and the city may refuse to issue building, construction or development permits, until improvements including storm sewer systems, **detention ponds**, channel grading, driveway adjustments, culvert improvements, etc., are made.

(6) In areas where downstream pipes or channels are adequate to handle proposed increased flows, the city as one alternative may consider accepting cash payment in lieu of actual drainage improvements. The developer must show that the proposed pipe system to handle the flow from his development would not function properly without substantial downstream improvements. Prior to permitting any development that will significantly increase flood heights downstream or upstream, a hearing before the planning and zoning commission is required with special notice to the adjacent property owners.

(d) Drainage easements.

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat or other instrument as approved by the city. In the case of clear public interest, the city may participate in easement acquisition by power of condemnation.

(3) The owner/subdivider shall dedicate an appropriate drainage easement either in fee or by drainage easement or by conservation easement of land on both sides of existing watercourses to a distance to be determined by the planning and zoning commission or city council.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-9)

Sec. 10.02.011 Street, alley and drainage maintenance and repair

The construction, maintenance and repair of all streets, roadways, alleys, and drainage improvements

shall be the responsibility of the abutting property owners or a valid and functioning association of homeowners or property owners. All preliminary plan or final plat applications involving subdivisions in which streets, roadways, alleys, or permanent drainage improvements are to be constructed shall be accompanied by documentation which imposes the obligation of maintenance or repair on the abutting property owners or a homeowner's or property owner's association. In the event that an association of property owners or homeowner's is not active or becomes inactive, no further building or development permits shall be issued. (Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-10)

Sec. 10.02.012 Reservations

- (a) Permitted purposes. No land contained in the proposed subdivision shall be reserved for any use other than a use permitted by the zoning ordinance for the district in which the land to be reserved is located.
- (b) Designated on plat. The specific use for which each piece of land is to be reserved must be shown by appropriate label or description on the subdivision plat. Provision for future abandonment of a reservation as may be appropriate must likewise be shown on said plat.
- (c) Parks and playgrounds. The location and size of parks and playgrounds shall be in accordance with the city park sites plan. Park sites when purchased by the city shall be purchased at the developer's acreage cost plus a prorated cost of improvements.
- (d) Schools. The location and size of schools shall be in accordance with the city school sites plan and with the requirements of the school district.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-11)

Sec. 10.02.013 Variances

When an owner/subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to and where, because of some condition peculiar to the site, in the opinion of the city council a departure may be made without destroying the intent of such provisions, the city council may authorize a variance. (Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-12)

Sec. 10.02.014 Penalty

Any person violating this article or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be assessed a fine of not less than one dollar nor more than \$2,000.00, and each day that such violation continues shall be considered a separate offense and punishable accordingly. (Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-13)

Sec. 10.02.015 Severability

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, invalid, or unenforceable, the validity of the remaining portions of this article shall not be affected thereby, it being the intent of the city council in adopting this article 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 article. (Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-14)

Sec. 10.02.016 Effective date

This article shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provide. (Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, sec. 70-15)

**APPENDIX 1
ENGINEERING AND CONSTRUCTION STANDARDS FOR STREETS AND DRAINAGE, WATER
AND SEWER SYSTEMS**

Section 1. Definitions pertaining to this section, Appendix 1, Engineering and construction standards

The following words, terms and phrases, when used in this appendix, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building setback line. The line on a plat delineating the nearest point to which buildings may be located to a street line, alley line or building lot line.

City. The City of McLendon-Chisholm, Texas.

Dead-end street. A street, other than a cul-de-sac, with only one outlet.

Engineer. A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering, and when reference is made to the city engineer, the designation means either an engineer directly employed by the city or the city's engineering consultants, as the case may be.

Inspector. A person duly authorized by the city who may be employed by the city or by the city's engineering consultants, as the case may be, and designated to inspect any portion or all of the construction performed in the subdivision either on a part-time or full-time basis. His duties shall consist of inspecting all work during construction and/or after completion to determine compliance with the plans, specifications and subdivision regulations, with authority to stop the work during construction for non-completion, if the work is defective.

Local residential or minor street. A public thoroughfare which is intended primarily to serve as access to residential property within a neighborhood interior or limited residential district and is not aligned or located to attract other than limited local traffic movements.

Lot. An undivided tract or parcel of land having frontage on a public street and which is, or in the future, may be offered for sale, conveyance, transfer or improvement as a building site; which is designated as a distinct and separate tract.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, ch. 70, app. 1, sec. 1)

Section 2. Policy

- (a) **Approval of city.** It shall be unlawful for any owner of land to lay out, subdivide, plat or replat any land into lots, blocks and streets within the city, or within the extraterritorial jurisdiction of the city without the approval of the city council. It shall be unlawful for any such owner or agent to offer for sale or sell property therein or thereby, which has not been laid out, subdivided, platted or replatted with the approval of the city council.
- (b) **Design standards.** Typical cross sections shall be shown on the plat of the type and width of paving proposed for the streets. Curbs and gutters, pavement types and drainage structure design standards of the city, in effect at the time of submission of the plat, shall be used, subject to the approval of the city council and the city's engineer.
- (c) **Completion and inspection.** Once the final plat has been approved by the city council, the filing of final plats will not be permitted until the streets have been completed and inspected by the city or a bond of an equivalent amount of money placed in escrow to cover the cost of the streets and utility installation.
- (d) **Recording required.** The final approval of a final plat of a subdivision shall be invalid unless such approved plat of such subdivision is recorded in the office of the county clerk within 120 days after the date of its final approval by the city council.
- (e) **Building permits, utility connections.** No building permit nor any water, sewer, plumbing or electrical connections shall be issued by the city to the owner or any other person with respect to any property in any subdivision covered by this article until:

(1) Such time as the developer and/or owner has complied with the requirements of this article and the final plat regarding improvements with respect to the block facing the street and/or streets on which the property abuts, including the installation of streets with proper base and paving, curb and gutter, alleys, water and sewer services and drain facilities where necessary, all according to the specifications of the city; or

(2) Until the developer and/or owner files a corporate surety bond with the city in a sum equal to the cost of such improvements for the designated area guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, ch. 70, app. 1, sec. 2)

Section 3. Street improvements and oversizing

(a) When a proposed subdivision of land abuts on both sides of an existing standard road, or on one side of said road, being substandard according to the then-existing current Texas Department of Transportation Standard Specifications, the developer shall be required to improve the existing road, to bring the same to the Texas Department of Transportation Standards, or replace it with a standard city street at no cost to the city. If the proposed subdivision is located along only one side of a substandard road, and when in the city council's judgment, it is not feasible to reconstruct said substandard road at the time of the development of said subdivision, the city council may permit the developer to pay into escrow an amount equal to 115 percent of the cost of said improvements as a condition of the approval of the final plat of the subdivision. If the proposed subdivision is located along a state road, which is considered substandard, the developer shall be required to escrow funds for the cost of improvements for curb and gutter and storm drainage. State roads shall include St. Hwy. 205, FM 550 and FM 1139. The amount of the escrow shall be determined by the city engineer and shall be payable prior to construction of the subdivision streets and utilities. When funds have been provided and placed in escrow with the city for the development of a substandard road, and the road is reconstructed by a party other than the escrowing developer and at no cost to the city, the escrowed funds and accrued interest, if any, shall be refunded to the developer after completion and acceptance of the improvements. Where in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the city council may, in specific cases, at a regular meeting of the city council, and subject to appropriate conditions and safeguards, authorize special exceptions to these regulations in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship.

(b) All new roads within proposed subdivisions shall, at minimum be built to a width and design which will adequately serve that subdivision. In addition, when required by the city in the interest of the community, the developer may be required to build larger streets to the width shown on the thoroughfare plan. Streets which dead-end at power lines, railroads, or similar right-of-way, which are intended for future extension across these rights-of-way, shall be constructed in right-of-way for half the distance across the rights-of-way. Where streets are adjacent to undeveloped land and

the property line is normally the centerline of the street, the developer shall provide right-of-way of sufficient width and shall construct paving a minimum width of 27 (28) street width feet, if deemed necessary by city engineer or traffic planner. In the event the street and/or railroad crossing has been constructed or is being constructed by others, the developer shall pay his pro-rata share of the improvements. Escrow or pro-rata shall be payable prior to construction of streets and utilities.

(c) The improvement, maintenance and repair of all streets and alleys within subdivisions shall be the perpetual responsibility of a homeowner's association. To ensure such obligation, the developer shall submit proposed homeowner's association regulations, bylaws and requirements which impose this street maintenance and repair obligation on the association.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, ch. 70, app. 1, sec. 3)

Section 4. Off-site access roadways

Dependent upon the circumstances of a particular subdivision where access is not deemed adequate by the city council, the council may require the developer to provide and construct off-site access roadways which conform to the street layout standards. If such access is provided, the developer and city shall enter into a facilities agreement prior to final plat approval, for the construction of such access roadway. Such agreement shall contain engineering cost estimates, the number of square feet in the proposed roadway, any pro rata schedules plus any other matter deemed appropriate by the parties. (Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, ch. 70, app. 1, sec. 4)

Section 5. Street lighting

Developer shall be required to provide streetlights in all new subdivisions. Lights will be the equivalent of 175-watt mercury vapor streetlights located at entrances, intersections and cul-de-sac with exceptions to be approved by the city council. All collector and thoroughfare, or commercial streets, shall have high-pressure sodium vapor fixtures with wattage of 250 to 400 watts as directed by the city. In some instances, greater wattage may be required by the city. The city reserves the right to inspect the street lighting construction. Initial cost of installation and cost of operation and maintenance shall be paid to the local utility company. Maintenance and operation costs shall be the responsibility of the applicable homeowner's association. The regulations, bylaws and requirements of the association shall contain and impose this requirement. (Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, ch. 70, app. 1, sec. 5)

Section 6. Street signs

The developer of a subdivision shall at his expense install street signs to the city specifications prior to any building permits being issued for this subdivision. (Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, ch. 70, app. 1, sec. 6)

Section 7. Inspection of construction by city personnel

All inspection of construction and verification of compliance to the plans and specifications shall be conducted by the city's staff under the direction of the engineer. Streets are included in this inspection requirement. The developer shall advise all of his construction contractors of this requirement. No development will be accepted by the city until all construction has been approved by the city's staff. The developer shall be responsible for any additional expense to the city, at a rate established by the city, at any time when inspection is done after normal business hours of the city, or when the improvements built will be privately owned. The developer will be responsible for furnishing to the city the original reproducible engineering drawings corrected to show "as-built" conditions before any utility improvements will be accepted. Building permits will not be issued until all public or required improvements are accepted by the city, unless in the opinion of the city engineer, issuance of building permits prior to completion will not be detrimental to the city. (Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, ch. 70, app. 1, sec. 7)

Section 8. Street system

(a) General. The street system, including the street layout, shall be in accordance with generally accepted engineering practices and in compliance with the comprehensive plan, the zoning ordinances, the subdivision regulations and other applicable regulations and ordinances. The plans

and specifications, design computation, and other applicable data shall be submitted to the city for review. The subgrade materials will be tested in accordance to the standard specifications for construction, unless otherwise approved by the city. In general, the soils testing will include the testing of Atterburg limits. Lime stabilization of the subgrade will be required if the plasticity index (P.I.) is 15 or above. Lime stabilization or concrete stabilization may be required for soils showing a P.I. of 15 or less. Construction shall not commence prior to approval of the plans and specifications by the city. All changes during construction shall be submitted to the city engineer for approval prior to any construction modifications.

(b) Street arrangement. Unless otherwise approved by the city, provisions shall be made for the extension of existing major arterials, collector streets and those residential streets which may be necessary to provide circulation with adjacent areas. The street arrangements shall conform with the intent of the thoroughfare plan as adopted by the city. Adequate collector streets shall be provided for the circulation of traffic throughout the development. Residential streets shall be provided to accommodate local area use within the development. Off-center street intersections will not be approved except under unusual circumstances. A minimum distance of 150 feet shall be provided for off-center street intersections unless approved by the city engineer. On major arterial streets the city may require distances greater than 150 feet for off-street intersections. Curvilinear streets are permissible and encouraged in residential areas.

(c) Horizontal curve limitations. The minimum radii at the centerline of the street shall be in accordance with Table 8.1.

Table 8.1 Minimum Radii Requirements at the Centerline of Streets	
Type of Street	Minimum Radius in Feet
Residential Street	250

(d) Block lengths. In general, streets shall be provided at such intervals as to serve cross traffic adequately and to intersect with existing streets. Where no existing plats control, the blocks shall be not more than 1,600 feet in length or less than 300 feet in length except in unusual cases. Block arrangements must provide access to all lots, and in no case shall a block interfere with traffic circulation.

(e) Street intersections. More than two streets intersecting at one point shall be avoided except where it is otherwise impractical to secure a proper street system. Where several streets converge at one point, setback lines, special rounding or cut-off corners and/or a traffic circle may be required to ensure safety and to facilitate traffic movement. When possible, arterial and collector streets shall intersect other arterial and collector streets at an angle of 90 degrees. Arterial and collector street intersections shall have property line corner radii with a minimum tangent distance of 30 feet. Residential streets shall have as the property line corner the point of intersection of intersecting streets. In all cases the curb radii at intersections shall have a minimum radius of 20 feet as well as a minimum tangent distance of 20 feet measured from the face of the curb. In all

cases of streets that intersect at angles other than 90 degrees, the city may require radii that in the city's judgment best serve the situation.

(f) Relation to adjoining streets. The system of streets designated for the development must, except in unusual cases, connect with streets already dedicated in adjacent developments. Where no adjacent connections are platted, the streets must be the reasonable projection of streets in the nearest subdivided tracts and must be continued to the boundaries of the tract development so that other developments may eventually connect with the proposed development. Strips of land controlling access to or egress from other property or any street having the effect of restricting or damaging the adjoining property for development or subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any development unless such reserve strips are conveyed to the city in fee simple. When such access is needed to maintain permanent city-owned utilities, the roadway will be an improved right-of-way. If the utilities are temporary, an improved easement may be approved.

(g) Dead-end streets, culs-de-sac. Cul-s-de-sac or courts or similar dead-end streets may be permitted where the form or contour of the land or the shape of the property make such street design appropriate. Such cul-s-de-sac, courts or places shall provide proper access to all lots and shall generally not exceed 600 feet in length, and a cul-de-sac shall be provided at the closed end with a minimum right-of-way radius of 50 feet. The minimum right-of-way for (curbed) streets and culs-de-sac are as set forth in Table 8.2.

Table 8.2 Minimum Right-of-Way Requirements	
Type of Street	Minimum Right-of-Way in Feet
Residential	50
Culs-de-sac	50**

The required right-of-way for state highways and streets may exceed this minimum right-of-way standard.

** The right-of-way line in the cul-de-sac section shall be a minimum of 50 feet.

(h) Street grades. Thoroughfare streets may have a maximum grade of five percent, unless the natural topography is such as to require steeper grades, in which case a seven and one-half percent grade may be used for a maximum continuous distance of 200 feet. Collector streets may have a maximum grade of seven and one-half percent. Residential streets may have a maximum grade of ten percent, unless otherwise approved by the city where the natural topography is such as to require steeper grades. All streets must have a minimum grade of at least five-tenths of one percent. Centerline grade changes with an algebraic difference of more than one percent shall be connected with vertical curves in compliance with the minimum length requirements set forth in Table 8.1.

(i) Pavement design. Pavement design shall be in accordance with good engineering practice. All streets shall be constructed from Class "C" concrete. Pavement shall be reinforced with No. 3 bars

at 24-inch centers in both directions. Minimum concrete thickness of pavement shall be six inches for residential and minor collector streets which are not subject to heavy truck or equipment traffic. The design speed shall be in accordance with the following tables:

Table 8.3 Minimum Length of Vertical Curves–In Feet

Crest Vertical Curves			
Algebraic Difference	Design Speed		
In Grade – Percent	30 MPH	40 MPH	50 MPH
1.0	100	100	100
2.0	100	110	170
3.0	100	165	225
4.0	120	220	340
5.0	150	275	425
6.0	180	330	510
7.0	210	385	595
8.0	240	440	680
9.0	270	495	765
10.0	300	550	850
Sag Vertical Curves			
Algebraic Difference	Design Speed		
In Grade–Percent	30 MPH	40 MPH	50 MPH
1.0	100	100	100
2.0	100	110	150
3.0	105	165	225
4.0	140	220	300
5.0	175	275	375

6.0	210	330	450
7.0	245	385	525
8.0	280	440	600
9.0	315	495	675
10.0	350	550	750

Table 8.4 Maximum Design Speeds for Thoroughfares and Streets

Type of Street	Maximum Design Speed
Residential Streets	30 Miles Per Hour

The subgrades shall be compacted and finished to a smooth uniform surface. Subgrades of native material which have a Plasticity Index (P.I.) of 15 or more shall be lime stabilized to a minimum depth of six inches. The lime stabilization shall be used for the full width of the street, back of curb to back of curb, plus one foot on each side. The minimum lime content shall be six percent of the dry weight of the material.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, ch. 70, app. 1, sec. 8)

Section 9. Drainage and storm sewers

Adequate drainage shall be provided within the limits of the subdivisions and drainage design and improvements shall be shown on the plat. The protection of adjoining property and downstream properties shall be considered in the review of plans submitted. An application for approval of a preliminary plan or final plat may be denied if adequate provisions are not clearly displayed within the content of the application.

(1) Size. Sizing of inlets, storm sewers, out falls, culverts and drainage ditches will be based on the following:

Design storm. The design storm will be based on rainfall intensity-frequency data published by the U. S. Weather Bureau, Technical Paper 25. Pipe storm sewers and streets carrying storm will be designed with a combined capacity to carry the 50-year storm. Storm drainage systems with an emergency overflow will be designed to carry the 50-year storm. Bridges will be designed with a low point two feet above the 50-year storm line.

Runoff computations. To determine the runoff rates for the various areas, the standard rational method will be used, utilizing the formula $Q=CIA$, where Q = rate of runoff in cubic feet per second, C = runoff coefficient, I = rainfall intensity for the particular duration in inches per hours, and A = the drainage area in acres.

Drainage areas will be arrived at by considering location of high and low points on street grades, drainage divides in the area, and general configuration of existing and finished grades.

Runoff coefficient. The runoff coefficient which considers the character of the land use and the imperviousness of the drainage area shall be determined from the zoning map or master plan for the city. The runoff coefficient for the appropriate land uses shall be as follows:

Commercial areas: 0.90

Industrial areas: 0.85

Residential areas: 0.45(.50)

Apartment areas: 0.80

Park areas: 0.35

Paved areas: 0.90.

- (2) Time of concentration. The time of concentration will be calculated by determining the longest route the runoff will follow and dividing this length by the average velocity (FPS) of the water from the following chart:

Description of Watercourse	Slope in Percent			
	0- (ft./sec.)	4-7 (ft./sec.)	8-11 (ft./sec.)	12-15 (ft./sec.)
Woodlands	1.0	2.0	3.0	3.5
Pastures	1.5	3.0	4.0	4.5
Cultivated	2.0	4.0	5.0	6.0
Pavements	5.0	12.0	15.5	18.0

- (3) Sizing of sewers. Sewers shall be sized to carry the discharge (Q) derived from the above formula. Capacity of storm sewers will be determined by the use of Manning's formula on the basis of hydraulic gradients rather than the physical slope of the pipe. Minimum size of the storm sewer shall be 18 inches or equivalent.

- (4) Sizing and spacing of inlets. Inlets shall be spaced so that maximum spread of water will provide one dry traveling lane on major and secondary thoroughfares, and major and secondary streets. Inlets will be provided at all sag points in gutter gradient. On thoroughfares, all inlets shall be recessed a minimum of 18 inches from the face of curb, and curbs shall be tapered to the inlet. Inlets will be sized using an allowable capacity of one cubic foot per second of opening for a throat height of seven and one-half inches.

- (5) Manholes. Manholes (inlets or junction boxes) shall be provided at main sewer intersections, and at a maximum of 500 feet on straight lines. Design of manholes shall conform to city standards.

- (6) Inlets. Design of inlets shall conform to city standards.

- (7) Pipe. Pipe for storm drains shall be concrete pipe in sizes as shown on the approved plans. All pipe shall be reinforced concrete pipe (RCP), ASTM C76, Class 3. Where, in the opinion of the city building official or engineer, added strength of pipe is needed for traffic loads over minimum cover or for excessive height of backfill, concrete sewers may be used for storm sewers 36 inches and larger.

(8) Ditches. Drainage ditches, where approved by the city council, may be used for outfalls to natural or major drainage channels. Ditches shall have a minimum grade of not less than one-tenth percent and side slopes not steeper than 2:1, unless side slopes are paved.

(9) Out falls. Out falls from sewers and ditches into natural drainage ways shall enter at the grade of the natural drainage channel. If necessary, drop type outfall structures shall be used to prevent erosion.

(10) Major drainage ways and structures. Design of major drainage ways through a subdivision and major structures, such as box culverts or bridges, across a major drainage channel, shall be coordinated with the county flood-control district, if such exists.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, ch. 70, app. 1, sec. 9)

Section 10. Water service

An approved water service plan from a municipal water supply, rural water supply corporation, municipal utility district, or privately owned water system or individual wells shall be furnished. The location of all fire hydrants must be clearly shown. Fire hydrants shall only be placed on line of adequate size and pressure to provide fire water per state standards or city standards. Water sources to fill fire trucks may be required in the subdivision. Verification must be provided by letter from the applicable water supplier, accompanied by a copy of the minutes of the board and/or other corporate approval, which certifies that the water supply and proposed meter/water distribution system are sufficient in quality, quantity, and pressure to adequately meet the future needs of the inhabitants of the proposed subdivision. The minimum standards consist of six inch lines-looped.

(1) Water lines. Water systems shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots, and to conform with any master water plan of the city. All water mains shall generally be constructed in street rights-of-way.

(2) Pipe. All water mains 12-inch and smaller shall be PVC or plastic pipe, with single rubber gasket joint, and a cement mortar lining of the "Enamaline" type, or other Class 150 equal, and shall have a minimum cover of 42 inches. Water mains one-inch and larger shall be reinforced concrete steel cylinder pipe, Class 150 minimum.

(3) Size. A minimum of six-inch water line shall be specified except that four-inch lines may be allowed on short dead-end streets when approved by the city's engineer.

(4) Fittings. Fittings shall be PVC.

(5) Fire hydrants. In general fire hydrants or risers shall be located so as to place all of every lot within a radius of 500 feet of a fire hydrant in residential areas and within a radius of 300 feet in commercial or industrial areas.

(6) Embedment. All water mains will be installed on a minimum of four inches of sand below bottom of pipe and backfilled to at least six inches over the top of the pipe with sand.

(7) Pressure test. After the complete installation, the waterworks shall be tested to a hydraulic test pressure of not less than 150 pounds per square inch, maintained over a continuous period of not less than four hours. If the test indicates a leakage in excess of ten gallons per inch of nominal diameter of pipe per mile during the four-hour test period, then the leaks shall be found and repaired. All known leaks shall be stopped regardless of this requirement.

(8) Disinfection. Prior to the acceptance and before any open connection to any existing water main is made, the waterworks shall be disinfected with a minimum of 50 parts per million of available chlorine in all parts of the waterworks. After chlorination and flushing, the developer shall fill the waterworks with water and the city shall take samples of water taken from several locations, not less than one per section, or two per mile, for bacteriological tests. In the event the bacteriological tests are positive (unsatisfactory), the developer shall drain the lines, and repeat the chlorination until the test results are negative, or satisfactory.

(9) Modeling analysis requirements.

(A) A water distribution modeling analysis shall be performed by the applicable water supplier and submitted to the city engineer for review and approval prior to the submittal of the final plat. In addition, once the fire hydrants are installed and pressurized, an independent testing laboratory shall field verify the residual pressure and flow required per the International Fire Code, as adopted by the city. The test results shall be submitted to the city engineer for review and comment as a part of the plat review process.

(B) All subdivisions within the city and the city's extraterritorial jurisdiction shall require a water distribution modeling analysis from the applicable water supplier's engineer demonstrating the water supplier's ability to provide water in sufficient volume and pressure for domestic use and fire protection. The modeling analysis must, at a minimum, depict adding the proposed subdivision's normal water demand in addition to providing model runs of a two (2) hour fire flow and demonstrating how this will affect the operation and performance of the existing water distribution system. The modeling analysis shall be submitted concurrently with the engineering plan review to the city engineer for review and approval.

(Ordinance 2007-11, ex. A, adopted 7/23/07; Ordinance 2009-07, sec. 1, adopted 10/27/09; 2007 Code, app. 1, sec. 10; Ordinance 2016-02 adopted 1/26/16)

Section 11. Sanitary sewers

The plan for sewage disposal must be shown; sanitary sewer facilities shall be provided to adequately service the subdivision and conform with the master sanitary sewer plan for the city and comply with the TCEQ rules and the city engineer or building official.

(1) Pipe. All sewer pipe in sizes 30 inches and smaller shall be plastic sewer pipe. All sewer pipe in sizes 36 inches and larger shall be plastic pipe.

(2) Size. A minimum of eight-inch sewer pipe shall be specified, except that six-inch lines will be acceptable only on short lines and in the location where so approved by the city engineer or building official.

(3) Pipe joints. All sanitary sewer pipe joints shall be of the pre-molded type conforming to A.S.T.M. Designation C425.

(4) Location. Wherever possible, sewers shall be located in street rights-of-way. Otherwise they shall be located in alleys or easements and shall be five feet to six and one-half feet deep to invert.

(5) Grades. Grades and appurtenances of sanitary sewers shall conform to the requirements of

TCEQ rules and the city. The following are the minimum slopes which should be provided; however, slopes greater than these are desirable:

Sewer Size	Minimum Slope In Feet (Per 100 Feet)
6 inch	0.60
8 inch	0.40
10 inch	0.28
12 inch	0.22
15 inch	0.15
18 inch	0.12
21 inch	0.10
24 inch	0.08
27 inch	0.067
30 inch	0.058
36 inch	0.046

- (6) Manholes. Manholes shall be provided at all changes in grades, sewer intersections, and at a maximum of 500 feet on straight lines.
- (7) Infiltration. Prior to acceptance, sanitary sewers shall be subject to leakage tests. The outward or inward (exfiltration or infiltration) shall not exceed 300 gallons per inch of pipe diameter per mile per day for any section of the system. The use of a television camera or other visual methods for inspection prior to placing the sewer in service is recommended.
- (8) Lift stations. All lift stations shall be designed and constructed with two or more sewage pumps with total capacity of twice the design maximum flow. Detailed design data, plans and specifications of the pumps shall be submitted to the city engineer or building official prior to the purchase and installation of the pumps.
- (9) Force mains. All force mains shall be PVC or plastic pipe, Class 150, unless otherwise specified, with rubber gasket joint, and shall have a cement mortar lining of the "Enamaline" type or approved equal. At design average flow, a cleansing velocity of at least two feet per second shall be maintained. An automatic air relief valve shall be placed at high points in the force main to prevent air locking.
- (10) Septic tanks. Septic systems may be permitted to serve residences in the city until such time as the septic system fails and a sewage collection system is accessible to the residence or

structure. Septic systems shall be installed according to TCEQ rules and specifications and shall be in compliance with such rules and specifications at all times.

(11) Water service. Water service lines shall be a minimum of one inch Type "K" copper and shall be provided with a corporation at the main and a curb stop located at least two feet outside of curb with cover not to exceed one and one-half feet. The service shall terminate in a meter box with a locked lid.

(12) Sewer service. Sanitary sewer service lines shall be a minimum of four inch, shall meet the same requirements for sanitary sewers described above, shall be constructed from the main to the lot property line using wyes and necessary bends, and shall have a minimum cover at the property line of four feet, and a maximum depth of six feet.

CITY OF MCLENDON-CHISHOLM

128 S. H. 205

ROCKWALL, TEXAS 75032

PRELIMINARY PLAT CHECKLIST

Copies: 10 copies required plus Letter of Transmittal

Fees: _____

Filing: At least 10 but not more than 21 calendar days prior to P & Z Meeting

[Sufficient number of copies of Preliminary Plat, Letter of Transmittal, completed application form, and check in appropriate amount must be submitted at least 10 days prior to Planning and Zoning Commission meeting prior to placement on Planning and Zoning Commission agenda. If filed within 10 days, the application will be considered as having been filed on the 21st day preceding the next succeeding meeting of the Commission.]

1. 10 legible prints furnished to City.
2. Letter of Transmittal (10 copies) furnished with preliminary plat application stating:
 - a) type of street surfacing
 - b) drainage
 - c) soil test report results
 - d) sanitary facilities
 - e) proposed water supply
 - f) name and address of property owner/agent and engineer
3. Drawn to scale, 1" - 200'
4. Scale, date, and north point shown
5. Legal description
6. Existing Features inside subdivision
 - a) existing boundaries lines of land to be subdivided

- b) bearings and distances shown
 - c) location of existing watercourses, railroads and drainage/transportation features
 - d) location and width of existing streets, alleys, easements, pipelines, watercourses, existing water and sewer mains
7. Existing Features outside subdivision
- a) names and property lines of adjoining property owners
 - b) names and locations of adjacent subdivisions, streets, easements, pipelines, watercourses, and existing water and sewer mains
8. New Features inside subdivision
- a) Proposed name of subdivision
 - b) location, right-of-way width and names of proposed streets
 - c) width and depth of all lots
 - d) location of building lines, alleys and easements
 - e) location and size of sites for schools, churches, parks and special land uses
 - f) location and size of areas to be dedicated to public or reserved for common use by owners in subdivision
 - g) approximate acreage of property to be subdivided
 - h) any proposed utility plant
 - i) proposed use of any land/areas not within boundaries of lots or rights-of-way
9. Compliance with zoning regulations and/or proposed zoning (for subdivisions within City limits)
- a) proposed uses satisfy zoning use regulations
 - b) all lots meet minimum lots size requirements
 - c) all lots meet frontage, depth and width requirements
 - d) building setback lines meet front, rear, and side-yard setbacks
 - e) meets minimum dwelling size requirements
 - f) meets 15% lot coverage requirement
 - g) meets off-street and covered parking requirements
10. Proposed streets and alleys conform to comprehensive, traffic and thoroughfare plan
11. Typical cross-sections of streets and location and width of sidewalks

12. Locations of floodplains shown
13. Compliance with drainage requirements shown
14. Approval block for Chairperson of Planning and Zoning, and for Mayor and City Secretary

*This list is reference material and does not supersede any city ordinance.

CITY OF MCLENDON-CHISHOLM

128 S. H. 205

ROCKWALL, TEXAS 75032

FINAL PLAT CHECKLIST

Copies: 10 legible prints and the original tracing of final plat required (24" × 36"); if more than one sheet is required, an index sheet of maximum size of 18" × 27" shall be filed showing entire subdivision.

Fees: _____

Filing: At least 10 but not more than 21 calendar days prior to P & Z Meeting

[Sufficient number of copies of Final Plat, completed application form, and check in appropriate amount must be submitted at least 10 days prior to Planning and Zoning Commission meeting prior to placement on Planning and Zoning Commission agenda. If filed within 10 days, the application will be considered as having been filed on the 21st day preceding the next succeeding meeting of the Commission.]

1. 10 legible prints and original tracing with index sheet furnished to City
2. All items required on preliminary plat shown on final (final plat also to show compliance with all items required for preliminary plat, without change)
3. Plat prepared by registered engineer, bears engineer's seal
4. Drawn to scale, 1"=100'
5. Date, scale, north point, subdivision title, and name, address and seal of engineer shown
6. Legal description
7. Monuments and control points shown with description and location of all permanent survey monuments and control points. Suitable primary control points shall be referred. Dimensions to be shown in feet and decimals of a foot.
8. Key map showing relation of subdivision to well-known streets in all directions for at least one (1) mile
9. Dedications and certificates: certificate of dedication for all parks, public facilities and easements to be shown to the public use forever, signed by all owners and acknowledged before notary public.
10. Copy of subdivision covenants and deed restrictions showing creation of permanent homeowner's association with perpetual responsibility for street maintenance and repair
11. Waiver of claim for damages against City occasioned by establishment of grades or alteration of surface of existing streets and alleys
12. Existing Features inside subdivision

- a) existing boundaries lines of land drawn in heavy
 - b) accurate bearings and distances shown
 - c) location of existing watercourses, railroads and drainage/transportation features
 - d) true bearings and distances to nearest established street lines, official monuments, or subdivision corners
 - e) location and width of existing streets, alleys, easements, rights-of-way, buildings and structures to be maintained
 - f) topographical information with contour lines at 5-foot intervals
 - g) accurate location of property/subdivision in reference to county deed records (volume and page of recorded instrument in county records)
13. Existing Features outside subdivision (all lines outside of subdivision boundaries to be dashed)
- a) names and property lines of adjoining subdivisions and property owners
 - b) references to plat or deeds of adjoining properties
 - c) names and locations of adjacent streets, alleys, easements, watercourses
14. Lines and names of all proposed streets, alleys and easements
15. Streets, alleys and easements comply with engineering and construction standards ([Appendix 1](#), Subdivision Regulations)
16. Streets and alleys show complete curve data (Delta, Length, Radius, Tangent, Point of Curve, Point of Reverse Curve, Point of Tangent) shown on the centerline on each side of street; length and bearings of all tangents; dimensions from all angle points and points of curve to an adjacent side lot line
17. Streets to conform to major street plan (horizontal and vertical alignments and width, designed so as to discourage high-speed traffic)
- a) local street widths minimum of 60' measured from lot line to opposing lot line
 - b) secondary/feeder street widths minimum of 60'
 - c) major street widths in compliance with established criteria
 - d) major thoroughfare widths in compliance with established criteria (minimum 100' and maximum of 120')
 - e) street alignments (without curves) not more than 5 degrees deflection
 - f) street curves (major, reverse, and verticals) conform to City standards
 - g) dead-ends, culs-de-sac comply with length, radius and turnaround requirements
 - h) street intersections widths in compliance with established criteria
 - i) street reserves (for future dedications, etc.) shown

j) street names comply with established criteria

18. Compliance with street plan in relation to adjoining street system shown and avoidance of street jogs shown.
19. For large-lot subdivisions, consideration given to future street openings and access to future lots
20. Location of all fire hydrants shown
21. Lot sizes conform to minimum sizes established in zoning regulations. Proper shape, square footage, frontage, all setbacks, width and depth shown
22. All lots have street or right-of-way access
23. Lots are consecutively numbered within each block
24. Building lines meet setbacks
25. Alleys conform to established requirements, re: width, intersections, no dead-ends, and are shown where required
26. Easements show compliance with established criteria (size location, use, utilities underground, preservation of major trees shown)
27. Watercourses and Easements: drainage easements will be provided covering all land within the subdivision that is subject to inundation by a 50-year storm. Lots adjacent to a major watercourse must show minimum finish flood elevations two feet above the calculated 50-year flood elevation.
28. Floodplains must be shown on plat and show that no structure or septic system is to be built below 50-year flood line
29. Adequate provision for drainage of stormwater, rainfall runoff, and floodwater shown
30. Drainage facilities conform to design specifications and standards and are located in rights-of-way or perpetual unobstructed easements
31. Documentation furnished to show perpetual maintenance of drainage improvements on homeowner's association or adjacent property owners
32. Proper certificate of Mayor and City Secretary shown
33. Maintenance bond furnished of at least one percent (1%) of total street and alley construction costs
34. Approval block for Chairperson of Planning and Zoning, and for Mayor and City Secretary

*This document is reference material and does not supersede any city ordinance.

(Ordinance 2007-11, ex. A, adopted 7/23/07; 2007 Code, ch. 70, app. 1, sec. 11)

ARTICLE 10.03 STANDARD STREET SPECIFICATIONS AND CONSTRUCTION DETAILS IN SUBDIVISIONS

Sec. 10.03.001 Subdivider financial responsibility and duty

Each subdivider shall, at his own expense and cost, pay for constructing all residential streets within his subdivision. (Ordinance 91-1, adopted 1/13/92; 2007 Code, sec. 66-40)

Sec. 10.03.002 Street paving strength requirements

All Residential streets shall have a six-inch thickness of reinforced concrete pavement on a compacted lime stabilized subgrade. All Minor Collector streets shall have a seven-inch thickness of reinforced concrete pavement on a compacted subgrade ~~shall be required~~. The concrete must have a 28-day compressive strength of ~~3,000~~ 3600 pounds per square inch (ppsi). All steel reinforcing shall be deformed No. ~~3~~ (4) bars on 18-inch centers both ways. (Ordinance 91-1, sec. 1, adopted 1/13/92; 2007 Code, sec. 66-41)

Sec. 10.03.003 Stabilization of the subgrade

Subgrade stabilization ~~must~~ (shall) be a minimum of six inches thick and 6% ~~with~~ hydrated lime. A geotechnical soils report shall be submitted to the City with recommendations for soil stabilization prior to construction. This shall be spread uniformly and sprinkled to the proper moisture content. The soil, lime and water shall be mixed until a homogenous product is obtained that is free of clods and lumps. The mixture shall be immediately rolled and compacted to 95 percent of standard proctor density. (Ordinance 91-1, sec. 2, adopted 1/13/92; 2007 Code, sec. 66-42)

Sec. 10.03.004 Paving width requirements

The width of all ~~acreage~~ residential streets shall be no less than 28 feet ~~with no curb or 29 feet back to back of curb between both faces~~. The minimum right-of-way requirement shall be no less than 50 feet. (Ordinance 91-1, sec. 3, 1/13/92; 2007 Code, sec. 66-43)

Sec. 10.03.005 Pavement slopes (traverse)

The traverse pavement slope shall consist of a parabolic curve from the pavement centerline to the curb. The crown of the curve shall be one-fourth-inch per one foot of street width above the curb level grade. (Ordinance 91-1, sec. 4, adopted 1/13/92; 2007 Code, sec. 66-44)

Sec. 10.03.006 Sawed dummy joints; expansion joints

- (a) Sawed dummy joints (traverse) shall be required and shall not be more than 20 feet apart.
- (b) Longitudinal sawed dummy joints shall be required when concrete is poured in a continuous width of 20 feet or more. The longitudinal dummy joints shall be located at the centerline of the total width.
- (c) Expansion joints shall be placed at distances no greater than 600 feet.

(Ordinance 91-1, sec. 5, adopted 1/13/92; 2007 Code, sec. 66-45)

Sec. 10.03.007 Street arrangement

- (a) All streets shall be laid out so that they intersect at right angles with a maximum tolerance of plus or minus five percent.
- (b) ~~Culs~~-de-sac shall not be longer than 2,000 feet from the nearest intersecting street, and shall provide a turnaround having an outside roadway diameter of at least 80 feet in areas zoned SF2 and SF3. ~~Culs~~-de-sac shall not be longer than 3,000 feet in areas zoned SF1.

(Ordinance 91-1, sec. 6, adopted 1/13/92; 2007 Code, sec. 66-46)

Sec. 10.03.008 Speed limits

Speed limits in subdivisions shall be no more than 30 mph. The subdivider shall at his own expense provide and install speed limit signs. On street parking is prohibited. (Ordinance 91-1, sec. 7, adopted 1/13/92; 2007 Code, sec. 66-47)

Sec. 10.03.009 Street names

All streets must be named and the names must be approved by the city council. (Ordinance 91-1, sec. 8, adopted 1/13/92; 2007 Code, sec. 66-48)

HONORABLE PLANNING AND ZONING COMMISSION

CITY OF MCLENDON-CHISHOLM, TEXAS

REPORT PREPARED BY MICHAEL COKER

DATE PREPARED: January 14, 2019

APPLICANT: City of McLendon-Chisholm

LOCATION: City Wide

SIZE OF REQUEST: City Wide

REQUEST: Recommendations for amendments to Chapter 14, Zoning Regulations of the McLendon-Chisholm Code of Ordinances

REPRESENTATIVE: City Planner

PLANNING AND ZONING COMMISSION HEARING DATE:

February 28, 2019

STAFF RECOMMENDATION:

APPROVAL OF THE RECOMMENDED CHANGES TO THE ZONING REGULATIONS

The recommended amendments have been distributed previously and have been discussed with the Planning and Zoning Commission at a previous workshop.

EXHIBIT A
ZONING ORDINANCE*

ARTICLE 1. GENERAL PROVISIONS

Sec. 1-1 Title

This ordinance shall be known and may be cited as “The City of McLendon-Chisholm Zoning Ordinance.”

Sec. 1-2 Administration

Unless otherwise directed by the city council, the mayor or his/her designee is hereby designated by the city council ~~as the mayor or his/her designee~~ to supervise the administration and enforcement of the ordinance. The mayor or his/her designee may be provided with the assistance of such other persons or consultants as the city council may direct.

Sec. 1-3 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 city. ~~They are designed and~~ 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 city.

Sec. 1-4 Zoning districts established

A. Zoning districts identified. The City of McLendon-Chisholm, Texas, is hereby divided into zoning districts as listed in the section.

Abbreviated Designation	Zoning District Name
A	Agricultural District
SF5	Single-Family Residential (5 Acre Lots)
SF2.5	Single-Family Residential (2.5 Acre Lots)
SF1.5	Single-Family Residential (1.5 Acre Lots)
MH	Manufactured Home District
NC	Neighborhood Commercial District
GB	General Business District
CP	Commercial Planned Center District
O1	Office District
O2	Office District
LI	Light Industrial District
PD	Planned Development District

The S	Specific Use Permit
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Sec. 1-5 Planning and zoning commission

1. There is hereby created and established a planning and zoning commission for the city consisting of five members appointed by the city council. In addition to the five regular members, three alternate members of the planning and zoning commission will be appointed to serve in the absence of one or more regular members when requested to do so by the mayor or chairman of the planning and zoning commission.

2. Each regular and alternate member shall be a resident of the city ~~of extraterritorial jurisdiction (ETJ)~~, qualified to vote, hold no other paid, incompatible, or elected public office for the city, and shall not be in arrears in payment of taxes or any liability due to the Rockwall County or McLendon-Chisholm. ~~No more than two regular or alternate members shall reside in the ETJ.~~

3. The term of office of regular and alternate members of the commission shall be for two years. Three regular members and one alternate member shall be appointed for two-year terms beginning on July 1st in even-numbered years and two regular members and two alternate members shall be appointed for two-year terms beginning July 1st in odd-numbered years.

In the event of a vacancy on the commission, the alternate member with the longest tenure shall, without further formal action, become a regular member until the expiration of the term of the office assumed by the alternate member. In the event of a vacancy in two offices, the alternate member with the longest tenure shall assume the office of the member with the longest remaining term of office. In the event of any vacancy on the commission, the city council shall appoint new members to fill the vacant offices as soon as practicable to fill such vacancies for the remainder of the unexpired terms of office. Members of the commission may be removed from office by the city council by majority vote.

4. Meetings of the commission shall be held as often as necessary to conduct the business of the commission at the call of the chairman and at such other times as the commission may determine. All meetings of the planning and zoning commission shall be public, unless otherwise authorized by law, and the commission shall keep minutes of the proceedings showing the vote of each member upon each question coming before the commission. The minutes of the commission shall be public record.

A majority of four members of the commission, whether regular or alternate, shall constitute a quorum to do business. Alternate members may vote on matters before the commission only in the absence of regular members when requested to do so by the mayor or chairman of the planning and zoning commission. The alternate member with the longest tenure on the commission present at the meeting shall be the alternate voting member.

5. The planning and zoning commission shall select one of its regular members to serve as the chairman, and one of its regular members to be vice chairman to serve in the absence of the chairman. No regular member shall be qualified to serve as chairman or vice chairman unless that member has first served on the commission for a period of at least six months. ~~The chairman shall reside in the city.~~

(Ordinance 2009-02, secs. 1–5(27A), adopted 6/9/09; Ordinance 2017-07 adopted 5/13/17)

Editor's note—Ordinance 2009-02, adopted June 9, 2009, amended section 27A of the previously adopted comprehensive zoning ordinance of the city. Inasmuch as the current zoning ordinance does not contain a section 27A, said provisions have been redesignated as section 1-5 at the discretion of the editor.

Sec. 1-6 Zoning district map

A. 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 City of McLendon-Chisholm, Texas, said map being hereby adopted as part of this ordinance as fully as if the same were set forth herein in detail.

B. Regulations for maintaining zoning district map. The boundaries of the zoning districts set out herein are delineated upon the zoning map of the city, which map is hereby adopted as a part of this ordinance as fully as if the same were set forth herein in detail. ~~Four~~ **One** original, official ~~and identical copies—version~~ of the zoning district map hereby adopted bearing the signature of the mayor and attestation of the city secretary and shall be filed and maintained as follows:

1. ~~Two copies~~ **The original map** shall be filed with the city secretary, ~~one of which~~ and shall be retained as the original record and shall not be changed in any manner, ~~and the~~ **A second electronic**

version of the official map shall be maintained up-to-date by posting thereon all changes and subsequent amendments. Changes to zoning districts shall be made on the electronic version of the official map within 30 days following City Council approval of said change in zoning district designation.

2. ~~An electronic copy of the official map shall be available to One copy shall be filed with~~ the building official ~~and shall be the same copy that is~~ maintained up-to-date by posting thereon all changes and subsequent amendments for observation ~~by the building official~~ in issuing building permits, certificates of occupancy and ~~code enforcement~~ compliance and for enforcing the zoning ordinance.

3. ~~One~~An electronic copy of the official map shall be maintained in the records of the city council for reference purposes ~~and shall be the same copy that is~~ maintained up-to-date by posting thereon all changes and subsequent amendments. ~~This electronic version may the same version as described in 1. Above.~~

4. Reproductions of the official zoning district maps may be made from time to time for information purposes. The map may be updated as individual zoning requests are approved.

C. Map certified. The official zoning map shall be identified by the signature of the mayor or his/her designee, attested by the city clerk and bear the seal of the city under the following words:

"This is to certify that this is the official zoning map adopted by Ordinance No. _____ of the City of McLendon-Chisholm"

Sec. 1-7 Zoning district boundaries

A. 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:

1. Boundaries indicated as approximately following streets, highways, or alleys shall be construed to follow the centerline of such street, highway, or alley.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way ~~or easement~~; if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines ~~or the easement lines~~.
5. Boundaries indicated as parallel to or extensions of features indicated in above shall be construed ~~as continuing in a manner similar to the original boundary~~. Distances not specifically indicated on the original zoning map shall be determined for the graphic scale on the map.

~~6.—Boundaries indicated as parallel to or extensions of features indicated above shall be construed. Distances not specifically indicated on the original zoning map shall be determined from the graphic scale on the map.~~

~~7-6.~~ Whenever a street, alley or other public way is vacated by official action of the city 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.

~~8-7.~~ 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 1 through 7 above, 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 city council. It shall be the duty of the city council to determine a permanent zoning for such area as soon as practicable.

Sec. 1-8 Zoning of annexed territory

A. Permanent zoning concurrent with zoning. An area or areas being annexed to the City of McLendon-Chisholm shall ordinarily be given permanent zoning concurrently with the annexation.

B. 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 permanent zoning is established by the city council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations. The city council shall determine a permanent zoning for such area as soon as practicable after annexation.

C. Regulations in areas temporarily classified. In an area temporarily classified as A Agricultural District:

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 City of McLendon-Chisholm without first applying for and obtaining a building permit or certificate of occupancy from the mayor or his/her designee or the city council, as may be required.

2. No permit for the construction of a building or use of land shall be issued by the mayor or his/her designee other than a permit which will allow the construction of a building permitted in a zoning district other than the agricultural district by the city council in the manner prescribed by law.

Sec. 1-9 Compliance with zoning regulation

A. Compliance with zoning regulations required. ~~All~~ No land, buildings structures, or appurtenances thereon located within the City of McLendon-Chisholm which are hereafter occupied, used, erected, altered, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished, or converted **unless** in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

B. Authority to enter upon private property. The mayor or a designee may, in the performance of his functions and duties under the provisions of this ordinance, enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of this ordinance.

C. Building permits prohibited without plat. No permit for the construction of 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 city council and filed in the plat records of county or counties in which the plot or tract is located, **unless such tract or plot is a minimum of five (5) acres of land used for agricultural purposes.**

D. 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 year from the date of passage of this ordinance.

Sec. 1-10 Platting property is permanently zoned

A. Zoning required prior to approval of plat. The city council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the city council.

B. Annexation prior to approval of plat. The city 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 city is pending before the city council unless and until such annexation shall have been approved by resolution by the city council.

C. Contemporaneous action on zoning and annexation. In the event the city 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 city council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

Sec. 1-11 Creation of building site

A. 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:

1. The lot or tract is part of a plat of record, properly approved by the mayor or his/her designee, and filed in the plat records of the county or counties in which the lot or tract is located.
2. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation to the city, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this ordinance may be issued on each such original separately owned parcel.
3. The plot or tract is all or part of a site plan officially approved by the city council and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. ~~Any and all plots, tracts, or lots must be provided access via a public street or drive.~~

4. A tract or plot that is a minimum of five (5) acres of land used for agricultural purposes.

4 5. Any and all plots, tracts or lots must be provided access via a public street or drive.

~~5-6.~~ The city council may, upon proper application and in conformance with such terms and conditions as the council may impose, grant an exception or exceptions to the building codes of the city as justice ~~and as fairness may allow; provided, however, that no exception shall be granted where it appears that a~~ hazardous or unsafe condition may result. Such special exceptions may be granted by the council when not contrary to the public interest and where literal enforcement of the terms of the building codes may result in unnecessary or undue hardship.

Sec. 1-12 Building permits and certificates of occupancy

A. General requirements. No permanent structure may be constructed within the city limits prior to issuance of a building permit by the mayor or a designee. No permanent structure constructed or otherwise located within the city limits may be occupied prior to issuance of a certificate of occupancy by the mayor or a designee. 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 mayor or a designee.

B. Procedure for new or altered buildings. Plans for any permanent structure to be constructed within the city limits must be approved by the mayor or a designee who, upon approval, shall issue a building permit. Upon submission of a complete application, the mayor or a designee shall issue a building permit. After issuance of a building permit and prior to issuance of a certificate of occupancy, the mayor or a designee shall conduct a foundation, plumbing, electrical and framing inspection. After such inspection, the mayor or a designee 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.

C. Application for building permit. All applications for building permits shall include plans in triplicate, drawn to scale, showing:

1. The exact sizes and locations on the lot of buildings already existing, if any
2. The location and dimensions of the proposed building or alteration by the mayor or his/her designee, including:
3. Existing or proposed building or alteration
4. Number of dwelling units, or rental units in the building being proposed
5. Conditions existing on the lot
6. ~~Any~~ other information as may be necessary to determine compliance with applicable provisions of the building code and this ordinance.

D. Expiration of building permit. If the work described in any approved building permit has not begun within six calendar months from the date of issuance thereof, said permit shall expire. The mayor or his/her designee shall provide written notice to the applicant thereof together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained, ~~or an extension of the existing permit is requested by the holder of the permit and the building official grants an extension of the building permit no to exceed 180 days from the authorization~~

of the extension in writing by the building official.

E. 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 mayor or a designee. If the proposed use is in conformity with the provisions of this ordinance the certificate of occupancy therefore shall be issued within ten days after the application for same has been made.

F. 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 mayor or a designee and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

G. Temporary certificate. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the mayor or a designee for a period not exceeding six 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 city relating to the use occupancy of the premises or any other matter covered by this ordinance.

H. 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 an~~ ordinance ~~creating the non-~~ ~~conformity.~~ Application for such certificate of occupancy for a non-conforming use shall be filed with the mayor or a designee by the owner or lessee of the building or land occupied by such non-conforming use within one year of the effective date of ~~an ordinance making the subject property or use non-~~ ~~conforming. this ordinance.~~ It shall be the duty of the mayor or a designee to issue a certificate of occupancy for a lawful non-conforming use, but failure to apply for such certificate of occupancy for a nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this ordinance.

Sec. 1-13 Rules for words and phrases

A. General interpretation. For the purpose of this ordinance, certain terms and words are defined and shall have the meanings ascribed in this ordinance unless it is apparent from the context that different meanings are intended.

B. Tense and number. Words used in the present tense include the future tense; words in the singular number include the plural number; and words in the plural number include the singular number.

C. Interpretation of certain words. The word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an individual; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "used" means "designed, intended, or arranged to be used"; "occupied" means "occupied or intended, designed, or arranged to be occupied." The word "lot" includes the words "plot," "parcel" or "tract of land"; the word "building" includes the word "structure"; the word "including" means "including but not limited to."

Sec. 1-14 Amendments, changes and administrative procedures

A. Authority to amend ordinance. The city 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 any change in the classification or boundaries of the zoning districts may be ordered for consideration by the city council, may be initiated by the planning and zoning commission, the city council, or may be requested by the owner ~~or authorized representative~~ of the affected real property ~~or the authorized representative of an owner of affected real property.~~

B. Public hearing and notice. Upon filing of an application for an amendment to the zoning ordinance and/or map, the planning and zoning commission shall call a public hearing on said application.

1. Written notice of such hearing shall be sent to the owner of the property or his agent and to all owners of real property lying within 200 feet of the property on which the change in classification is proposed, such notice to be given not less than 11 days before the date of such hearing, to all owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in

the city post office. Where property lying within 200 feet of the property proposed to be changed is located in territory which was annexed to the city after the final date for making the renditions which are included on the last approved city tax roll, notice to such owners shall be given by one publication in the official newspaper at least 15 days before the time of the hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

2. An application for any change of zoning classification shall include names and addresses of all real property owners lying within 200 feet of the property on which the change in classification is proposed. The application shall also include a map showing the parcels within 200 feet of the property to be reclassified, each parcel to include the name of the property owner and legal description.

3. If, at the conclusion of the hearing, the planning and zoning commission recommends amendment of this ordinance to the city council, said recommendation shall be by a final report of the planning and zoning commission recorded 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 city council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.

4. The planning and zoning commission may recommend denial of an application with or without prejudice against the applicant to re-file 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 denied without prejudice against re-filing. If it is later determined by the council 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 year waiting period.

C. Action of the city council.

1. If the planning and zoning commission has recommended approval **or denial** of an application ~~or if the planning and zoning commission has recommended denial of an application~~ the city council shall set said application for public hearing and shall give notice of the time and place of the hearing by one publication in the official newspaper at least 16 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 200 feet of the subject property. **If the Planning and Zoning Commission has recommended denial or denial without prejudice of an application, in order for the application to be advanced to the City Council for public hearing and action, the applicant shall request in writing and within 10 calendar days, that the application be scheduled for public hearing and action by the city council. Failure of the applicant to appeal to the recommendation of the planning and zoning commission within the time allotted shall be cause for the termination of the application.**

2. In the case of a protest against an amendment to the ordinance signed by the owners of 20 percent or more, either of the area of the lots or land immediately adjoining the area included in the proposed change and extending 200 feet from that area, such amendment shall not become effective except by the favorable vote of three-fourths of all members of the city council **of the City of McLendon-Chisholm.**

3. In considering a motion to deny a zoning application, or upon voting to deny a zoning application, the city council may further consider whether said application shall be denied with or without prejudice against re-filing. If the city 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 re-filing. 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 year from the date of denial by the city 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 year waiting period.

D. Final approval and ordinance adoption. If the amending ordinance is not approved within six months from the time of its original consideration, the zoning request, at the option of the city council, may be recalled for a new public hearing **or may be terminated.**

E. 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 city, stating the time and location of the public hearing, which time shall not be earlier than 16 days from the date of such publication.

Sec. 1-15 Zoning board of adjustment

A. Creation, membership and procedures.

1. Zoning board of adjustment established. A zoning board of adjustment is hereby established 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.
2. Membership. The zoning board of adjustments shall consist of five citizens of McLendon-Chisholm, each to be appointed or re-appointed by the city council and confirmed by the city council.
3. Terms of office. Members of the board shall serve for staggered terms of two years each. Three members shall serve until January 1st of odd-numbered years, as heretofore appointed, and two members, as heretofore appointed, shall serve until January 1st of even-numbered years, and thereafter each member reappointed for each new appointee shall serve for a full term of two years unless removed as hereinabove provided.
4. Quorum. A quorum shall consist of three members to convene and conduct administrative action. However, four members are necessary to hear testimony and action on any quasi-judicial matter before the board.
5. Alternate members. The city council may appoint four 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 chairperson of the board, so that all cases to be heard by the board will always be heard by a minimum number of four members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two 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.
6. Vacancies. Vacancies shall be filled by the city council for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made.
7. Chairperson. The board shall elect its own chairperson, who shall serve for a period of one year or until a successor is elected.
8. Hearings. The hearings of the board shall be public. However, the board may go into executive session for discussion, but not for vote on any case before it. The board shall hear the ~~testimony intervention~~ of any owner of property ~~or citizen of the city and may 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.
9. Meetings. ~~Regular m-~~ 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 chairperson or at the written request of two regular members of the board, said request to be submitted to the chairperson.

B. Rules and regulations.

1. Minutes. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the mayor or a designee and shall be public record.
2. Board action. The board shall act by resolution in which four members must ~~occur~~ concur, with the exception of administrative actions which only require that three members concur.
3. Additional rules and regulations. 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 mayor or a designee, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

C. Powers and duties of the board. The board of adjustment shall have the power and exercise the duties of a board in accordance with Texas Local Government Code Chapter 211.009(a). Board

members are representatives of the city and may:

1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by ~~a~~ the mayor, ~~or~~ his/her designee, ~~another city employee or consultant under contract with the city~~, in the enforcement of this ordinance;
2. Hear and decide special exceptions to the terms of the zoning ordinance; in this regard the board may grant only special exceptions that are authorized by the express terms of the ordinance;
3. Authorize in specific cases a variance from the terms of the zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;
4. Hear and decide other matters authorized by the council;
5. To consider, decide, and make provisions for the amortization of an owner's investment in nonconforming uses or structures when specifically requested by the city council; and
6. To subpoena witnesses, administer oaths and require the production of documents.

D. Limitation on reapplications. When the board has denied an ~~proposal application~~, no new applications ~~of for the same or similar nature request on the same property~~ shall be accepted by the board nor scheduled for 12 months after the date of board denial. Applications which have been withdrawn, ~~at or a minimum of 30 days~~ before the board meeting may be resubmitted at any time for hearing before the board. ~~Applications withdrawn within 30 days of the scheduled board hearing shall be required to resubmit a new application and pay the required application fees.~~

E. Vote of four members required. The concurring vote of four members of the board is necessary to:

1. Reverse an order, requirement, decision or determination of a mayor or his/her designee;
2. Decide in favor of an applicant on a matter on which the board is required to pass; or
3. Authorize a variation from the terms of a zoning ordinance;
4. ~~Find and~~ Determine an appropriate amortization schedule or duration such that a nonconforming use or structure may be allowed to continue until fully amortized in accordance with such schedule or duration.

F. Appeals.

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 city. Such appeal shall be made by filing in the office of the mayor or a designee a 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.

2. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed ~~from~~ unless the mayor or a designee 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.

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 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 city. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

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.

G. 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:

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 **or size** of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
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.
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 mayor or his/her designee in the enforcement of this ordinance. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) 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 50 percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use.
 - (e) 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.
 - (f) 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:
 - (g) 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;
 - (h) 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;
 - (i) That the special conditions and circumstances do not result from the actions of the applicant;
 - (j) 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
 - (k) 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.

H. Authorized special exceptions. The board shall have the power to hear and decide special exceptions in the districts indicated below, subject to full and complete compliance with any and all

conditions listed, together with such other conditions as the board may impose for protection of the public health or safety:

Special Exception	District Where Permitted
A Special Exception may be granted for fence regulations if such special exception is found to be within the general purpose and intent of section 6-8 , Screening and Buffer Regulations	All Districts
Additional height of non-residential structure may be added in compliance with section 6-4 , A2, upon granting of a Special Exception	Non-commercial Districts
Parking space requirements may be reduced upon documentation by a study and approval of a Special Exception as per section 6-7	Non-Residential Districts
Relief from illumination requirement of 20 footcandle as per section 6-12	All Districts
Relief from prohibited lighting elements as per section 6-12	All Districts
Relief from exterior building material	Non-residential Districts
Relief from time limit for cargo containers located in residentially zoned districts as per section 6-14	Residential Districts
Relief from maximum number of cargo containers permitted as per section 6-14	“LI” Zoning District

I. **Changes.** The board shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to **those actions authorized in section G and H above. ~~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.~~** It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the mayor or his/her designee, that such questions shall be presented to the board only on appeal from the decision of the mayor or his/her designee 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.

(Ordinance 2017-22, ex. 1, adopted 12/19/17)

Sec. 1-16 Reserved

Sec. 1-17 Schedule of fees; charges, and expenses

The city 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 city 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 may be obtained from the city staff:

1. For docketing a zoning petition with the planning and zoning commission of the City of McLendon-Chisholm.
2. For docketing an application for relief with the board of adjustment of the City of McLendon-Chisholm.

Sec. 1-18 Violation and penalty

Any violation of this ordinance shall be a misdemeanor and each day that said violation occurs shall be a separate misdemeanor and the penalty for violating the provisions of this ordinance shall be a fine of not to exceed \$2000.00 and each and every day said violation continues shall be deemed to be a separate offense.

Sec. 1-19 Severability

If any section, subsection, or phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, district and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

ARTICLE 2. NONCONFORMING LOTS, STRUCTURES AND USES

Sec. 2-1 Categories of nonconformity

Within the districts established by this ordinance, or amendments that may later be adopted, there exists:

- * Lots and uses of land;
- * Buildings and structures;
- * Uses of land and buildings in combination; and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

It is the intent of this ordinance to permit these nonconformities to continue under regulations contained herein until they are removed, but not to encourage their survival. It is further the intent of this ordinance that such nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other buildings and structures or uses prohibited elsewhere in the same district.

Sec. 2-2 Nonconforming uses regulated

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. No nonconforming use of land, building, or nonconforming structure shall be enlarged, changed, altered, or repaired, except in conformance with the regulations contained in this section.

Sec. 2-3 Nonconforming status

Any use, lot, or structure which does not conform to the regulations of the zoning district in which it is located, is nonconforming when:

1. The use, lot, or structure was in existence and lawfully operating on the date of the passage of this ordinance, and has since been in regular and continuous use; or
2. The use, lot, or structure is lawful at the time of the adoption of any amendment to this ordinance, but because of the amendment, no longer complies with applicable regulations; or
3. The use, lot, or structure was in existence at the time of annexation to the city and has since been in regular and continuous use.

Sec. 2-4 Nonconforming lots of record

In any district in which residential, commercial, or industrial buildings are permitted, buildings may be erected on any single lot of record, or multiple lots of contiguous street frontage in the same ownership, which were recorded prior to the effective date of this ordinance.

This provision shall apply even though such lot or lots fail to meet the minimum requirements for area, width, or both, as governed by the applicable area regulations for that particular zoning district; however, all other provisions of the applicable zoning district area regulations shall apply.

Sec. 2-5 Nonconforming uses of land

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area

of land than was occupied at the effective date of adoption or amendment of this ordinance.

2. No such nonconforming use shall be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

3. If any such nonconforming use of land is deemed to be abandoned, for any reason, for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Sec. 2-6 Nonconforming buildings

Where a lawful building exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Structures existing prior to the effective date of this ordinance, which were conforming at that time, are considered to be nonconforming structures currently.

2. No such nonconforming building may be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with city building codes.

3. Should such nonconforming building or nonconforming portion of a building be destroyed by any means to an extent of more than 50 percent of its fair market value at the time of destruction, or 50 percent of the area of the structure, it shall not be reconstructed except in conformity with the provisions of this ordinance, or when approved by the board of adjustment, after public hearing thereon, when the board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property.

4. Should such building be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

5. All structures located on residentially zoned parcels, at the effective date of this ordinance, shall be deemed to be conforming, unless such structure is increased. In such case the minimum size of structure as contained in the zoning district herein shall apply.

Sec. 2-7 Nonconforming uses of buildings

If lawful use involving individual buildings exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in a particular district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing building devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with city building codes.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, except as required by the city's building codes, any nonconforming use of a building, or building and premises, may be changed to another nonconforming use provided that the board of adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

4. Any building in which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a building is discontinued or abandoned for six consecutive months, the building shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. Where nonconforming use status applied to a building and premises in combination, removal or destruction of the building shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the fair market value at time of destruction.

Sec. 2-8 Repairs and maintenance

1. On any nonconforming building or portion of a building containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 50 percent of the current replacement cost of the nonconforming building or nonconforming portion of the building, as the case may be; provided that the cubic content existing when it became nonconforming shall not be increased.
2. If a nonconforming building or portion of a building containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized city official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt, except in conformity with the regulations of the district in which it is located.
3. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 2-9 Nonconforming uses discontinued

A nonconforming use of any building or structure, which has been discontinued, shall not thereafter be returned to any nonconforming use. A nonconforming use shall be considered discontinued when:

1. It has been replaced with a conforming use;
2. Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of three months, or the equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced within such three month period; or
3. The intention of the owner to permanently discontinue the use is apparent.

Sec. 2-10 Changes that lessen nonconformity

Changing to a more restricted or less intensive nonconforming use that lessens the extent of the original nonconformity may be permitted at the time of issuance of a building permit or certificate of occupancy **subject to approval by the zoning board of adjustment.**

ARTICLE 3. PERMITTED USES

Sec. 3-1 Use of land and buildings

A. Land use table legend. The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed as being "permitted," permitted by "specific use permit," and prohibited uses as signified by blank cells. Conditions are provided in [section 3-2](#), Special conditions for listed uses. Any use not expressly authorized and permitted herein is expressly prohibited.

Land Use Table

P	=	Permitted Use
S	=	Specific Use Permit
	=	Prohibited Use

Land Use Designations	Residential Uses					Nonresidential							Special Conditions
	A	S	SF	SF	M	N	G	C	O	O	L	(See Sec. 3-2)	
	F		2.	1.5	H	C	B	P	1	2	I		
	5	5	5	5									
Residential Land Uses													
Apartment					P								
Bed and breakfast	S	S	S	S		S	S	S	S	S		27	
Boarding house					S								
Caretaker, guard or servant, residence or apt. garage	P	S	S	S	P	S		P	S	S	P		
Dwelling, guesthouse	P	S	S										
Convent, rectory, monastery	S	S			S	P						3	
Dwelling, assisted living facility						S						3	
Dwelling, HUD-code manufactured home					P								
Dwelling, industrialized housing	P	P	P	P	P								
Dwelling, mobile home													
Dwelling, multifamily													

Dwelling , single-family attached													
Dwelling , single-family detached	P	P	P	P									
Dwelling , two-family													
Garden (patio) home													
Group home for the disabled or disadvantaged	P	P	P	P	P								
Manufactured housing park or subdivision					P								
Public													
Animal pound, shelter	S							S			P	2, 3, 9, 7	
Assembly hall	S	S	S	S	S	P	P	P	P	P	P	2, 3, 7	
Athletic field and play field	P	P	P	P	P	P	S	P	P	P	P	1, 3, 7	
Cemetery, mausoleum, crematorium	S										S	3, 23	
Community center	S				S	S	P	P	P	P	P	2, 3, 7	
Garage, public						S	S	P	P	P	P	3, 11	
Golf course, public	P	P	P	P	P	P		P	P	P	P	3, 11, 13	
Government	S	S	S	S	S	P	P	P	P	P	P	3	

administr ation facility													
Library	S	S	S		S	P	P	P	P	P	P	P	3
Lodge, fraternal, sorority and clubs	S					S	P	P	P	P	P	P	3, 7
Museum						P	P	P	P	P	P	P	3
Park	P	P	P	P	P	P	P	P	P	P	P	P	3, 7
Philanthr opic and/or charitabl e use	S					P	P	P	P	P	P	P	3, 7
Public maintena nce building, storage yard	S	S	S	S	S	P		P	P	P	P	P	3, 7
Public safety facility, police and fire	P	P	P	P	P	P	P	P	P	P	P	P	3, 7, 12
Religiou s institutio n	S	S	S	S	S	P	P	P	P	P	P	P	2, 3, 7
Utility													
Electrica l generatin g station	S				S			S			P	P	3
Electrica l substatio n	P	P	P	P	P	P	S	P	P	P	P	P	3
Electrica l transmis sion line	P	P	P	P	P	P	S	P	P	P	P	P	
Gas regulator station	P	P	P	P	P	P	S	P	P	P	P	P	3
Public utility	P	P	P	P	P	P	S	P	P	P	P	P	3, 7, 12
Telephon e	P	P	P	P	P	P	S	P	P	P	P	P	3, 7

exchange , switchin g or relay												
Telecom municati ons, wireless facility												2, 3, 13, 14
Educati on												
School, business college						S	S	P	S	S		2, 3, 7, 11, 12
School, college or universit y	S					S	S	P	S	S		2, 3, 7, 11, 12
School, commerc ial instructio n						S	S	P	S	S	P	2, 3, 7, 11, 12
School, commerc ial trade						S	S	P	S	S	P	2, 3, 7, 11, 12
School, home	P	P	P	P								2, 3, 7, 11, 12
School, home day	S	S	S	S								2, 3, 7, 11, 12
School, institutio n, rehabilita tion and training center	S					P	S	P	S	S	P	2, 3, 7, 11, 12, 13
School, primary or secondar y	P	P	P	P		P	S	P	P	P	P	3, 7, 12
School, vocation al						P	S	P	P	P	P	3, 7, 12
School, high	P	P	P	P		P	S	P		P	P	3, 7, 12

Entertainment													
Amusement center, indoor	S					S	P	P	S	S	P	3	
Amusement center, outdoor						S		S			S	3	
Athletic field and play field, commercial						S		S			S	3	
Auditorium						S	S	P	S	S	P	3	
Camp ground and related facilities								S			S	3	
Country club	P	S	S	S	S	P	S	P	P	P	P	3, 7, 11	
Golf course, driving range		S	S	S	S	S	S	S				2, 3, 7, 11	
Golf course, miniature						S	S	P				2, 3, 7, 11	
Golf course, private	P	S	S	S	S	S	S	P	S	S	P	1, 3, 7, 11	
Go cart track and other vehicular track or facility								S			S	2, 3, 7, 11, 13, 16	
Gymnasium						S	S	S			P	2, 3, 7	
Movie theater, cineplex						S	S	P			P	2, 3, 7	
Private club						P	S	P			P	3	
Rodeo ground/fair	S					S		S			S	1, 3, 7, 8, 9,	

ground													12, 16
Skating rink, indoor						S	S	P			P		2, 3, 7
Stable, commercial						S		P			P		2, 3, 7, 8, 9
Stable, private	P	S	S	S	S	P	S	P			P		2, 3, 7, 8, 9
Swimming pool, commercial	S	S	S	S	S	P	S	P	P	P	P		2, 3
Swimming pool, private		P	P	P	P		P						
Shooting range, indoor						S		S			P		2, 3
Shooting range, outdoor											S		
Water park, commercial						S	S	S			S		2, 3, 7
Medical													
Clinic						P	S	P	P	P	P		3, 7
Hospital	S						S	P			P		2, 3, 7
Laboratory, medical and/or dental						S	S	P	P	P	P		2, 3, 7
Laboratory, research							S	S			P		2, 3, 7
Laboratory, support						S	S	S			P		2, 3, 7
Medical, dental and optical retail sales						P	P	P					3, 7

Medical, dental office					P	P	P	P	P		3, 7
Nursing home	S				P	S	P				3, 7
Optician shop					P	P	P	P	P		7
Rehabilitation care facility (psychiatric and mental disorders)					S	S	S			S	1, 3, 7
Rehabilitation care facility (substance abuse)					S	S	S			S	1, 3, 7
Rehabilitation care facility (criminal, psychiatric, mental disorders and substance abuse)						S	S			S	1, 3, 7
Veterinary hospital with outside pens						S	P			P	2, 3, 7, 9
Veterinary hospital without outside pens					S	P	P			P	2, 3, 7
Veterinarian office, small animal practice					P	P	P	S	S	P	3, 7
Veterinarian office, large animal practice					S	P	P			P	2, 3, 7, 8, 9

Transportation													
Airport, public/private	S										S	1	
Auto auction					S		P				P	2, 3, 7, 11, 12	
Auto carwash					S	S	P	S			P	2, 3, 5, 7	
Auto impound lot/wrecker business											S		
Auto paint and body shop							P				P	2, 3, 7, 11, 12, 13	
Auto parts and accessory sales					S	S	P				P	2, 3, 7, 11, 13	
Auto rental (car and truck)					S	S	P				P	2, 3, 7, 11, 12, 13	
Auto repair garage					S	S	P				P	2, 3, 7, 11, 12, 13	
Auto sales, new and used					S	S	P				P	2, 3, 7, 13	
Auto service station	S				S	P	P	S	S	P		2, 3, 7, 11, 12, 13	
Bus, train, and taxi station or terminal					S		S				P		
Farm machinery and implement sales and					S	S	P				P	2, 3, 7, 13	

service												
Heliport	S					S		S			P	2, 3, 13
Motor freight terminal								S			P	2, 3, 13
Motorcycle sales						S	S	P			P	2, 3, 7, 12, 13
Park and ride lots						S		S			P	2, 3, 7, 13
Parking lot, commercial (auto)	S					S		P			P	2, 3, 7, 13
Parking lot, commercial (truck)	S							S			P	2, 3, 7, 13
Recreational vehicle rental						S		P			P	2, 3, 7, 11, 12, 13
Recreational vehicle storage (commercial)						S		S			P	2, 3, 7, 13
Recreational vehicle and boat sales						S		S			P	2, 3, 7, 13
Recreational vehicle and boat storage						S		S			P	7
Professional												
Accessory banking						P	P	P	P	P	P	3, 7
Bank, savings and loan association, financial						P	P	P	P	P	P	3, 7

institution													
Office, business						P	P	P	P	P	P	3, 7	
Office, professional						P	P	P	P	P	P	3, 7	
Office, real estate development tract or field office						P	P	P	P	P	P	3, 7	
Service													
Ambulance service						P	P	P	S	S	P	3, 7, 13	
Animal grooming						P	P	P			P	3, 7, 13	
Antique shop						P	P	P				3, 7, 13	
Apparel alteration and repair or tailor shop						P	P	P				3, 7, 13	
Appliance repair, household						P	S	P	S	S		3, 7, 13	
Art gallery						P	P	P				3, 7	
Arts, crafts and hobby shop						P	P	P				3, 7, 13	
Auction house, indoor						S	S	P			P	2, 3, 7, 13	
Bakery, retail confectionery						P	P	P	S	S		3, 7, 13	
Bakery, wholesale candy						S	P	P			P	3, 7, 13	

Barber shop, beauty salon, other personal shop						P	P	P				3, 7, 13
Building material sales/lumber yard						S	S	P			P	3, 7, 13
Cabinet and/or upholstery shop						S	P	P			P	3, 7, 13
Catering service						P	P	P				3, 7, 13
Contract or, no outside storage permitted						P	S	P	S	S	P	2, 3, 7, 13
Contract or, outside storage permitted						S	S	S			P	2, 3, 7, 13
Contract or storage or equipment yard							S	P			P	2, 3, 7, 13
Convenience store, with or without fuel sales						P	P	P	S	S	P	3, 7, 13, 31
Copy shop						P	P	P	S	S		3, 7, 13
Cosmetic tattoo establishment						S	S	S	S	S		3, 7, 13
Cottage industry	S	S	S	S		P	P	P				3, 7, 13
Day care center, adult	S	S	S	S		P	S	P	S	S		3
Day care center, child	S	S	S	S	S	P	S	P	S	S		3

Day care, in the home	S	S	S	S	S		P					10, 19
Department store						S	S	P				3, 7, 13
Extended-stay hotel/motel						S	S	S	S	S		3, 7, 13
Exterminating service						S	S	P			P	2, 3, 7, 13
Factory outlet, retail or wholesale store							P	P			P	2, 3, 7, 13
Farmers market, outdoor								S			P	2, 3, 7, 13
Flea market								S			S	2, 3, 7, 13
Funeral home, mortuary	S	S	S			P	S	P	S	S		2, 3, 7, 13
Furniture, fixture and appliance store						P	S	P				3, 7, 13
Furniture repair						S	P	P				3, 7, 13
Gift shop including florist						P	P	P	S	S		3, 7, 13
Greenhouse or plant nursery						S	S	P			P	3, 7, 13
Grocery store						P	P	P	S	S	S	3, 7, 13
Hardware store						P	P	P			P	3, 7, 13
Health club, recreation facility						P	P	P	S	S		3, 7, 13
Hobby studio,						P	P	P				3, 7, 13

private												
Home improve ment store						S	S	S			P	3, 7, 13
Hotel, motel						P	S	P	S	S	S	3, 7, 13
Kennel	S					S	S	S				1, 3, 7, 8, 9, 13
Kiosk						S	P	P				
Landsca pe service						P	S	P			P	3, 13
Laundry, dry cleaning full service						P	P	P	S	S		3, 7, 13
Laundry, dry cleaning pickup and receiving station						P	P	P	S	S		3, 7, 13
Laundry, self service						P	S	P				3, 7, 13
Liquor sales, on- premises consump tion												
Liquor store, packagin g sales												
Lithogra phy or print shop						P	P	P				3, 7, 13
Locksmit h shop						P	P	P				3, 7, 13
Machine ry sales or repair						S		P				2, 3, 7, 12, 13
Manufac tured or industrial								S			P	2, 3, 7, 13

ized home sales or rental													
Meat market (includes seafood)						P	P	P					3, 7, 13
Music store						P	P	P					3, 7
Office machine sales and service						P	P	P					3, 7
Office supply store						P	P	P					3, 7
Pawn shop							S						3, 7
Pet shop						P	P	P					3, 7
Pharmacy						P	P	P	S	S			3, 7
Photographic equipment sales and service						P	P	P					3, 7
Photographic service						P	P	P					3, 7
Radio, television studio	S					S	S	S			P		3, 7
Recycling collection center						S	S	P			P		2, 3, 7, 13
Rental store						P		P			P		3, 7, 13
Rental yard, commercial and heavy equipment											P		
Restaurant, with alcohol sales						S	S	S			S		3, 7, 13

Restaura nt, without alcohol sales						S	S	S			S	3, 7, 13
Restaura nt, drive- in/drive- thru						S	S	S			S	3, 7, 13
Restaura nt, refreshm ent stand (tempora ry or seasonal)						S	S	S			S	2, 3, 7, 13
Sexually oriented business											S	
Shoe repair						P	P	P				3, 7
Sign shop, painted or silk- screened						P	P	P				3, 7
Stone monume nt sales						S	S	P			P	3, 7, 13
Tanning studio						P	P	P				3, 7
Tattoo parlor/bo dy piercing studio												
Tavern, bars and night clubs												
Taxider mist studio						S		P			P	3, 7
Taxider mist shop								P			P	2, 3, 7
Tobacco shop						P	P	P				3, 7
Video/ga me rental							S					3, 7
Watch and/or						P	P	P				3, 7

jewelry sales and repair													
Agricultural													
Agricultural use	P	P	P	P								8, 9, 30	
Farming and ranching operations	P	P	P	P		P	P	P				30	
Farming and ranching supply sales	P	P	P	P		P	S	P				30	
Industrial													
Assembly/fabricating plant								S			P	2, 3, 7, 13, 26, 27, 28	
Bottling works								S				2, 3, 7, 13, 26, 27, 28	
Building materials manufacturing								S				2, 3, 7, 13, 26, 27, 28	
Dairy processing								S				2, 3, 7, 13, 26, 27, 28	
Electronics manufacturing								S			P	2, 3, 7, 13, 26, 27, 28	
Laundry, dry cleaning and dyeing plant including diaper								S				2, 3, 7, 26, 27, 28	

service												
Machine shop								S			P	3, 7, 13, 26, 27, 28
Manufacturing facility (light)								S			P	3, 7, 13, 26, 27, 28
Meat product processing												
Natural resources mining	S							S			S	2, 3, 7, 13, 26, 27, 28
Oil and gas wells	P					S	S	S	S	S	S	2, 3, 7, 13
Pharmaceutical plant											S	2, 3, 7, 13, 26, 27, 28
Plastic products manufacturing											S	2, 3, 7, 13, 26, 27, 28
Salvage yard												
Stockyard												
Storage yard								S			S	2, 3, 7, 13
Textile manufacturing												
Welding or machine shop											P	3, 7, 13, 26, 27, 28
Warehouse Uses												

Mini-warehouse							S	S			P	2, 7
Warehousing, freight office and/or storage								S			P	1, 3, 7, 11, 12, 13
Wholesale establishments							S	P			P	2, 3, 7, 13
Accessory Use												
Accessory building	P	P	P	P	P	P	P	P	P	P	P	7, 15
Cargo container	P	P	P	P		P	S	P	P	P	P	
Private stables	P	P	P	P							P	29 32

(Ordinance 2011-01, sec. 1, adopted 1/11/11; Ordinance 2013-16, sec. 2, adopted 10/22/13)

Sec. 3-2 Special conditions for listed uses

A. Description of land use table conditions and special regulations. The following describes conditions and special regulations for uses listed in the permitted use table. Additional requirements may be recommended ~~added to these herein~~ by the planning and zoning commission ~~to the~~ for city council ~~for consideration as amendments to this ordinance~~ as deemed necessary to protect the health, safety, and general welfare of the citizens of McLendon-Chisholm. ~~Any modifications to the special conditions must comply with the requirements of section 1-14 of this ordinance.~~ No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the planning and zoning commission and city council have been met.

1. A site plan will be required in accordance with [section 6-1](#), Site plan requirements.
2. A site plan, in accordance with [section 6-1](#), Site plan requirements, will only be required in districts which require a specific use permit.
3. All storage shall be within completely enclosed buildings or effectively screened with screening not less than six feet nor more than eight feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screening.
4. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
5. May not be located within 300 feet of any property zoned for a residential use or any property which is occupied by a church, public school, day care or nursing home. The measurement of distance shall be measured as a radius from the edge of the property line.
6. Permitted on a temporary basis only, in accordance with [section 6-5](#), Temporary uses and special events.
7. All outdoor lighting, including parking lot lighting, shall be directed away from any property zoned or developed for residential uses.
8. Any proposed stable or barn must be set back 150 feet from a residential property line. Only animals permitted within the corporate limits by the City Code will be permitted on site.

9. Pens, outdoor kennels, or animal runs must be located 150 feet from any residentially zoned property.
10. A copy of the state certification of licensing or registration as described in section 42.052 of Chapter 42 - Texas Human Resources Code must be provided to the city.
11. Shall not be used for the storage of wrecked vehicles, or the dismantling of vehicles or the storage of vehicle parts.
12. All vehicles being stored for repair shall be screened from all public rights-of-way.
13. All equipment shall be stored and displayed on a hard all weather surface.
14. Antenna and towers shall be permitted and regulated in accordance with wireless communications facilities.
15. Accessory dwelling/garage apartments are limited to a maximum of 500 square feet.
16. Any business which uses the operation of motor vehicles on site, such as go cart tracks, shall not be located within 500 feet from any residentially zoned property.
17. Mini-warehouses.
 - (a) The principal access to the mini-warehouse complex shall be provided by an access drive of not less than 24 feet in width;
 - (b) The lot area used for mini-warehouse structures facing onto a public street shall not be greater than 100 feet in width including the access drive. The remainder of the lot devoted to the mini-warehouse use shall not face on any other public street;
 - (c) The boundary of the mini-warehouse complex shall be screened by walls or other devices from any adjoining use that, in the opinion of the council, is incompatible with the mini-warehouse use.
18. Any non-residential use abutting a residentially-zoned property shall be screened from public view by a solid fence, wall, berm, live plant material, or any combination thereof.
19. All child care centers shall comply with the following standards:
20. All vehicular entrances and exits shall be clearly visible from the street.
21. All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.
22. 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 city council if the child care is provided for less than four hours per day for an individual person.
23. In residential districts, a maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play area is utilized, it must be located within 100 feet of the child care facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.
24. Street width shall be no less than 27 feet wide.
25. 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 18 months. Extensions may be granted by the city council. Upon due notice and hearing before the city council, any such permit may be revoked if the city 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.
26. 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.
 - (a) No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefore. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department's regulations.
 - (b) A swimming pool may be constructed and operated when:

- (c) The pool is not located in any required front or side yard abutting a street;
 - (d) A wall or fence, not less than six feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
 - (e) All lighting of the pool is shielded or directed to face away from adjoining residences. 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;
 - (f) 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
 - (g) The swimming pool is no closer than eight feet from any property line.
 - (h) Requires a traffic impact analysis (TIA) to be submitted. If a site plan is required, the TIA shall be submitted with the site plan.
27. Bed and breakfast is subject to the following conditions:
- (a) Additional parking of one space per guest bedroom will be required. Parking must be screened from view of adjacent residentially zoned property.
 - (b) Food service will be limited to overnight guests of the bed and breakfast establishment and shall be prepared on site, with the exception of receptions, retreats, teas and luncheons that may be catered.
 - (c) Receptions, retreats, teas and luncheons in the SF1 and SF2 residential districts are limited to no more than 50 guests.
 - (d) The architecture of the structure and the grounds of the bed and breakfast must maintain the character of the neighborhood. If alternations are made, the exterior of the structure and the grounds must remain typical of the neighborhood and give no appearance of the business establishment within.
 - (e) A permanent, wired, smoke alarm system meeting all city codes must be installed.
 - (f) Signage is limited to one sign per bed and breakfast. Signs must be discreet and unobtrusive, must be architecturally compatible with the character of the neighborhood and may contain only the name of the bed and breakfast and/or the owner's name.
28. Cargo containers shall be regulated by [section 6-14](#).
29. Private stables as an accessory use to the housing of animals owned by the resident and set back from adjacent property lines a minimum distance of ~~100~~ 150 feet. A minimum area of one-half acre shall be provided for each animal.
30. In the ~~SF1, SF2, SF3, and SF4~~ SF 1.5, SF 2.5 and SF 5 zoning districts agricultural uses shall be limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises.
31. No use shall be conducted, permitted or otherwise allowed, except by Specific Use Permit only, within 500 feet of or on adjacent property to an identical or similar use. Distance shall be measured in a direct line from the nearest points of the property lines. If the use is located at an intersection of public streets, no more than two similar or identical uses shall be conducted, permitted or otherwise allowed, except by Specific Use Permit only, on corner lots at the intersection and the lots may only be at diagonal points across the intersection. (Ordinance 2013-16, sec. 1, adopted 10/22/13)
32. A livestock barn and/or a farming/ranching equipment storage barn may be constructed on agriculturally zoned land where the contiguous parcel contains at least 10 acres of land and is used for agricultural purposes. Such barn may cover up to 15 percent of the land area of the lot, tract or parcel. A barn as described herein is a main use and does not require the existence of some other air-conditioned facility or use to be located on the lot, tract or parcel. A certificate of occupancy and/or a building permit for the construction of such a facility is permitted.

Sec. 3-3 General definitions

The following are general definitions that, when used in this ordinance, shall have the meaning respectively ascribed to them in this section, unless the context of this ordinance clearly indicates otherwise. These definitions do not include the definitions of uses as listed in the permitted use table, [section 3-1](#). Definitions for uses listed in the permitted use table are provided in [section 3-4](#), Land use

definitions and explanations. Definitions that pertain to other sections of this ordinance are provided in those specific sections.

Abutting. Shall mean to physically touch or border upon; or to share a common border, boundary, or property line but not to overlap.

Adjacent. Shall mean to be near or close to but not necessarily touching. Lot lines separated by a street, utility, drainage, railroad, or other public use right-of-way shall be considered to be adjacent.

Accessory structure. The outside measurement of all roofed area and supporting structural elements of construction for any accessory building. Constructed of conventional commercial kits or conventional wood framed construction meeting the requirements of the city building code as adopted by the City of McLendon-Chisholm.

Administrative official. The individual charged with the administration and enforcement of this ordinance, or his duly authorized representative.

Alley. A public minor way which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

Basement. A building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

Block. An area enclosed by streets and occupied by or intended for buildings; or if used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets, which intersect, said street on the said side.

Board. The board of adjustment.

Breezeway. A covered passage one story in height and six feet or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

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.

Building line. A line parallel or approximately parallel to the street line at a specific distance there from marking the minimum distance from the street line that a building may be erected.

Cellar. A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

Certificate of occupancy. An official certificate issued by the city through the administrative official which indicates conformance with or approved conditional waiver from the building or zoning regulations and authorizes legal use and occupancy of the premises for which it is issued.

City council (council). The governing body of the City of McLendon-Chisholm, Texas.

Convenience store. A store that conducts over-the-counter sales of food products and beverages for off-site or limited on-site consumption and whose inventory primarily includes containerized or dispensed beverages, fast foods, snack foods, personal items, and other similar type items. A convenience store may have indoor seating of not more than ten percent of the gross floor area as accessory to the use, unless the seating is primarily devoted to use by an on-site fast-food restaurant. A convenience store may but need not include gas pumps. No drive-through service or facilities may be conducted or used at a convenience store unless the drive-through service is conducted and used exclusively by an on-site fast-food restaurant, in which event only food and beverage products sold from the restaurant may be distributed at the drive-through facility. (Ordinance 2013-16, sec. 3, adopted 10/22/13)

Court. An open, unoccupied space bounded on three or more 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 side open to a street, alley, yard or other permanent space.

Density. The number of dwelling units permitted per net acre of land. A net acre of land does not include portions of streets or alleys.

District. A section of the City of McLendon-Chisholm for which the regulations governing the area,

height, or use of the land and buildings are uniform.

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

Easement. A grant of one or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Family. Any number of persons living together as a single non-profit housekeeping unit in which not more than four individuals are unrelated by blood, marriage, or adoption.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include five or more persons not within the second degree of kinship, occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

Fence. An open or solid enclosure designed to contain or prevent intrusion. An open fence is one in which the vertical surface thereof is not less than 70 percent open. A solid fence is one in which the vertical surface thereof is not greater than 30 percent open, and may be considered as a screening element. (See also screening element.)

Floodplain. Any land area susceptible to being inundated by water from any source.

Floodway. The channel, river, or other watercourse and the adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

Floor area. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, carports, or garages.

Floor area ratio (FAR). An indicated ratio between the number of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.

Glare. A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Grade. The average of the finished ground level at the center of all walls of a building. In cases where walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

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 the highest point of the roof's surface if a flat surface;
- * To the deck line of mansard roofs; or
- * To the mean height level between eaves and ridge 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 feet in height.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

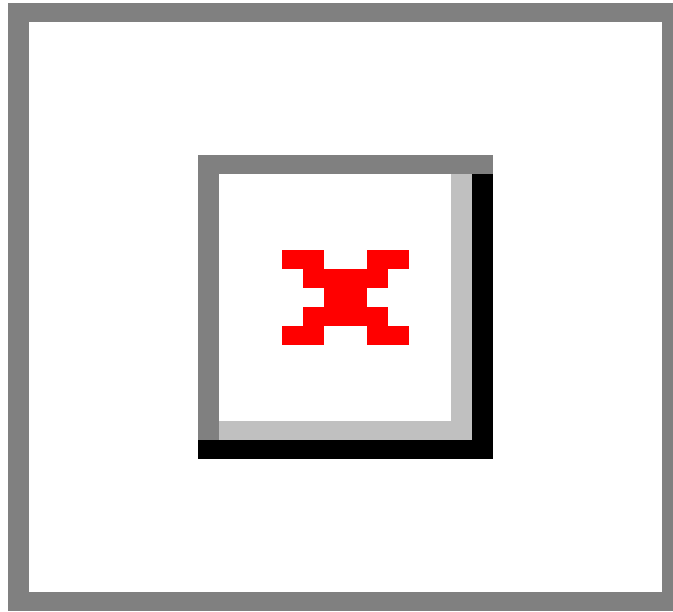
Impervious coverage. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

Infrastructure. The essential facilities such as water, sewers, streets, highways, public utilities, libraries, parks, police and fire services, and other facilities related to the protection of the health, safety, and general welfare.

Landscaping. Live plant material including grass, shrubs, trees, and flowering plants as required by [section 6-10](#) Landscape regulations.

Loading space, off-street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot. A parcel of land, which is shown, on an approved plat recorded in the ~~Tarrant~~ County plat records.



Lot area. The area of the horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot coverage. The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

Lot depth. The horizontal mean distance between the midpoint of the front and the midpoint of the rear lot lines.

Lot, flag. A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, interior. A lot that is other than a corner lot.

Lot, key. A corner lot that has the rear yard of two or more adjacent lots abutting the side lot line of two or more of the side lots.

Lot lines. The property lines bounding a lot as defined herein.

Lot line, front. The boundary between a lot and the street on which it fronts.

Lot line, rear. The boundary line not intersecting a front lot line which is most distant and most closely parallel to the front lot line.

Lot line, side. Any lot boundary line not a front or rear line thereof.

Lot, through. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots. Such lot(s) shall provide a front yard on each street.

Lot width. The width of a lot at the front building line.

Main (principal) building. The building or buildings on a lot which are occupied by the primary use.

Masonry. That form of construction composed of brick, stone, or decorative split face block or combination of these materials laid up unit by unit and set in mortar with a natural finish. (Masonry does not include exterior insulated finish systems [EIFS]).

Nonconforming building. A building which legally existed prior to the adoption, revision, or amendment of this ordinance but that does not meet the limitations on building size or location on a lot for the district in which the building is located, or for the use being made of the building.

Nonconforming lot. A lot which was in compliance with applicable regulations prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of adoption, revision, or amendment to conform to the lot requirements for the district in which it is located.

Nonconforming use. A use of land which legally existed at the time of the effective date of this ordinance, or subsequent amendments thereto, which does not conform to the use regulations of the district in which it is situated.

Occupancy. The use or intended use of the land or buildings by proprietors or tenants.

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 or porches.

Parking space, off-street. For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be within any public street, alley, or right-of-way, and so that any automobile may be parked and un-parked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room shall be estimated at 300 square feet for residential uses and 400 square feet for nonresidential uses; but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements in this ordinance are provided, maintained, and improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city. All required off-street parking spaces shall be provided and maintained wholly within private property lines and not within any public highway, street or alley right-of-way.

Planning and zoning commission (commission). The planning and zoning commission of McLendon-Chisholm, Texas.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the city and subject to approval by the planning and zoning commission. Reference to a final plat in this ordinance means an official plat of record which has been approved by the planning and zoning commission and the city council and filed in the plat records of the county in which the property lies.

Premises. Land together with any buildings or structures occupying all or any portion of the lot, tract or parcel of land.

Private drive, street, or place. An open, unoccupied space, other than a street or alley, permanently established or reserved or dedicated in private ownership as the principal means of vehicular access to property abutting thereon.

Property line. (See lot line).

Residence. Same as a dwelling; also when used with the word "district," an area of residential regulations.

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.

Screening element/device. Screening element (device) or suitably screened as herein referred, shall mean any of the following:

Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base which supports a permanent type material, the vertical surface of which is not more than 30 percent open; or

Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition;

Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge or other dense planting material.

Semi-trailer. A vehicle designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

Setback, building. The minimum horizontal distance between the front wall of any projection of the building (excluding steps) and the street line. (Same as building line.)

Special exception. A use that would not be generally appropriate without restriction throughout the zoning district, but which, if controlled as to number, area, location, intensity, or relation to the

neighborhood, would or could be compatible therein and promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted as special exceptions by the board of adjustment, after public hearing thereon. See Article 3 [\[section 1-15\]](#) Board of Adjustment.

Specific use. The use of any building, structure, or land not specifically allowed by district regulations, but permitted as a specific use in accordance with [section 6-2](#), Specific use permits.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade, or average ground level.

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

Street line. The right-of-way line of a street.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings and mobile homes.

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

Thoroughfare. Those public streets designated on the City of McLendon-Chisholm Thoroughfare Plan as "thoroughfares."

Trailer. A vehicle that is designed or used to carry a load wholly on its own structure; and is drawn or designed to be drawn by a motor vehicle.

Vehicle. As used herein shall include motor vehicle, motorcycle, trailer and semi-trailer.

Variance. A variance is a relaxation by the board of adjustment of the dimensional regulations of the zoning ordinance, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions or the situation of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship. See Article 3 [\[section 1-15\]](#), Board of Adjustment.

Yard, front or street. A yard across the full width of the lot extending from the building line to the front line of the lot abutting a street. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, rear. A yard between the rear lot line and the rear line of the main building and the side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, side. A yard between the building and the sideline of the lot and extending from the front yard to the required minimum rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Zoning district map. The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance.

Sec. 3-4 Land use definitions and explanations

The following definitions and explanatory notes supplement, restrict, and define the meaning and intent of the uses listed in [section 3-1](#), Permitted use table.

Accessory building. Any building customarily incidental to the principal building, including among other

things, a garage for parking of vehicles, storage shed, greenhouse, pool cabana or tool storage shed and similar such structures not used for any commercial purposes.

Portable building. Any accessory building which is smaller than 120 square feet in size. Constructed to be moved on its structure without lifting and minimal damage to the building and anchored to prevent overturning.

Accessory banking. A banking service(s) office, which may or may not include automated teller machines, that does not include drive-through services of any kind.

Accessory use. A use customarily incidental to the main use of the property.

Adult day-care facility. A facility that provides services under an adult day-care program on a daily or regular basis but not overnight to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

Agricultural use. The use of a parcel of land, of five acres or more, for farming or ranching and shall include the structures that are normally associated with agricultural uses. However, this use shall not include commercial dairies, commercial dog kennels, commercial hatcheries, and commercial mink, fox, rat, or other fur bearing animal farms, or the farming of swine or exotic animals.

Ambulance service. An establishment which provides ambulatory transport of persons, to or from a medical facility, for a fee.

Amusement center, indoor. A facility providing game equipment for entertainment and amusement as its primary source of income. Games contained in the facility may include coin operated machines utilizing balls, pins, and baskets, video equipment, and pinball. Other equipment may include skill games such as pool, billiards, bowling, shuffle board, darts, and batting cages. Any combination of these games may be used in the facility. Games of wagering and chance, including 8-liners, categorized as gambling are prohibited and not included in this use.

Amusement center, outdoor. An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open.

Animal grooming. An establishment that offers to the general public the service of animal grooming for domestic pets. No boarding or medical care is provided.

Animal pound, shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Antique shop. An establishment offering for sale articles such as glass, china, furniture, or similar furnishings and decorations which have value and significance as a result of age, design, or sentiment.

Apartment. A room or suite of rooms arranged, designed, or occupied as a dwelling unit residence by a single-family, individual, or group of individuals living together as a single housekeeping unit.

Apparel alteration and repair or tailor shop. An establishment offering individual alteration, repair, or creation of clothing apparel to the public.

Appliance repair, household. A shop specializing in repair of household appliances.

Art gallery. An establishment offering works of art for viewing and sale to the general public.

Arts, crafts, and hobby shop. An establishment offering for sale those items commonly associated with hobbies, including display areas for hobbies.

Assembly hall. A building and associated facilities dedicated to social or recreational activities serving the city or a neighborhood.

Assembly plant. A facility for the assembly of equipment including automobiles, trucks, farm machinery, railroad cars, engines, and appliances from components fabricated for the most part in other locations.

Athletic field and play field, commercial. An athletic field or stadium owned and operated privately, including a baseball field, golf course, football field, or stadium which may be lighted for night-time play.

Athletic field and 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 night-time play.

Auction house. A place where objects of art, furniture, or other goods are offered for sale to persons who bid on the object in competition with each other.

Auditorium. A large building and associated facilities for gathering an audience for speeches and performances.

Auto auction. An enclosure or area, including outside storage, designed for the sale of automobiles at auction or using other sales techniques.

Auto carwash. An area and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Auto impound lot/wrecker business. An establishment offering the services of towing, impounding, and temporary storage of vehicles which have either been in an accident or are illegally parked.

Auto paint and body shop. An automotive shop with a primary purpose of repairing and painting the outside surfaces of automobiles, trucks, and vans, and repairing and replacing the upholstery of such vehicles.

Auto parts and accessory sales. An automotive shop with a primary purpose of selling new parts and accessories for automobiles, trucks, and vans.

Auto rental (car and truck). An establishment primarily engaged in the short-term rental or extended term leasing of automobiles and trucks, not including truck tractors or semi-trailers.

Auto repair garage. An enclosed facility designed for the repair and maintenance of automobiles, trucks, and vans with outside storage allowed but no outside repair or maintenance conducted.

Auto sales, new and used. An open area or lot used for the display or sale of automobiles, trucks, and vans, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and where there is no dismantling of cars for sale or keeping of used car parts or junk on the premises.

Auto service station. An establishment for the retail sales of petroleum products, automobile accessories, auto tune-up, muffler installation incidental to the primary use, tire installation or repair, oil change or other lubricate services, in which all services provided and all storage, supplies, parts, equipment, and accessories are indoors, with the exception of fuel-dispensing operations.

Auto service station, light maintenance. A premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall include automobile inspection services, but shall not include areas where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Bakery, retail confectionery. A shop offering for sale on premises those baked goods or candies made on premises or off premises. No production for off-premises sale is allowed.

Bakery, wholesale candy. A manufacturing facility for either baked goods or candy with the purpose of selling the products at off-site retail locations.

Bank, savings and loan association, financial institution. A building or premises offering banking, savings and loan, and other financial services, not including pawn shops as herein defined.

Barber shop, beauty salon, and other personal shop. An establishment which provides personal services including hair cuts, perms, color treatments, manicures, pedicures, and other personal beauty services.

Bed and breakfast. An owner occupied establishment that is used for transient lodging with no more than seven guestrooms rented for compensation and located in the principal building. The length of stay is limited to not more than 14 consecutive days. Meal service is prepared and served on-site and is limited to breakfast for overnight paying guests, only, at no additional compensation. Cooking and cooking facilities are prohibited in guestrooms.

Boardinghouse. A building other than a hotel, where lodging and meals for five or more persons, not members of the principal family therein, are served for compensation.

Bottling works. A facility for the bottling of products for off-site retail sales.

Building materials manufacturing. A facility for the production of building materials which include

fiberglass, wallboard, shingles, etc.

Building material sales. A distribution and sales center for retail and wholesale hardware, plumbing, lumber, and other materials used in the building trade.

Bus, train, and taxi station or terminal. A facility that provides for regularly scheduled transit services, passenger lounges, ticketing, and customer parking.

Cabinet and upholstery shop. A shop for the assembly of cabinetry for domestic use and furniture repairing, refinishing, and upholstery.

Camp ground and related facilities. An area that is occupied or intended or designed for occupancy by transients using recreational vehicles, tents, or other temporary dwellings for dwelling, lodging, or sleeping purposes. The use may also include cooking facilities, bathhouses, and recreation areas. This does not include a manufactured housing community.

Caretaker's residence, guard's residence, servant's quarters. A residence located on a premises with a main non-residential or residential use occupied only by an employee of the principal use, and serviced through the same utility meters or connections as the principal use to which it is accessory. Manufactured homes are not permitted for this use.

Cargo container. A standardized, reusable vessel also known as a shipping container and is:

- * Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or
- * Designed for or capable of being mounted or moved on a rail car, and/or
- * Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

Cargo container includes a trailer or container mounted on wheels designed to be pulled by semi-tractor truck when said trailer is not attached to such truck but is parked, placed or used as storage. Residential storage units know as 'pods' are also included.

Carport. A structure which is unenclosed by any coverings on at least three sides and for the purpose of providing covering for the off-street parking of private vehicles.

Catering service. A facility where food is prepared in large quantities to be transported to, served, and consumed at an off-site location.

Cemetery, mausoleum, crematorium. An area or structure designed to contain the remains of humans or animals for permanent interment.

Clinic. A public or private, profit or non-profit facility for the reception and treatment of outpatient persons physically or mentally ill, injured, handicapped, or otherwise in need of physical or mental diagnosis, treatment, care, or similar service.

Collectibles shop. A retail establishment offering such collectible items as sports trading cards, comic books, and stuffed animals for sale to the general public.

Community center. A building dedicated to social or recreational activities, serving the city or a neighborhood and owned and operated by the city, or by a non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

Community home for the disabled. A home that where not more than six persons, regardless of the legal relationship to one another, with disabilities and two supervisors reside and are provided with services consisting of food and shelter, personal guidance, care, habilitation services and supervision, in accordance with Chapter 123 of the Texas Human Resources Code.

Contractor, no outside storage permitted. A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which also may have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. No outside storage permitted.

Contractor, outside storage permitted. A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which also may have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. Outside storage permitted.

Contractors storage or equipment yard. An area located on the same lot or separate lot as a principal use, used for outside storage of construction equipment, including vehicles and construction material.

Convenience store. A small retail establishment, usually located within or associated with another use that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods.

Convenience store, with or without fuel sales. A premises where gasoline and/or other petroleum products are sold as a principal use, and in connection with the principal use, a convenience store offering for sale prepackaged food products, household items, and other goods commonly associated with the same.

Convent, rectory, monastery. The building, buildings, or premises occupied by a religious community or association as a residence and a place of work and worship.

Copy shop. A small commercial printing shop, which sells on-site, most of the items printed, along with associated items.

Cosmetic tattoo establishment. An establishment, meeting the certification required by state law, where trained personnel apply micro-injections of pigment to the dermal layer of skin such that facial cosmetics are applied on a permanent basis. This does not include a tattoo parlor.

Cottage industry. A small, individual owned business or concern that functions without altering the residential character of the neighborhood, and which does not create any negative impacts on the public health, safety, and general welfare of the adjacent property owners.

Country club. An area containing a golf course and a clubhouse and available only to private specific membership. Such a club may contain adjunct facilities such as a private club (only in conformance with these regulations and applicable state statutes), dining room, swimming pool, tennis courts, and similar recreational or service activities.

Dairy processing. A commercial plant for the storage and processing of milk and milk products.

Day-care center. A child-care facility that provides care for more than 12 children under 14 years of age for less than 24 hours a day.

Day-care center, adult. An agency at which six or more disabled or elderly adults not related to the proprietor, are left for care for a part of the 24 hours of the day.

Day-care center, child. An agency at which four or more children, under the age of 16 and not related to the proprietor, are left for care for a part of the 24 hours of the day.

Day-care, in the home. A private residence where care, protection, and supervision are provided on a regular schedule, at least twice a week to no more than four children, excluding children of the adult provider.

Department store. A store offering a variety of comparison and consumptive goods at retail price to the general public.

Dwelling, assisted living facility. A facility intended to provide dwelling units for occupancy by persons requiring the level of care and support defined by the State of Texas as "supervised living."

Dwelling, industrialized housing. A detached residential building that is designed for the use and occupancy of one family, that is constructed in one or more modules or constructed using one or more modular components, built at a location other than the permanent residential site, and that is 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 does not include any residential structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (1) housing constructed of sectional or panelized systems not utilizing modular components; or (2) any ready-made 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.

Dwelling, manufactured housing or mobile home. Shall be defined and differentiated by the following:

HUD-code manufactured home. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or

more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length; or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Mobile home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length; or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Dwelling, multifamily. A residential building containing three or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single-family attached. An attached residential building, not including a mobile home or HUD Code manufactured home, which contains not more than one dwelling unit per lot of record.

Dwelling, single-family detached. A detached residential building, not including a mobile home or a HUD Code manufactured home, which contains not more than one dwelling unit per lot of record.

Dwelling, guesthouse. A residential dwelling, which may include living, sleeping, bathing, and kitchen facilities but is secondary to the main dwelling structure and is used solely for habitation of guests on a temporary basis and at no compensation.

Dwelling, two-family. A residential building containing two dwelling units.

Electrical generating station. A facility designed to convert electrical current from other energy sources for consumption by dwellings and other structures.

Electrical sub-station. A facility designed to convert electrical current to a different phase or voltage prior to consumption by dwellings and other structures.

Electrical transmission line. A high voltage line used to transmit electrical current to or between electrical substations or long distances and customarily associated with towers.

Electronics manufacturing. A facility for the production of printed circuit boards, microchips, and other electronic parts which may be assembled on site into end products such as computers, televisions, radios, and communication equipment.

Extended-stay hotel/motel. Any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves, and ovens.

Exterminating service. A business providing extermination services for household pests, including insects and rodents.

Factory outlet, retail or wholesale store. An establishment that offers goods and products to the public that are obtained directly from the manufacturer at prices that reflect savings due to the reduced cost of said direct distribution.

Family home. A home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

Farm machinery and implement sales and service. An enclosed area designed for sales and repair of farm machinery.

Fitness studio. A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. Fitness studio may include passive exercise equipment (motorized equipment which does not require physical exertion) but exclude equipment or apparatus used for weight control or muscle building, and shall exclude massage in any form.

Funeral home, mortuary. A building or part thereof used for human funeral services. Such building may contain space and facilities for cremation facilities, embalming, and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Furniture, fixture, and appliance store. A retail establishment offering home furnishings, fixtures, and appliances to the general public.

Garage, private. An enclosed two-car accessory building or portion of a main building on the same lot and used for the storage only of private passenger motor vehicles and recreational vehicles, owned and used by the owners or tenants of the premises.

Garage, public. A building or portion thereof, except as herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal use. Facilities for washing may be provided.

Garage, repair. A building or space for the repair or maintenance of motor vehicles, not including factory assembly of vehicles, auto wrecking establishments, or junkyards.

Garden (patio) homes. A detached single-family unit distinguishable by the location of one exterior wall on a side property line.

Gas regulator station. A station used to regulate the flow or pressure of gas in a pipeline.

Gift shop. A shop offering gifts, souvenirs, and associated products for sale.

Golf course, driving range. An establishment offering areas for driving of golf balls including "pitch and putt" facilities.

Golf course, miniature. An establishment offering facilities for miniature golf.

Golf course, private. Grounds and facilities used in the playing of the game golf, for use by private membership.

Golf course, public. Grounds and facilities used in the playing of the game golf, privately owned but open to the public for a fee and operated as a commercial venture.

Go-cart track and other motor vehicle track or facility. A private, commercial enterprise offering outdoor go-cart tracks to the general public for a fee or charge. A go-cart is a non-licensed motorized low horsepower vehicle powered by either a gas or electrical motor to be used for the purpose of entertainment, generally having the capacity of one driver/operator. Does not include remote control vehicles.

Governmental administration facility. A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

Greenhouse or plant nursery. An establishment operated for commercial purposes, offering plants grown on premises and off premises and associated products for sale for use in connection with home gardening activities.

Grocery store. A retail store primarily engaged in the retail sales of all sorts of canned goods, dry goods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry.

Group day-care home. A child-care facility that provides care for seven to 12 children under 14 years of age for less than 24 hours a day.

Group home for the disabled or disadvantaged. A dwelling shared by four or more disabled persons or elderly, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents, with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential.

As used herein, the term "disabled" shall mean having (1) a physical or mental impairment that substantially limits one or more of the person's major life activities so that such person is incapable of living independently; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "disabled" shall not include current illegal use of or addiction to controlled

substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the disabled" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Gymnasium. A building or room used for physical education and sports, which may be equipped with gymnastic or other sports-related equipment and that may have seating in which spectators may view sports activities.

Hardware store. An establishment offering hand tools, small building materials, and associated convenience items for sale to the general public.

Health club, recreation facility. An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop, gymnasiums, private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Heliport. A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.

Helistop. A landing pad for occasional and infrequent use by rotary wing aircraft with no fueling facilities.

Hobby studio, private. An accessory activity area used by the occupants of the premises purely for personal enjoyment, amusement, recreation, or cultivation of artistic talents.

Home occupation. An occupation customarily conducted for gain or support entirely within a dwelling by a member or members of a family while residing therein, and which is clearly incidental and secondary to the residential use of the premises and does not change the character thereof.

Hospital. An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities. Hospitals may include supportive retail and personal service uses operated by or under the control of the hospital primarily for the convenience of patients, staff, and visitors.

Hotel, motel. A building or portion thereof in which ten or more guest rooms are provided for occupancy for compensation by transient guests.

Junk. The term "junk" is defined to mean, and shall include, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, scrap zinc, and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, subject to being dismantled for junk.

Kenel. A lot or premises on which four or more dogs, cats or other domestic animals at least four months of age are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.

Kiosk. A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted, or a freestanding building with one or more open sides from which commercial activities are conducted.

Laboratory, medical and/or dental. A facility with materials and scientific and technological equipment designed for scientific experimentation, examination, evaluation, and documentation for medical and other technologies.

Laboratory, research. A facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

Laboratory, support. A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement

agencies would also be included in this category.

Landscape service. A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements necessary to support or sustain the landscaped surface of the ground.

Laundry, dry-cleaning full service. A retail establishment providing full service laundry and dry-cleaning services to the general public.

Laundry, dry-cleaning pickup and receiving station. A retail establishment that provides a drop-off and pick-up point for customers to leave wearing apparel or other material in need of laundry and dry-cleaning and pick up of items when laundered and/or dry-cleaned.

Laundry, dry-cleaning self service. A retail establishment providing facilities for customers to launder or dry-clean wearing apparel or other materials.

Library. Buildings and structures open for the general public, for which a fee may or may not be charged for the use of book and other media collections.

Lithography or print shop. A large commercial printing shop with multiple presses and capabilities.

Locksmith shop. A shop that specializes in making, selling, and repairing keys, locks, and associated material.

Lodge, fraternal, sorority, and clubs. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

Machine shop. A shop that manufactures metal products through the use of presses, stamps, and dyes.

Machinery sales or repair. A facility for the storage, repair, outside sales, or rental of heavy machinery or equipment.

Manufactured housing park or subdivision. A parcel of land not less than three acres in size developed for rental or sale of lots for the installation for residential uses of HUD Code manufactured housing.

Manufactured or industrialized housing sales or rental. An area devoted to outside sales or rental of HUD-Code manufactured homes or industrialized housing. For off-premises residential use only.

Manufacturing facility (light). A facility used for sub-assembly or assembly of sub-assemblies for industrial purposes, and may conduct manufacturing that does not emit noise, odor, dust, or other hazards.

Meat market. A retail facility that offers meat, fish, and poultry products for sale to the public and shall include the sale of meat and meat products to restaurants, hotels, clubs, and other similar establishments when such sale is conducted as part of the retail business on the premises.

Meat product processing. A facility for processing cuts of meat from off-site into finished products.

Medical, dental, and optical retail sales. An establishment offering prescription and over the counter products for sale.

Medical, dental office. Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.

Medical equipment sales, rental, and leasing service. An establishment including offices, stores, and display rooms for the display, sale, rental, and leasing of medical equipment.

Mini-warehouse. A building or group of buildings in a controlled access and fenced compound consisting of varying sized of individual, compartmentalized, and controlled access, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

Motor freight terminal. A facility with the capability of handling a large variety of goods involving various forms of transportation and providing multi-modal shipping capabilities, such as rail to truck and truck to air.

Movie theater, cineplex. Complex structures with multiple movie theaters, each theater capable of providing performances independent of the others in the complex. Structurally, theaters in a cineplex are grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby areas, restrooms, concession stands, signs and marquee displays, and other service and maintenance

facilities.

Museum. An institution for the collection, display, and distribution of objects of art or science which is sponsored by or owned and operated by the city, a public or quasi-public agency, and which facility is open to the general public.

Music store. An establishment offering music, musical instruments, and other related items for sale to the general public. Such establishment may offer repair services of musical instruments.

Nursing home. A structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age, including developments containing convalescent or nursing facilities.

Office, business. An office in which chattels or goods, wares, or merchandise are not commercially displayed, created, sold, or exchanged.

Office machine sales and service. A shop specializing in the sale and repair of office machinery.

Office, professional. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. Including but not limited to insurance broker, public stenographers, real estate broker, stock broker, doctor, dentist, and other persons who operate or conduct offices which do not require the stocking of goods for wholesale or retail sales.

Office, real estate development tract or field office. A temporary office for the purpose of selling real estate to the general public located on or adjacent to the real estate being offered for sale.

Office supply store. A store that specializes in office supplies.

Optician shop. A shop that manufactures optical devices, especially eyeglasses.

Park. Public or private land available for recreational, educational, cultural, or aesthetic use.

Parking area. An area for the driving, parking, display, or storage of motor vehicles.

Parking lot, commercial (auto). A structure or lot devoted to the temporary parking of automobiles for a fee.

Parking lot, commercial (truck). A facility for temporary parking of currently commercial licensed trucks in excess of one ton, for a fee.

Patio (garden) home. A detached, single-family unit typically situated on a reduced-size lot that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space.

Pawn shop. A shop specializing in making small loans against personal property or buying used personal goods from individuals.

Pet shop. A shop offering small animals for sale, with associated goods and services.

Pharmaceutical plant. A facility for the production of drugs for medicine.

Pharmaceutical products manufacturing. A facility for the production of drugs for medicine.

Pharmacy. An establishment offering prescription and over the counter pharmaceuticals and other associated products for sale to the public.

Philanthropic and/or charitable use. A nonprofit organization supported mainly by charity and whose principal function is the performance of charitable work.

Photographic equipment sales and service. A shop that specializes in the sale and repair of photographic equipment.

Photographic service. An establishment offering drop-off of film for processing, pickup of developed photographs, and related services.

Plastic products manufacturing. A facility for the production of molded products constructed out of plastic, fiberglass, or other composite material.

Private club. An establishment providing social and dining facilities as well as alcoholic beverage service to an association of persons, and otherwise falling within the definition of and permitted under the provisions of that portion of Title 3, Chapter 32, VTCA, Alcoholic Beverage Code, as hereafter amended and as it pertains to the operation of private clubs.

Public maintenance building, storage yard. A structure or yard that is used for storage of equipment, materials, or other property and that is owned and maintained by a governmental entity.

Public safety facility, police and fire. A facility designed to provide public protection from dangers of fire and crime, including civil defense, operational centers, police and fire stations, and training facilities.

Public utility. A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Radio, television studio. A facility designed to create and broadcast original source programming, or relay commercial programming from another source, including taped or pre-recorded materials for any part of the radio spectrum for commercial consumption.

Radio transmission or receiving facility. A structure or structures supporting antennas and/or commercial satellite antenna dishes which are transmitting or receiving any portion of the radio spectrum including wireless communication facilities, but excluding non-commercial antenna installations for home use of radio or television.

Railroad freight terminal. A facility for the assembly or storage of freight to or from rail cars.

Recreational ranch or farm. An establishment incorporating a variety of rural uses, including sports arenas, rodeo grounds, pavilions, animal stables, and facilities, which may be rented for private parties.

Recreational vehicle rental. An establishment offering recreational vehicles, including watercraft, for rent to the general public. Said facility may display, store, and maintain said vehicles on site solely for the purpose of renting said vehicles. No short or long term habitation of any recreational vehicle, including watercraft, is permitted on the site. In addition, no manufacture or repair, with the exception of light maintenance, occurs on the site.

Recreational vehicle storage (commercial). A facility or location which, upon payment of a fee, provides for the parking and storage of recreational vehicles.

Recycling collection center. A building in which used materials such as newspapers, glassware, and metal cans are separated and processed prior to shipment to others who will use those materials to manufacture new products.

Rehabilitation care facility (psychiatric and mental disorders). A facility which provides residence and/or out-patient care, with supervisory personnel, to persons regardless of legal relationship, who have demonstrated a tendency toward mental illness.

Rehabilitation care facility (substance abuse). A facility which provides residential and/or out-patient care, with supervisory personnel to persons regardless of legal relationship who have demonstrated a tendency toward alcoholism and/or drug abuse.

Rehabilitation care facility (criminal-psychiatric, mental disorders and substance abuse). A facility whose primary purpose is to provide residential and/or out-patient care, with supervisory personnel, to persons regardless of legal relationship, who have been involved in the criminal justice system or related program including parole or probation as authorized by the criminal justice system, and have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

Religious institution. Facilities in which persons regularly assemble for religious worship and activities intended primarily for purposes connected with such worship or propagating a particular form of religious belief.

Rental store. An establishment that provides equipment and goods for rent by the general public to be used off site. All storage of rental equipment and goods shall be contained within the limits of the primary structure.

Rental yard, commercial and heavy equipment. An establishment that provides heavy equipment for rent to contractors or the general public to be used off site. The storage of rental equipment or goods may occur either within the limits of the primary structure, or it may be displayed and stored outside of the primary structure. Areas reserved for repairs and maintenance of all equipment or goods must be within the primary structure.

Restaurant. A business establishment whose principal business is the selling of un-packaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. Such use includes cafes, lunchrooms, and tea rooms.

Restaurant, drive-in / drive-thru. Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Restaurant, refreshment stand (temporary or seasonal). Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages from a temporary or permanent building on a temporary or seasonal basis.

Rodeo ground/fair ground. An outdoor entertainment area providing an arena for rodeo activities, including grandstands and bleachers for the viewing public, storage pens, and facilities for the caring and presentation of livestock, and open area for exhibits and carnival activities.

Rooming house. A building other than a hotel where lodging for three but not more than 12 persons is provided for definite periods for compensation pursuant to previous arrangement.

Salvage yard. An area for salvage of metals, and/or other fabricated products, which may include a yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

School, business college. A facility that provides a curriculum limited to the teaching of office and business practices and skills.

School, college, or university. An academic institution of higher learning that is accredited or recognized by the State and that offers a program, or series of programs of academic study leading to a recognized degree or advanced degree. Including junior and senior colleges, universities, conservatories and seminaries.

School, commercial instruction. A facility that instructs and trains students in the arts, such as of music, dance, gymnastics, or martial arts, and is primarily operated on a commercial basis.

School, commercial trade. A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades.

School, home. Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in the home of a student living in the home. Said educational activities shall be considered to be a part of the housekeeping activities of a family.

School, home day. Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in a home but not necessarily the home of the student living therein. There shall be no more than 6 unrelated students not living in the home in which the educational activities are being conducted. The total number of students living in the home in which the activities are being conducted shall not exceed 12 at any given time.

School, institution, rehabilitation, and training center. A facility that provides rehabilitation and training operated or sponsored by chartered educational, religious, or philanthropic organizations, but excluding uses such as trade schools, which are operated primarily on a commercial basis.

School, primary or secondary. A public facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

School, vocational. A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements of a vocational facility.

Shoe repair. An establishment offering shoe repair service to the general public.

Sign shop, painted or silk-screened. A retail business offering signs and banners for sale.

Skating rink. An establishment that provides facilities for participant ice or roller-skating.

Stable, commercial. A building designed for the keeping of horses or mules used for pleasure riding or driving, for boarding, or for hire, including a riding track.

Stable, private. A building designed for the keeping of horses or mules owned by the occupants of the premises and not kept for remuneration, hire, or sale.

Stockyard. An area designed to receive and transfer large quantities of livestock, containing a number

of holding pens, loading and unloading areas, ramps, and other facilities required for the handling of large quantities of livestock.

Stone monument sales. A retail establishment offering for sale stone monuments produced off-premises, excluding cutting of slabs.

Storage and warehousing establishment. A facility that is constructed such that large quantities of products or goods may be stored for extended periods of time. Said facility may be equipped with loading ramps and docks that facilitate the loading and off-loading of semi-trailer vehicles.

Storage yard. Facilities to store any equipment, machinery, building materials, or commodities, including raw, semi-finished, and finished materials outside at ground level.

Studio. A facility for professional work or teaching of any form of commercial or fine arts, photography, music, drama, dance, but not including commercial gymnasium or dance hall.

Swimming pool, water park, commercial. A swimming pool and accessory facilities not part of the municipal or public recreation system, and not a private swim club, but where the facilities are available to the general public for a fee.

Swimming pool, private. A swimming pool and accessory facilities constructed for the exclusive use of the proprietor, when located in other than the minimum front yard.

Tanning studio. Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

Tattoo parlor/body piercing studio. An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Taxidermist studio. A retail establishment offering for sale to the public the products produced by a taxidermist at a separate location.

Taxidermist shop. An establishment offering the services of taxidermy.

Telecommunications, wireless facility. A facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunication towers or monopoles, or similar structures supporting said equipment, equipment buildings, shelters or cabinets, and other accessory development. Includes personal wireless services as defined in the federal Telecommunications Act of 1996, and as subsequently amended, but shall not include the following: federally-licensed amateur radio stations and facilities used exclusively for receive-only antennas.

Telephone exchange, switching, or relay. A facility for the exchange, switching, relaying, or transmission of telephone services, not including public office facilities, storage, or repair facilities.

Textile manufacturing. Includes knitting, weaving, printing, and finishing of textiles and fibers into fabric goods.

Theater, indoor motion picture. An establishment offering motion pictures for viewing by the public.

Tobacco shop. A retail establishment offering for sale to the public tobacco products and accessories.

Utility building and structures. Operations such as power substations, water tanks or reservoirs, water or sewage treatment plants, also including supportive structures such as pump and lift stations.

Veterinary hospital with outside pens. An office and clinic of a doctor of veterinary medicine for small domestic animal practice, including outside treatment pens.

Veterinary hospital without outside pens. An office and clinic of a doctor of veterinary medicine for small domestic animal practice, without outside treatment pens.

Veterinarian office, large animal practice. The offices of a doctor of veterinary medicine with on site treatment of large domestic animals, which may consist of livestock and/or other farm animals and may

include outside treatment pens, shelters, or barns.

Veterinarian office, small animal practice. The offices of a doctor of veterinary medicine with on site treatment of small domestic animals, which consist primarily of household pets and animals that are not sheltered in pens or barns (excluding dog runs and pens).

Video/game rental. A commercial establishment that provides as a service a library of video movies and video games which may be rented on a short-term basis and returned for reuse.

Watch and/or jewelry sales and repair. An establishment offering watches and jewelry for sale to the public, and offering repair services for jewelry, watches, and similar items.

Warehousing and freight office and storage. A use engaged in storage, wholesale sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Welding or machine shop. A facility for the machining and welding of metals, not including forging or structural welding.

Sec. 3-5 Classification of new and unlisted uses

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

1. The building official shall refer the question concerning any new or unlisted use to the city council requesting an interpretation as to the zoning classification 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 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.
2. The city council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
3. **The city council shall refer their determination to the planning and zoning commission for public hearing and recommendation.**
- ~~3~~ 4. The city council **shall hold a public hearing for the consideration of an amendment to the zoning ordinance and may**, by ordinance, approve the classification of such use as is determined appropriate based on its findings.
- ~~4~~ 5. Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in paragraphs 1, 2, 3 and ~~3~~ 4 above shall be followed.

ARTICLE 4. ZONING DISTRICTS

Sec. 4-1 A Agricultural District

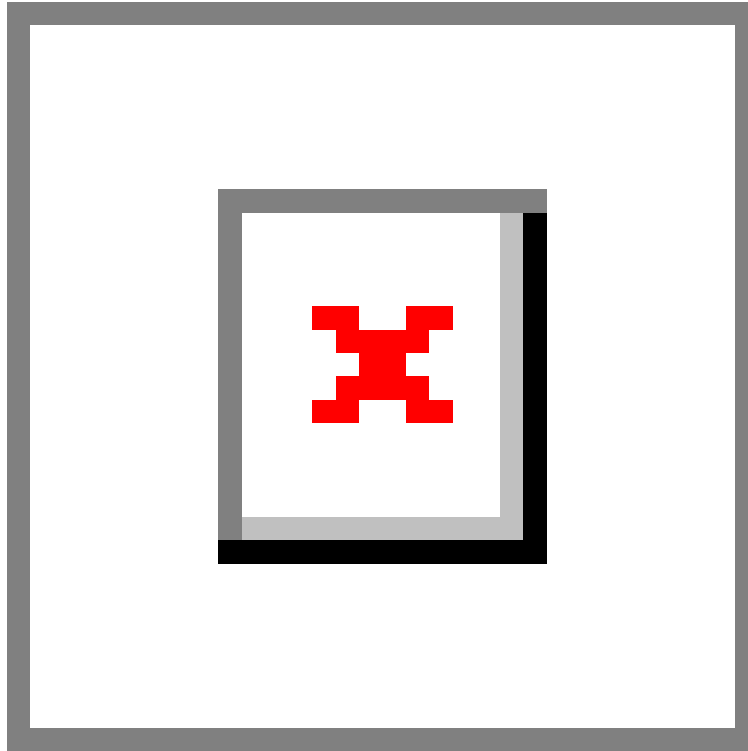
A. General purpose and description. This district provides for the continuance of farming, ranching, and gardening activities on land now utilized for these purposes. When land in the "A" category is needed for urban purposes, it is anticipated that zoning will be changed to the appropriate zoning categories to provide for orderly growth and development in accordance with the comprehensive plan.

~~Once land in the "A" category has been placed into another district, the intent of this ordinance is that such land shall not be changed back to an "A" category by any subsequent request for a change.~~

B. Permitted uses. In the "A" Agricultural District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with [section 3-1](#), Use of land and buildings.

C. Area requirements. The requirements regulating the minimum lot size, minimum yard size (front,

side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the area requirements table for the “A” Zoning District (below.)



A - Zoning District Area Requirements	
Minimum Lot Area	2 1/2 Acres
Minimum Lot Width	300 200 ft.
Minimum Lot Depth	200 300 ft.
Minimum Street Yard	75 ft. Front Street
	75 ft. Side Street
Minimum Side Yard	25 ft.
Minimum Rear Yard	25 ft.
Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15%
Maximum Building Height	45 ft.

D. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of [section 6-7](#), Off-street parking and loading requirements.

E. Accessory uses and buildings. The following accessory uses and buildings shall be considered as being an ancillary and customary to the “AG” Agricultural Zoning District.

1. Accessory buildings and structures clearly incidental to the above operations including, but not

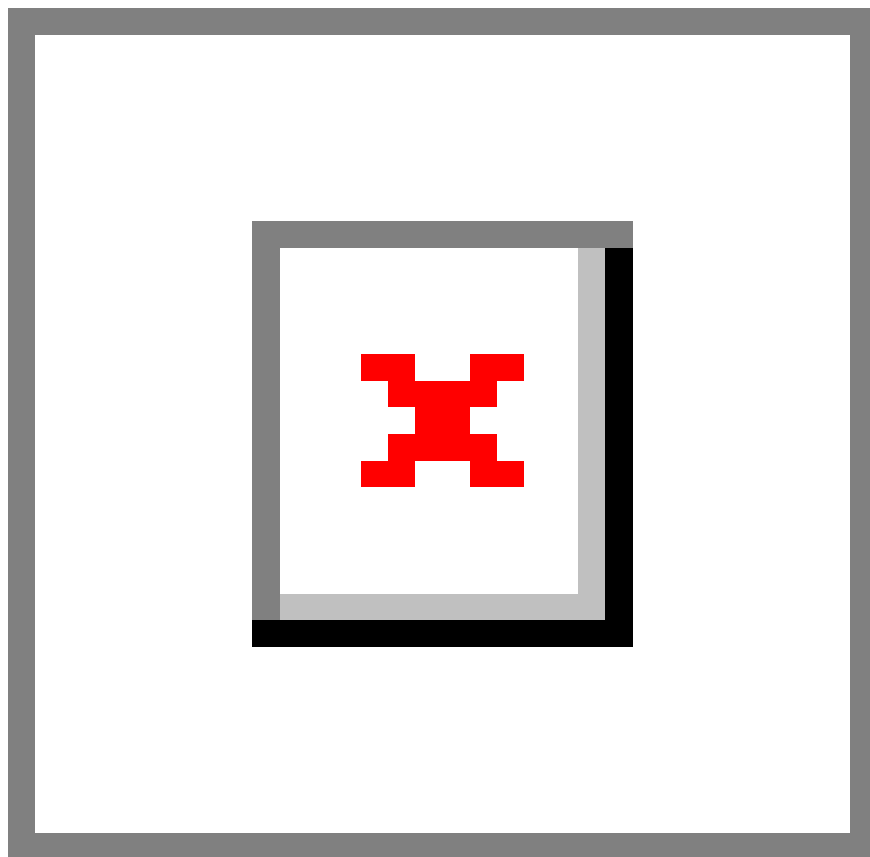
limited to, barns, stables, equipment sheds, granaries, private garages, pump houses, and servants quarters not for rent, provided that the total square footage of all accessory buildings and structures shall be limited to 400 percent of the square footage of air conditioned space of the main building and, combined with such main building, shall be limited to 15 percent of the gross land area. **Note: See Section 3.2, item 32 for additional information regarding stock and equipment barns.**

2. Metal buildings less than 600 square feet which are used for tool and supply storage,
3. Greenhouses, green nurseries, truck gardening and gardening activities in general, which are limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises.

(Ordinance 2008-07, sec. 1, adopted 6/10/08)

Sec. 4-2 SF5 Single-Family Residential District

- A. General purpose and description. The SF5 Single-Family Residential District is designed to accommodate single-family residential development on lots having a minimum size of five acres.
- B. Permitted uses. In the SF5 Single-Family Residential District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with [section 3-1](#), Use of land and buildings.
- C. Area requirements. The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the area requirements table for the SF1 Zoning District (below).



SF5 - Zoning District Area Requirements	
Minimum Lot Area	5 Acres
Minimum Lot Width	300 200 ft.

Minimum Lot Depth	200 300 ft.
Minimum Street Yard	75 ft. Front Street
	75 ft. Side Street
Minimum Side Yard	25 ft. Interior
Minimum Rear Yard	25 ft.
Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15 %
Maximum Building Height	45 ft.

D. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of [section 6-7](#), Off-street parking and loading requirements.

E. Accessory building and structure regulations. In addition to the following, regulations for accessory building or accessory structures shall be in compliance with [section 6-3](#), Accessory building regulations.

1. Accessory buildings and structures clearly incidental to the uses permitted in the SF5 Zoning District and located on the same lot therewith, not involving the conduct of a retail business except such customary home occupations as herein defined, including a private garage and bona fide servants quarters, not for rent but for the use of servants employed on the premises, when located not less than 100 feet from the front line, nor less than 25 feet from either side line; provided, accessory building when combined with the single-family dwelling and all other accessory buildings, shall not occupy more than 15 percent of the gross land area.

2. When the accessory building is directly attached to the main building, it shall be considered as an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway is considered part of the accessory building.

3. Temporary metal buildings less than 400 square feet in size which are used for tool and supply storage are also permitted.

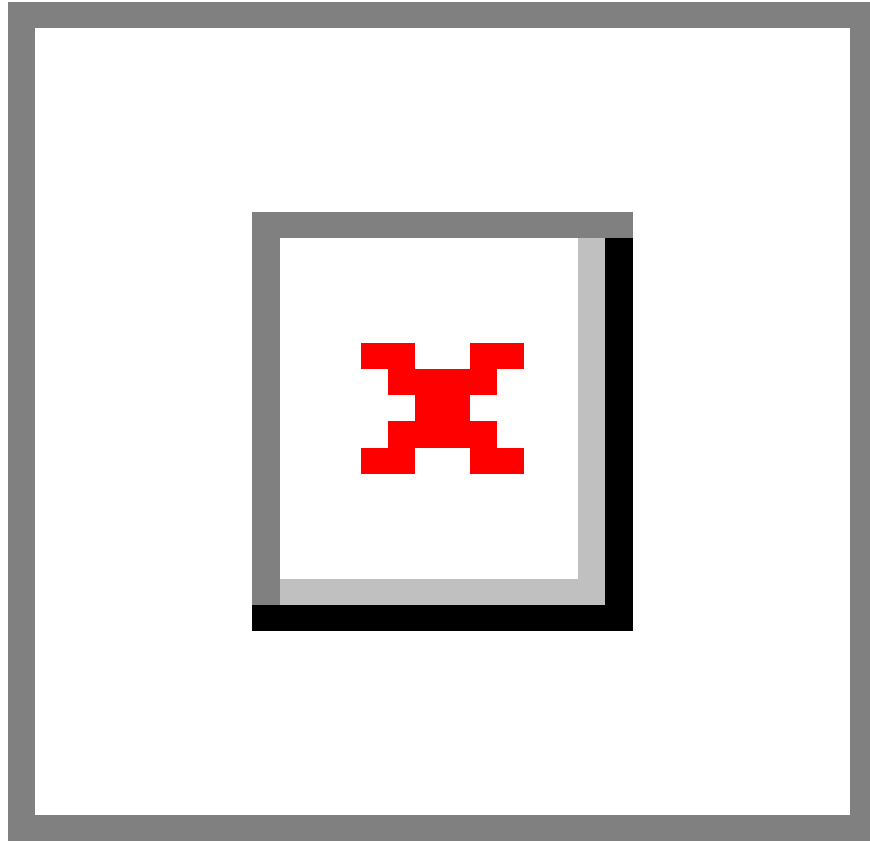
(Ordinance 2008-07, sec. 2, 6-10-2008)

Sec. 4-3 SF2.5 Single-Family Residential District

A. General purpose and description. The Single-Family Residential District-SF2.5 is designed to accommodate lots that have a minimum size of two and one-half acres. Developments under this district will have a low density and development characteristics similar to those now existing in most platted subdivisions.

B. Permitted uses. In the SF2.5 Single-Family Residential District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with [section 3-1](#), Use of land and buildings.

C. Area requirements. The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the area requirements table for the SF2.5 Zoning District (below).



SF2.5 - Zoning District Area Requirements	
Minimum Lot Area	2 1/2 Acres
Minimum Lot Width	300 -200 ft.
Minimum Lot Depth	200 300 ft.
Minimum Front Yard	75 ft.
Minimum Side Yard	25 ft. Interior
	75 ft. Street
Minimum Rear Yard	25 ft.
Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15 %
Maximum Building Height	45 ft.

D. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of [section 6-7](#), Off-street parking and loading requirements.

E. Accessory building and structure regulations. All regulations for accessory building or accessory structures shall be in compliance with [section 6-3](#), Accessory building regulations.

(Ordinance 2008-07, sec. 3, 6-10-2008)

Sec. 4-4 Reserved

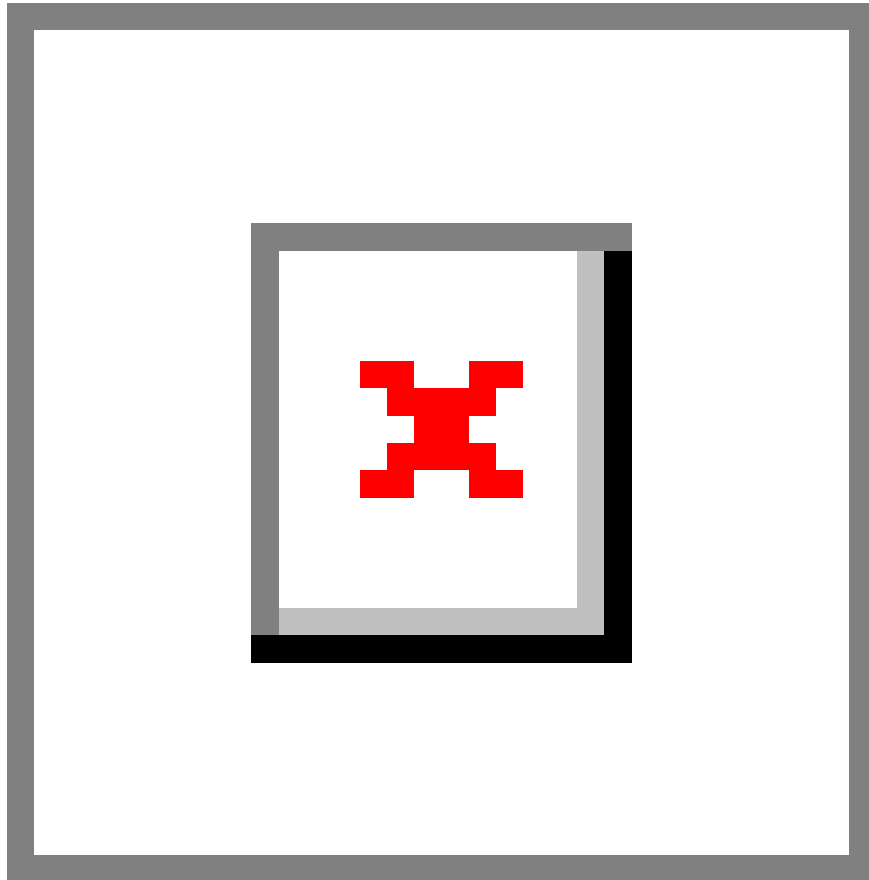
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Sec. 4-5 SF1.5 Single-Family Residential District

A. General purpose and description. The Single-Family Residential District SF1.5 District is designed for residential lots having a minimum size of one and one-half acres when developed in connection with a subdivision development drawn from one tract consisting of at least ten dwellings.

B. Permitted uses. In the "SF1.5" Single-Family Residential District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with [section 3-1](#), Use of land and buildings.

C. Area requirements. The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the area requirements table for the SF1.5 Zoning District (below).



SF1.5-Zoning District Area Requirements	
Minimum Lot Area	1 1/2 Acres
Minimum Lot Width	300 -200 ft.
Minimum Lot Depth	200 300 ft.
Minimum Front Yard	100 ft.
Minimum Side Yard	25 ft. Interior
	100 ft. Street
Minimum Rear Yard	20 ft.

Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15 %
Maximum Building Height	45 ft.

D. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of [section 6-7](#), Off-street parking and loading requirements.

E. Accessory building and structure regulations. All regulations for accessory building or accessory structures shall be in compliance with [section 6-3](#), Accessory building regulations.

Sec. 4-6 MH Manufactured Home District

A. Purpose. The purpose of the “MH” Manufactured Home District residential district is to provide adequate space and restrictions for the placement of HUD Code Manufactured Homes in the city within designated subdivisions. This does not include mobile homes as defined in this ordinance. The “MH” District is also established to provide housing densities compatible with existing and proposed neighborhoods by providing alternative housing types both in construction and economy within the “MH” District. It is the intent of the “MH” District to provide the maximum amount of freedom possible in the design of such developments and the grouping and layout of homes within such developments in order to provide amenities normally associated with planned residential areas.

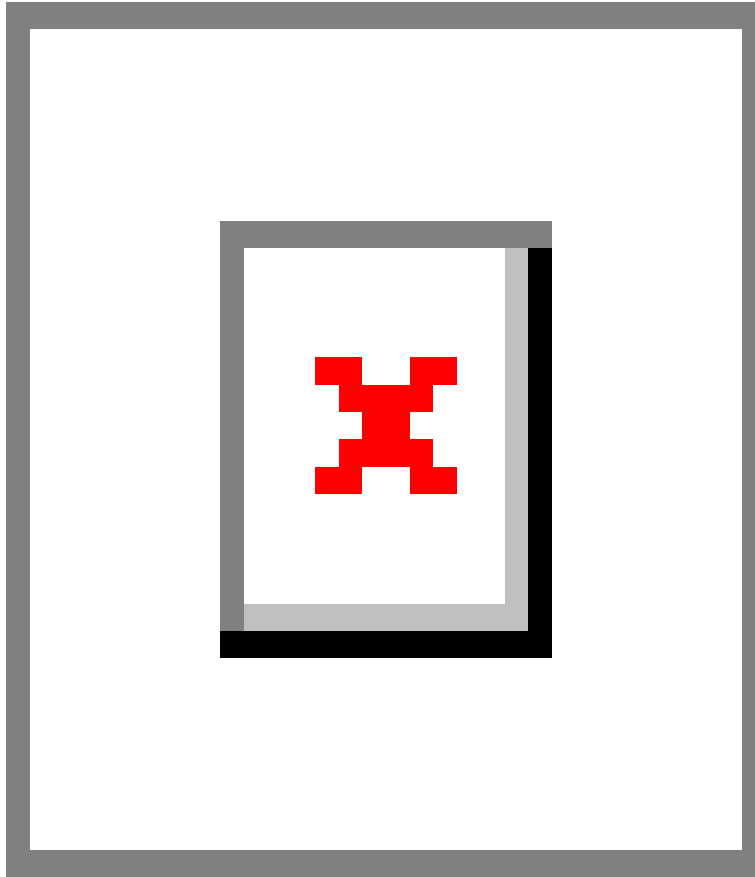
B. Generally. Land within the “MH” District will be developed as a manufactured home subdivision. Lots within the “MH” District will be sold to private individuals in strict conformance with the terms and conditions under which the subdivision was approved by the city council. All roadways within a manufactured home subdivision **shall be owned and maintained by the Home Owners Association for the subdivision dedicated to the public.** Private interior drives must be approved by the city. ~~Land zoned “MH” which is not developed as a manufactured home subdivision may be developed in accordance with “SF1.5” Zoning District regulations. In the “MH” District, no building or land shall be used and no building constructed, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance.~~

C. Permitted uses. Uses permitted within the “MH” Manufactured Home District shall be in accordance with [section 3-1](#), Permitted use table.

D. Area requirements. The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the “MH” District, shall conform to the provisions provided in the area requirements table for the “MH” Zoning District (see below)

E. Development and installation regulations. Any property developed within the “MH” district manufactured housing subdivision shall meet the following requirements:

1. HUD Code Manufactured Homes shall have the axles, wheels, and tow bar or tongue removed and shall be secured to a permanent foundation, all in accordance with manufacturer’s specifications and applicable state and federal standards.
2. HUD Code manufactured homes must have a minimum of an 18-inch crawl space under all homes.



“MH” Zoning District Area Requirements	
Minimum Lot Area	2 1/2 Acre
Minimum Lot Width	100 200 ft.
Minimum Lot Depth	200 300 ft.
Minimum Front Yard	100 ft.
Minimum Side Yard	25 ft.
Minimum Side Yard adjacent to street (corner lot)	100 ft. (same as Front Yard)
Minimum Rear Yard	25 ft.
Maximum Building Height	20 ft.
Minimum Dwelling Size	1,500 sq. ft.

3. A concrete surface with good drainage shall cover the area where a home is to be sited.
4. Each HUD Code Manufactured Home site shall have a slab or patio not less than 20 feet in length and six feet in width, comprised of concrete, flagstone, or similar substance installed adjacent to each site.
5. HUD Code Manufactured Homes shall have steps with a permanent foundation installed at all exits.

6. Each HUD Code Manufactured Home shall have two car attached or detached garage or carport.
7. Skirting shall be securely attached between the HUD Code Manufactured Home and the ground on all sides within 30 days of home installation. Skirting materials shall consist of materials which are compatible with the design of the home and enhance its appearance. Unpainted or untreated corrugated metal or wood, screen or wire, fiberglass, or lattice-type skirting is prohibited.
8. Construction, siting, and installation of the homes shall be in conformance with applicable federal, state, and local codes and standards, and each manufactured home shall have affixed a seal of the appropriate federal or state department.
9. Sanitation, fire protection, and underground utility services shall be provided to each lot in accordance with the city ordinances and regulations **and county regulations where established**.
10. Driveways shall be all concrete construction of a minimum 16 feet width and shall extend from the right-of-way to the garage. All parking of vehicles shall be on a concrete surface. No parking will be permitted on any portion of the lot on any other surface than a concrete surface.
11. Drainage and garbage collection right-of-way, fire lanes, and utility easements shall be provided as required by the city. Such can be accomplished by designating all private interior drives within the project as easements for vehicular access and service.
12. Soil conditions, ground water level, drainage, flooding, and topography shall not create hazards to the developed portion of the property or the health and safety of the residents.
13. HUD Code Manufactured Home subdivisions shall be developed at densities comparable to adjacent residential uses or have adequate landscape buffering or open space to provide transition of uses. Adequate landscape buffering or open space for transition purposes shall be determined on an individual site basis and shall be subject to the approval of the city.
14. Any structural alteration or modification of a HUD Code Manufactured Home after it is placed on the site must be approved by the mayor or his/her designee **of the City of McLendon-Chisholm**. All structural additions shall comply with the city's building codes and ordinances.
- F. Accessory building and structure regulations. Area regulations for accessory buildings or accessory structures shall be in compliance with [section 6-3](#), Accessory building regulations.
- G. Parking requirements. Parking requirements for the HUD Code Manufactured Housing District shall be in compliance with [section 6-7](#), Off-street parking and loading regulations.
- H. Interior drives.
 1. The use of private interior drives must be approved by the city council.
 2. Such interior drives shall have a minimum easement width of 50 feet and shall have a minimum paved roadway width of 31 feet back-to-back.
 3. **Private Public** interior streets shall **be located within dedicated rights-of-way, and** shall have a minimum paved roadway width provided in accordance with the applicable standards in the **City of McLendon-Chisholm** Subdivision Regulations.
 4. All private interior drives, entrances, and service drives shall be constructed in accordance with city design standards and shall have a six-inch rolled curb and gutter of concrete meeting the street standards of the City of McLendon-Chisholm. The developer shall bear the total cost of construction and maintenance of all such improvements, including curb and drainage structures that may be needed. **Maintenance of the improvements shall be the responsibility of the home owners association for the subdivision.**
 5. All parking areas and **public** streets shall be of concrete.
- I. Underground utilities. All utility lateral and service lines located within the "MH" District shall be installed underground.
- J. Open space area. Open space designated for the use and enjoyment of all residents shall be provided within a HUD Code Manufactured Home subdivision at the ratio of 500 square feet for each of the first 20 units, and 200 square feet for each additional unit in excess of 20. Designated open space shall be developed and maintained for recreational and leisure activities and shall be located within the subdivision being developed. **Open space required by this paragraph shall be maintained and operated**

by the home owners association for the subdivision.

K. Screening. A solid opaque screening wall or fence of not less than eight feet in height, measured at the highest finished grade, shall be provided along all perimeter property lines of a HUD Code Manufactured Home subdivision which do not abut a dedicated street. Said screening wall or fence shall be masonry and of a decorative construction. This requirement can be waived or modified if natural or man-made physical features create an adequate separation or buffer from adjacent uses, as determined by the city. However, any request to waive this requirement shall be presented as an element of the site plan and shall be subject to approval at that time only.

L. Preservation of site assets. When developing a HUD Code Manufactured Home subdivision, the following steps shall be taken to preserve on-site assets:

1. Suitable available topsoil and desirable existing trees;
2. Shrubs and ground cover shall be preserved and protected where practicable;
3. Topsoil which is suitable and needed for later use in finished grading shall be stripped from areas to be occupied by structures, parking areas, streets and driveways, and from areas to be re-graded or disturbed. This topsoil shall be collected and stored on the site in convenient places for future use and shall be free of debris during construction.

M. Drainage. Engineering plans for drainage shall be submitted for review by the city at the time of site plan approval. All applicable requirements of the city shall be met.

N. HUD Code Manufactured Home sales. HUD Code Manufactured Home subdivisions shall be for residential purposes only. Sales of these homes shall be limited to those which become available on the market on an individual basis. Commercial sales and promotion are not permitted.

O. Manufactured housing park. All manufactured housing parks shall conform to the regulations contained in [section 6-13](#), Manufactured housing parks.

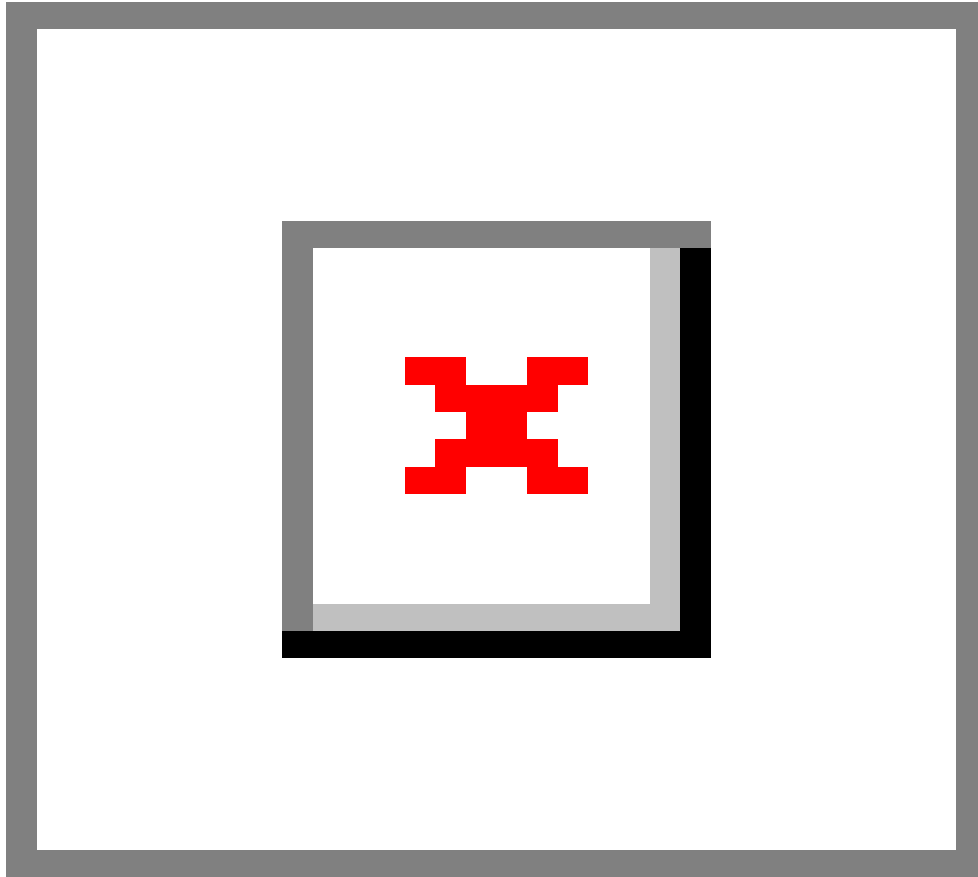
P. Home owners association. Prior to approval of a final plat for a manufactured housing subdivision in an MH zoning district, a home owners association with bylaws and related documents must be prepared and submitted to the city for review and approval. A final plat for an MH subdivision shall not be approved without the required home owners association documentation having been reviewed and approved by the city council.

Sec. 4-7 NC Neighborhood Commercial District

A. Purpose. The NC Neighborhood Commercial District is intended for personal service and retail trade establishments to serve the adjacent residential neighborhoods.

B. Permitted uses. Uses in the NC district shall be in accordance with [section 3-1](#) Permitted use table.

C. Density, area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the area requirements table for the NC Zoning District (below).



NC - Zoning District Area Requirements	
Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	60 ft.
Minimum Lot Depth	100 ft.
Minimum Street Yard	25 ft. Front Street
	25 ft. Side Street
Minimum Side Yard	15 ft. abutting Non-Res
	25 ft abutting Res.
Minimum Rear Yard	20 ft. abutting Non-Res
	25 ft. abutting Res.
Maximum Lot Coverage	25 %
Maximum Building Height	25 ft. or 1 Story

D. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of [section 6-7](#), Off-street parking and loading requirements.

E. Landscaping. Landscaping requirements shall comply with the provisions in [\[section\] 6-10](#),

Landscaping requirements.

F. Screening and buffer requirements. Screening and buffer requirements shall comply with the provisions in [section 6-8](#), Screening and buffer requirements.

G. Masonry requirement. Masonry requirements shall comply with the provisions in [section 6-9](#), Construction materials.

H. Site plan requirement.

1. Applicants of a rezoning to NC Neighborhood Commercial District shall submit a detailed conceptual site plan depicting all elements required within this zoning district and a traffic impact analysis for the proposed development as an exhibit accompanying the request for a change of zoning.

2. The conceptual site plan shall become an exhibit accompanying the change of zoning amendment if such amendment is passed. Such site plan shall be filed of record in the city offices specified for recording the zoning ordinance.

I. Miscellaneous provisions.

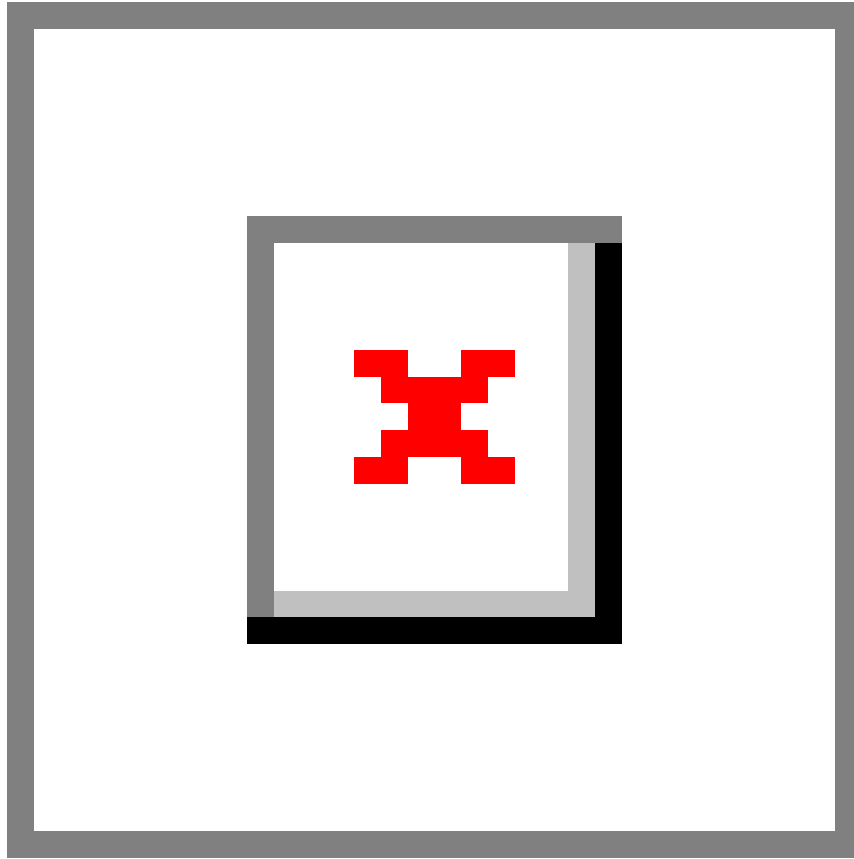
1. The planning and zoning commission and the city council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of nearby residential properties. In the event of conflict between the maintenance of such values and the proposed development, the planning and zoning commission and city council shall weigh the equities between the two using the criterion of community service and maintaining the concept of city's land-use and zoning plan in assessing the position of the proposed development.

Sec. 4-8 GB General Business District

A. Purpose. The GB General Business District is to provide for a wide range of retail and service establishments for the community.

B. Permitted uses. Uses in the GB district shall be in accordance with [section 3-1](#), Permitted use table.

C. Density, area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the area requirements table for the GB Zoning District (below).



GB - Zoning District Area Requirements

Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Street Yard	20 ft. Front Street
	15 ft. Side Street
Minimum Side Yard	15 ft. abutting Non-Res
	25 ft abutting Res.
Minimum Rear Yard	20 ft. abutting Non-Res
	25 ft. abutting Res.
Maximum Lot Coverage	35 %
Maximum Building Height	35 ft.

D. Highway 205 distance limitations. Unless otherwise established by specific ordinance or **by a** change in zoning **district boundary** the limit of the GB General Business District, when **it is** located adjacent to State Highway 205, shall be 350 feet measured from the centerline of S.H. 205. The following conditions shall also apply:

1. The limit shall be extended to the **adjacent private** property line if said property line is located within 100 feet of the ~~100~~ 350 foot limit, but **the GB zoning district boundary line** shall not be less than 350 feet **from the center line of SH 205** unless otherwise zoned.

2. The limit of the GB General Business District shall be interpreted by the zoning **official board of adjustment**, ~~as designated by the mayor or his/her designee. The zoning official may differ interpretation of the distance to the city council.~~

3. This provision does not limit the depth, size, or shape of any other parcel zoned as GB General Business District that is located anywhere else in the corporate limits of the City of McLendon-Chisholm.

E. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of [section 6-7](#), Off-street parking and loading requirements.

E. Landscaping. Landscaping requirements shall comply with the provisions in [\[section\] 6-10](#), Landscaping requirements.

F. Screening and buffer requirements. Screening and buffer requirements shall comply with the provisions in [section 6-8](#), Screening and buffer requirements.

G. Masonry requirement. Masonry requirements shall comply with the provisions in [section 6-9](#), Construction materials.

H. Site plan requirement.

1. Applicants of a rezoning to ~~NC Neighborhood Commercial~~ **General Business** District shall submit a detailed conceptual site plan depicting all elements required within this zoning district and a traffic impact analysis for the proposed development as an exhibit accompanying the request for a change of zoning.

2. The conceptual site plan shall become an exhibit accompanying the change of zoning amendment if such amendment is passed. Such site plan shall be filed of record in the city offices specified for recording the zoning ordinance.

I. Miscellaneous provisions.

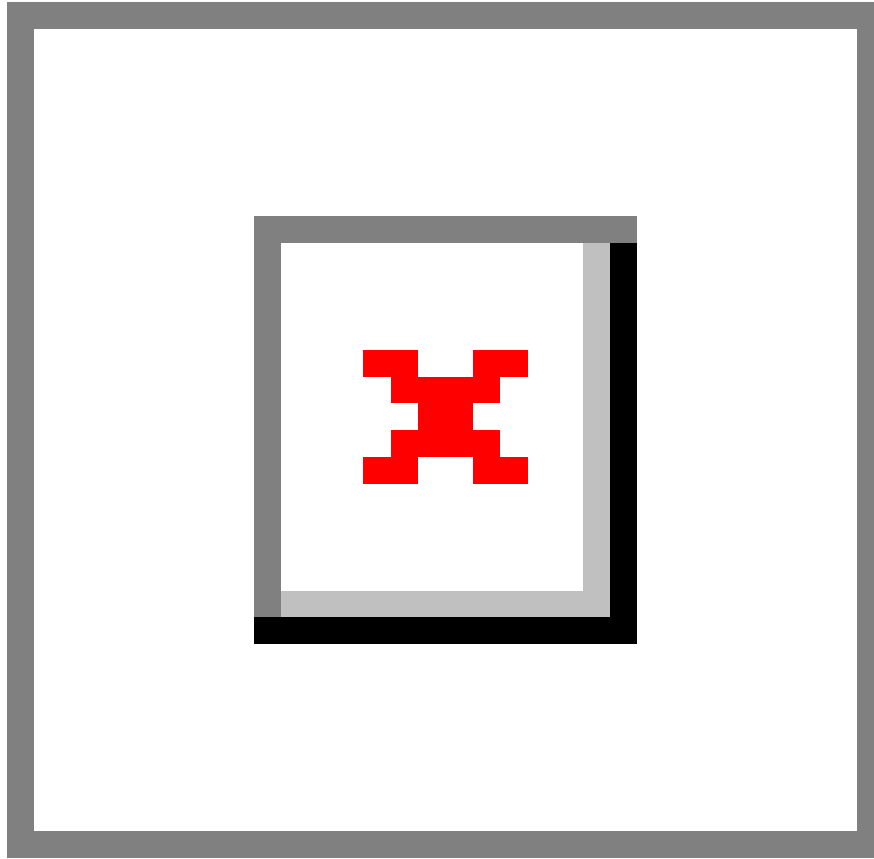
1. The planning and zoning commission and the city council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of nearby residential properties. In the event of conflict between the maintenance of such values and the proposed development, the planning and zoning commission and city council shall weigh the equities between the two using the criterion of community service and maintaining the concept of city's land-use and zoning plan in assessing the position of the proposed development.

Sec. 4-9 CP Commercial Planned Center District

A. Purpose. The CP Commercial Planned Center District is to provide for medium-intensity concentrations of shopping and related commercial activities. Large-scale retail buildings ("big box retailers" greater than 70,000 square feet for any single user) are not permitted within this zoning district, for these larger retail facilities refer to the PD Planned Development District requirements.

B. Permitted uses. Uses in the CP District shall be in accordance with [section 3-1](#), Permitted use table.

C. Density, area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the area requirements table for the CP Zoning District (below).



CP - Zoning District Area Requirements	
Minimum Lot Area	15 Acres
Minimum Lot Width	200 ft.
Minimum Lot Depth	200 ft.
Minimum Street Yard	25 ft. Front Street
	15 ft. Side Street
Minimum Side Yard	15 ft. abutting Non-Res
	25 ft abutting Res
Minimum Rear Yard	20 ft. abutting Non-Res
	25 ft. abutting Res.
Maximum Lot Coverage	40 %
Maximum Building Height	55 ft.

D. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of [section 6-7](#), Off-street parking and loading requirements.

E. Landscaping. Landscaping requirements shall comply with the provisions in [\[section\] 6-10](#), Landscaping requirements.

F. Screening and buffer requirements. Screening and buffer requirements shall comply with the provisions in [section 6-8](#), Screening and buffer requirements.

G. Masonry requirement. Masonry requirements shall comply with the provisions in [section 6-9](#), Construction materials.

H. Site plan requirement.

1. Applicants of a rezoning to CP Commercial Planned Center District shall submit a detailed conceptual site plan depicting all elements required within this zoning district and a traffic impact analysis for the proposed development as an exhibit accompanying the request for a change of zoning.

2. The conceptual site plan shall become an exhibit accompanying the change of zoning amendment if such amendment is passed. Such site plan shall be filed of record in the city offices specified for recording the zoning ordinance.

I. Miscellaneous provisions.

1. The planning and zoning commission and the city council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of nearby residential properties. In the event of conflict between the maintenance of such values and the proposed development, the planning and zoning commission and city council shall weigh the equities between the two using the criterion of community service and maintaining the concept of city's land-use and zoning plan in assessing the position of the proposed development.

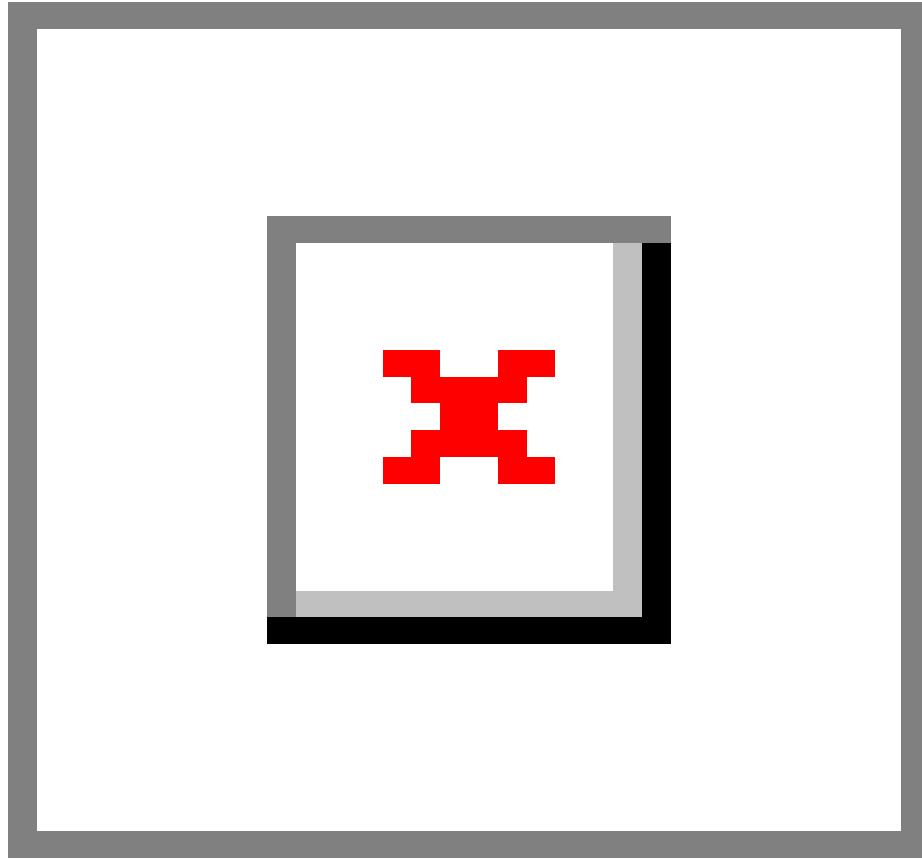
2. This district is intended to permit the development of unified shopping centers, whether in single or multiple ownership. It is not intended for extensive parceling-out of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district. Prior to any subdivision of property or approval of a site plan in a CP Commercial Planned Center District, a preliminary plan for development of the center, shall be submitted and approved.

Sec. 4-10 O1 Office District

A. Purpose. The O1 Office District is to provide for low intensity office uses which can be in close proximity to adjacent residential neighborhoods

B. Permitted uses. Uses in the O1 District shall be in accordance with [section 3-1](#), Permitted use table.

C. Density, area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the area requirements table for the O1 Zoning District (below).



O1 - Zoning District Area Requirements	
Minimum Lot Area	7,000 sq. ft.
Minimum Lot Width	60 ft.
Minimum Lot Depth	100 ft.
Minimum Street Yard	20 ft. Front Street
	15 ft. Side Street
Minimum Side Yard	15 ft. abutting Non-Res
	25 ft. abutting Res.
Minimum Rear Yard	20 ft. abutting Non-Res
	25 ft. abutting Res.
Maximum Lot Coverage	40 %
Maximum Building Height	25 ft. or 1 Story

D. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of [section 6-7](#), Off-street parking and loading requirements.

E. Landscaping. Landscaping requirements shall comply with the provisions in [\[section\] 6-10](#), Landscaping requirements.

F. Screening and buffer requirements. Screening and buffer requirements shall comply with the provisions in [section 6-8](#), Screening and buffer requirements.

G. Masonry requirement. Masonry requirements shall comply with the provisions in [section 6-9](#), Construction materials.

H. Site plan requirement.

1. Applicants of a rezoning to O1 Office District shall submit a detailed conceptual site plan depicting all elements required within this zoning district and a traffic impact analysis for the proposed development as an exhibit accompanying the request for a change of zoning.

2. The conceptual site plan shall become an exhibit accompanying the change of zoning amendment if such amendment is passed. Such site plan shall be filed of record in the city offices specified for recording the zoning ordinance.

I. Miscellaneous provisions.

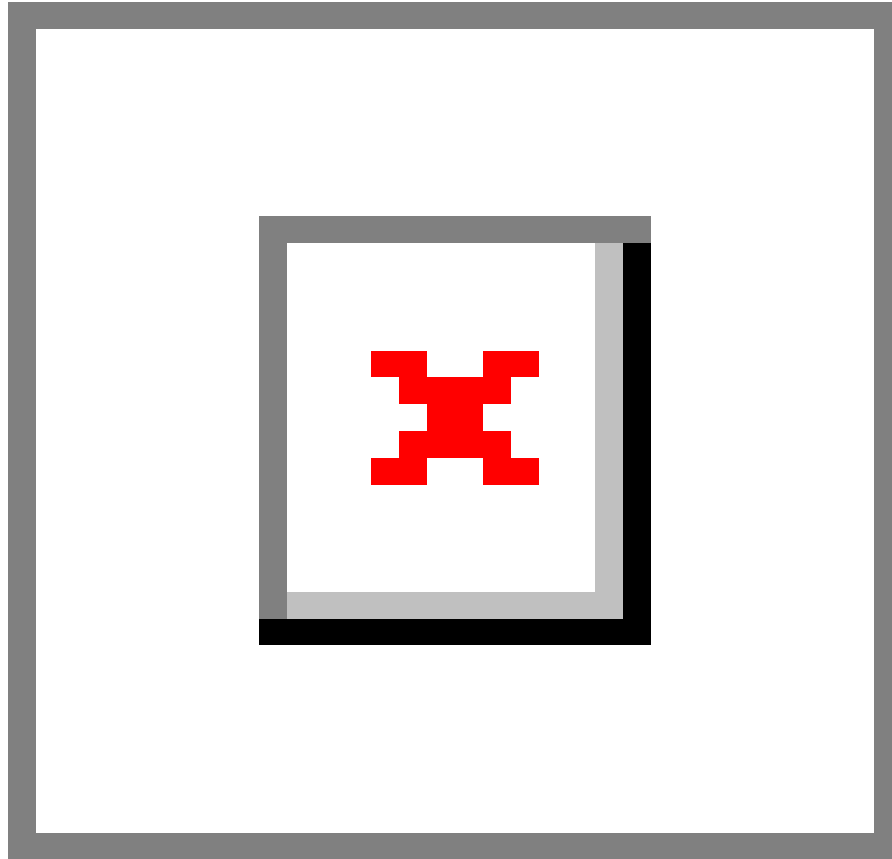
1. The planning and zoning commission and the city council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of nearby residential properties. In the event of conflict between the maintenance of such values and the proposed development, the planning and zoning commission and city council shall weigh the equities between the two using the criterion of community service and maintaining the concept of city's land-use and zoning plan in assessing the position of the proposed development.

Sec. 4-11 O2 Office District

A. Purpose. The O2 Office District is to provide for office buildings with attendant retail and service uses intended primarily for occupants of such office buildings.

B. Permitted uses. Uses in the O2 District shall be in accordance with [section 3-1](#) Permitted use table.

C. Density, area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the area requirements table for the O2 Zoning District (below).



O2 - Zoning District Area Requirements	
Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Street Yard	35 ft. Front Street
	25 ft. Side Street
Minimum Side Yard	20 ft. abutting Non-Res
	20 ft. abutting Res.
Minimum Rear Yard	25 ft. abutting Non-Res
	25 ft. abutting Res.
Maximum Lot Coverage	40%
Maximum Building Height	25 ft. (see I. Misc. Provisions)

D. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of [section 6-7](#), Off-street parking and loading requirements.

E. Landscaping. Landscaping requirements shall comply with the provisions in [section 6-10](#), Landscaping requirements.

F. Screening and buffer requirements. Screening and buffer requirements shall comply with the provisions in [section 6-8](#), Screening and buffer requirements.

G. Masonry requirement. Masonry requirements shall comply with the provisions in [section 6-9](#), Construction materials.

H. Site plan requirement.

1. Applicants of a rezoning to O2 Office District shall submit a detailed conceptual site plan depicting all elements required within this zoning district and a traffic impact analysis for the proposed development as an exhibit accompanying the request for a change of zoning.

2. The conceptual site plan shall become an exhibit accompanying the change of zoning amendment if such amendment is passed. Such site plan shall be filed of record in the city offices specified for recording the zoning ordinance.

I. Miscellaneous provisions.

1. The planning and zoning commission and the city council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of nearby residential properties. In the event of conflict between the maintenance of such values and the proposed development, the planning and zoning commission and city council shall weigh the equities between the two using the criterion of community service and maintaining the concept of city's land-use and zoning plan in assessing the position of the proposed development.

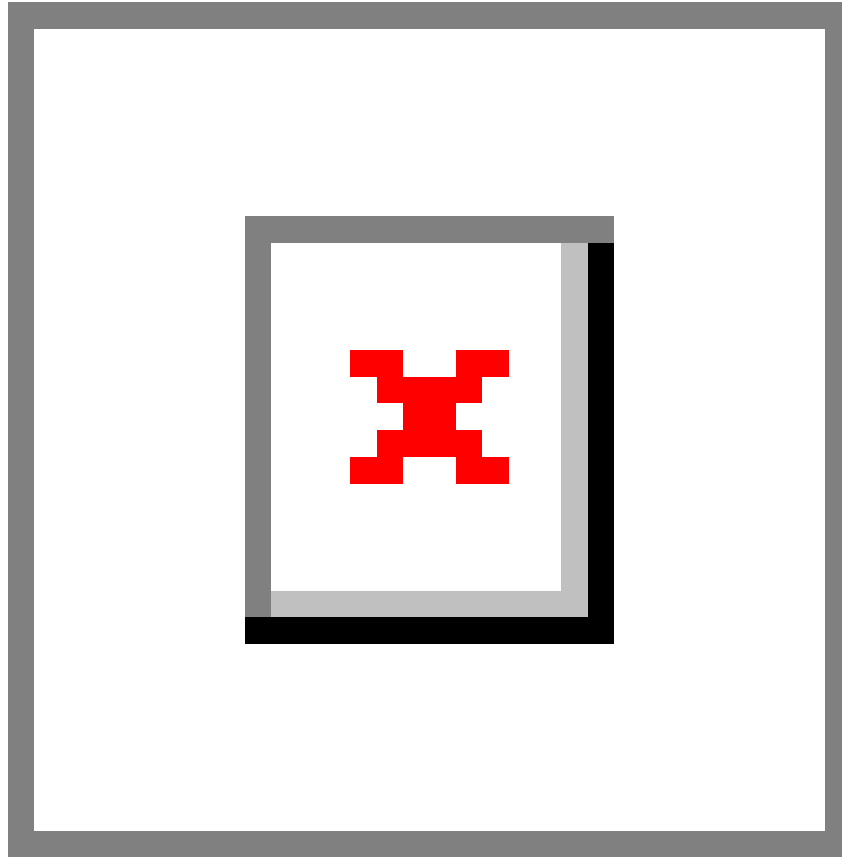
2. Height may be increased by two feet for each one foot that all required yards are increased.

Sec. 4-12 LI Light Industrial District

A. Purpose. The LI Light Industrial District is to provide for low intensity ~~industrial office~~ uses which can be in close proximity to adjacent residential ~~or commercial~~ neighborhoods

B. Permitted uses. Uses in the LI District shall be in accordance with [section 3-1](#), Permitted use table.

C. Density, area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the area requirements table for the LI Zoning District (below).



LI - Zoning District Area Requirements	
Minimum Lot Area	50,000 sq. ft.
Minimum Lot Width	500 ft.
Minimum Lot Depth	None
Minimum Street Yard	35 ft. Front Street
	35 ft. Side Street
Minimum Side Yard	20 ft. abutting Non-Res
	20 ft. abutting Res.
Minimum Rear Yard	25 ft. abutting Non-Res
	25 ft. abutting Res.
Maximum Lot Coverage	50 %
Maximum Building Height	35 ft. (see I. Misc. Provisions)

D. Off-street parking and loading requirements. Off-street parking and loading requirements shall conform to the provisions of [section 6-7](#), Off-street parking and loading requirements.

E. Landscaping. Landscaping requirements shall comply with the provisions in [section 6-10](#), Landscaping requirements.

F. Screening and buffer requirements. Screening and buffer requirements shall comply with the provisions in [section 6-8](#), Screening and buffer requirements.

G. Masonry requirement. Masonry requirements shall comply with the provisions in [section 6-9](#), Construction materials.

H. Site plan requirement.

1. Applicants of a rezoning to LI Light Industrial District shall submit a detailed conceptual site plan depicting all elements required within this zoning district and a traffic impact analysis for the proposed development as an exhibit accompanying the request for a change of zoning.

2. The conceptual site plan shall become an exhibit accompanying the change of zoning amendment if such amendment is passed. Such site plan shall be filed of record in the city offices specified for recording the zoning ordinance.

I. Miscellaneous provisions.

1. The planning and zoning commission and the city council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of nearby residential properties. In the event of conflict between the maintenance of such values and the proposed development, the planning and zoning commission and city council shall weigh the equities between the two using the criterion of community service and maintaining the concept of city's land-use and zoning plan in assessing the position of the proposed development.

2. Any additional height requests not-to-exceed 55 feet shall be considered by city council only if one additional foot of setback is provided for every additional foot of height requested above 35 feet. Architectural accessories (clock towers, mansards, false [false] mansards, arapets [parapets], steeples, etc.) shall not count towards the 35-foot height maximum or the 55-foot height potential.

Sec. 4-13 Commercial development standards

A. General purpose and description.

1. The intent of the commercial development standards is to provide a framework for consistent development in concert with the most efficient and sustainable building methods and with an aesthetically pleasing and cohesive appearance. These standards serve as the hallmark to those visiting, passing through, or residing in the City of McLendon-Chisholm.

2. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed by the planning and zoning commission.

B. Permitted uses. ~~Retail, personal service, residential and office uses may be allowed throughout.~~ Land uses shall comply with the specific zoning district. For a specific list of permitted uses, see [article 3](#), permitted uses.

C. Building design.

1. The height of new buildings shall not exceed two stories (36 feet maximum).

2. Building facades generally respecting pedestrian or human scale design should be incorporated into new development projects.

3. Roof types generally associated with residential buildings such as gable, hip or gambrel are appropriate. Flat roof elements that support HVAC equipment are acceptable, however flat roofs other than those required to support HVAC equipment may only be considered when a request for a minor waiver has been approved by the planning and zoning commission.

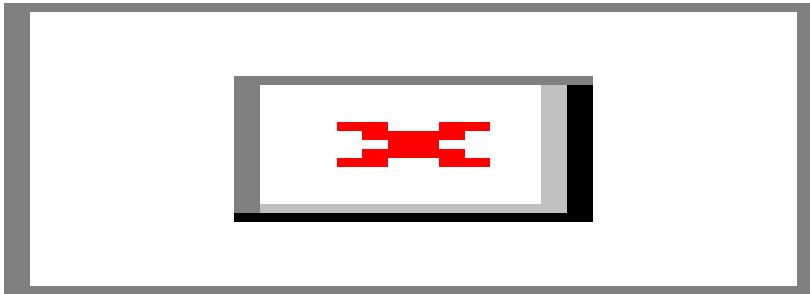
4. All decorative fixtures, including awnings, signs and lighting, shall be integrated with other design elements of the structures.

5. Building elevations shall be submitted as part of the development application for consideration of the planning and zoning commission. Perspectives, accurate sections or a model of the project may be required to depict the height, mass and scale of the proposed project with respect to its setting and adjacent development.

6. Facades shall generally be built parallel to the street frontage, except at street intersections, where

a corner facade containing a primary building entrance may be curved or angled toward an intersection.

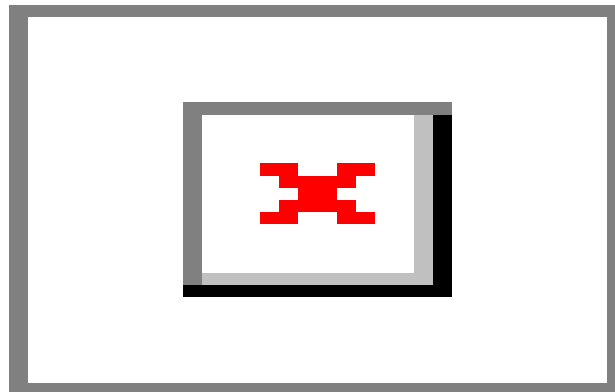
D. Additional height. Additional height will be permitted in the commercial zoning districts for each additional foot that a structure sets back beyond the required front setback. For each one foot of additional setback the structure will be permitted one additional foot of height; but shall not exceed a total height of sixty (60) feet. Additional height exceeding 60 feet may be permitted by special exception as granted by the zoning board of adjustment. Additional height shall only be granted if the applicant can provide adequate fire protection.



E. Building form.

1. The minimum area of a single floor shall be ~~1,500~~ ~~2,500~~ sf. The maximum area allowed for a single floor shall be ~~6,000~~ ~~10,000~~ sf. Any building which exceeds this size shall require a special exception ~~recommended by the planning and zoning commission and approved by the city council~~. The maximum length for any building wall shall be ~~80~~ 140 ft. ~~Maximum building coverage as a percentage of lot area—40%~~

2. All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.



3. Facades shall meet the following minimum standards for articulation:

Horizontal articulation. No building wall shall extend for a distance equal to 3 times the wall's height without having an off-set of 25% of the wall's height, and that new plane shall extend for a distance equal to at least 25% of the maximum length of the first plane.

Vertical articulation. No horizontal wall shall extend for a distance greater than 3 times the height of the wall without changing height by a minimum of 25% of the wall's height.

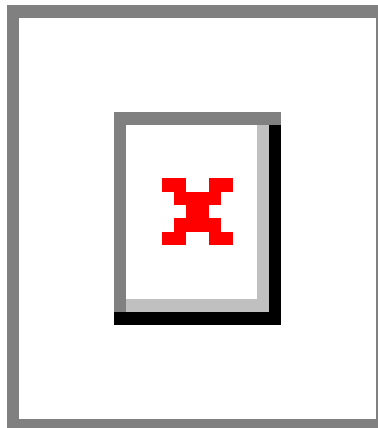
4. Buildings which are located on axis with a terminating street or at the intersection of streets shall be considered a feature building. Such buildings shall be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

F. Architectural features.

1. All buildings shall be designed to incorporate no less than six (6) of the architectural elements displayed on all sides of the building from the list below:

- a. Recesses/projections;
- b. Arcades;

- c. Peaked roof forms including gables or irregular shaped roofs;
 - d. Arches;
 - e. Outdoor patios;
 - f. Display windows or bay windows;
 - g. Architectural details (such as tile work and moldings) integrated into the building facade;
 - h. Articulated ground floor levels or base;
 - i. Articulated cornice line;
 - j. Integrated planters or wing walls that incorporate landscape and sitting areas;
 - k. Offsets, reveals or projecting rib used to express architectural or structural bays;
 - l. Decorative beams and braces[;]
 - m. Decorative columns[;]
 - n. Varied roof heights;
 - o. Or other architectural features approved by the planning and zoning commission[.]
2. All retail/commercial buildings shall be architecturally finished on all ~~four~~ (4) sides with same materials, detailing, and features[;]
3. All buildings within a common retail/commercial development, as shown on a concept plan or site plan, shall have similar architectural styles, materials, and colors. Conceptual facade plans and sample boards shall be submitted with the site plan application. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development.
4. Corporate identities that conflict with the building design criteria shall be reviewed as a variance as defined in this ordinance and reviewed on a case-by-case basis by the planning and zoning commission and the city council.
5. Windows shall have at least a 4-inch reveal and except for retail at grade, shall be vertical in proportion.



6. No glass curtain wall shall be permitted except by approval of a special exception.
7. Windows shall have a maximum exterior visible reflectivity of 20%. Color of glass shall be reviewed and approved by the planning and zoning commission.
8. Each building and separate lease space at grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries may be inset from the front building plane and must have a protective covering. Secondary entries may be covered as little as 3 feet. Functioning entries must be located no greater than 30 feet apart. Corner entries may count as a primary entry for both intersecting street frontages.
9. Architectural elements of the primary building facade may encroach beyond the build-to line by up to five (5) feet provided that pedestrian flow will not be significantly impeded, with a minor waiver. These elements may include porches, bay windows, eaves, and planters. Balconies, canopies and awnings are not limited in their encroachment, provided that they do not substantially interfere with pedestrian

movement and street tree growth.

G. External facade materials. The following shall apply to all exterior walls of buildings:

1. Exterior walls, excluding windows, doors, and other openings, shall be constructed of ninety percent (90%) brick, natural or cast stone, or split face block.
2. The remainder may be constructed of noncombustible materials including exterior stucco. Stucco shall be used only for walls, architectural features, and embellishments not subject to pedestrian contact. Other allowed materials: exterior grade lumber, aluminum and cementitious siding.
3. Unpainted metal or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper, galvanized metal, stainless steel or weathering steel, may be used as architectural accents by minor waiver approval.
4. Windows and glazing shall be a maximum of 30% of each building elevation.
5. A variation of up to 15% of the standards above, and the material type may be approved by administrative approval of a minor waiver, provided that the change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.

H. External facade color. All colors shall match the major material used for the exterior facade or shall be approved by the planning and zoning commission.

I. Roof design standards.

1. Rooftop mechanical equipment and other appurtenances must be properly screened.
2. All structures shall be constructed with either a pitched or mansard roof system, enclosed on all sides.
3. Standing seam metal roofs shall be constructed of a factory-treated matte finish. Roofs with lapped seam construction, bituminous built-up roofs, and flat, membrane-type roofs shall be prohibited.

J. Building setback. Awnings may encroach above the public sidewalk without limit, provided they leave a minimum clearance of 7.5 feet above the sidewalk, and are set back a minimum of 18-inches from the back of curb and will not impede street tree growth.

K. Off-street parking and loading requirements.

1. Off street parking and loading requirements shall be required as provided for parking and drive spaces in [section 6-7](#), off-street parking and loading requirements.
2. No more than one row of angled or parallel parking shall be allowed between the primary building and the street right-of-way.
3. Cross access easements shall be required by the city council at the time of platting ~~but~~ and shall be indicated on the site plan to ensure access to future median breaks and to reduce the number of needed curb cuts.

L. Landscaping requirements.

1. Landscaping requirements shall be required must meet the applicable regulations as provided by section 6-8 [\[section 6-10\]](#), landscaping requirements.
2. The buffer-strip shall be a minimum of twenty (20) feet wide and may include a "built-up" berm and/or shrubbery or a combination of both along the entire length of the subject property's frontage. The minimum required height of the aforementioned berm and/or shrubbery or a combination thereof is thirty (30) inches and shall not exceed a maximum height of forty-eight (48) inches.

M. Sign requirements.

1. All permanent freestanding signs located in the commercial development standards shall be monument signs adhering to the City of McLendon-Chisholm Sign Ordinance as heretofore amended and as may be amended in future. Building materials and colors utilized for construction of the monument base shall be the same as the primary building materials and colors found on the main building, unless otherwise approved by the city council. Approval of any variance to the sign ordinance for property included in the commercial development standards shall require city council approval by a

majority vote. Where the following standards conflict with the city standards, these requirements shall prevail:[.]

2. Monument sign standards.

- a. General: Unless otherwise specifically provided, the regulations set forth in this subsection shall be applicable to all monument signs which are allowed under this ordinance.
- b. Minimum letter/logo height: The minimum height allowed for letters or logos shall be six (6) inches.
- c. Maximum height: Five (5) feet, excluding monument base. The monument base be an additional eighteen (18) inches height measured from ground level at center of the base to top of the base. The overall height of the sign including the base shall not exceed six 6 feet.
- d. Maximum area. One hundred (100) square feet per sign with a maximum area per sign face of fifty (50) square feet. The maximum area for the sign structure shall not exceed seventy (70) square feet per side.
- e. Number of signs: Only one monument sign, excluding menu board signs, shall be allowed along each street frontage on any site, unless otherwise specifically provided in this ordinance. Monument signs may be no closer than five hundred (500) feet on any one site.
- f. Minimum setback: Fifteen (15) feet from any property line.
- g. Material requirements: All monument sign bases shall be constructed of the same masonry material as the front building facade on the same site. The sign structure must be constructed or covered with the same masonry material as the principal building, or stone. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six (6) inches from the outer limits of the sign structure.
- h. Illumination: Monument signs may only be illuminated utilizing lighting for sculpted aluminum panels or a ground lighting source where the light itself and supporting structure are not visible from public rights-of way.

3. Building signable area. Signs may be placed on the building within an area on the facade of a building below the roofline which is free of windows, doors or major architectural details and not higher than the lowest of the following: 25 feet above the adjoining sidewalks, or the bottom window sills of the second story or the highest part of the building between the head of the top story window and the underside of the roof.

- a. Wall signs: Signs mounted directly on a building wall. May not project from wall more than 8 inches and shall cover no more than 40% of the signable area. Signs shall not obscure architectural features or detail.
- b. Applied letter signs: Individual letters applied directly to building facade that shall not cover more than 40% of the signable area.
- c. Restaurant menu sign: A small menu often placed in a glass front box and externally illuminated. Placed at restaurant's primary entrance and shall not exceed 6 square feet.
- d. Projecting signs: Sign extends from facade (perpendicular) and shall not exceed above the roof eaves or parapet wall. Maximum area: 30 square feet; minimum height: 7 feet above grade. Sign shall not project more than 5 feet from facade.
- e. Window sign: Sign painted (not applied) on a window and shall not cover more than 25% of the window.
- f. Awning signs: Sign with letters/logo painted, silk screened or stitched directly on the vertical face of an awning. The sign shall not cover more than 35% of the awning.
- g. Facade-painted signs: Sign painted directly on the building facade that covers no more than 40% of the signable area.

4. Sign design and placement shall conform to the following:

- a. Wood, glass, metal - or an appropriate synthetic material that approximates the appearance of wood, glass or metal - are the only permitted materials.
- b. The material's ability to maintain an acceptable appearance over time shall be a consideration in determining the appropriateness of synthetic materials.

- c. Signs shall not obscure key architectural features.
- d. Signs shall be limited to on-premises signs related to the use or business conducted on the same site.
- e. Marquee type signs for announcements of activities taking place at the location are prohibited (exceptions: theatres, churches, schools, and institutional uses).
- f. No billboards/off-premises signs shall be permitted.
- g. Multiple uses on a single property may share signs, but collectively shall not exceed the sizes specified herein.
- h. Signs for multiple businesses on a single property shall be of similar material and design.
- i. Abandoned signs and sign posts shall be removed.
- j. Temporary signs shall not exceed 9 square feet.
- k. Advertising signs shall not be permitted in windows with the exception of those not exceeding 60 square inches, of which a maximum of five are permitted.
- 5. The illumination of signs shall comply with the following:
 - a. Signs shall be illuminated externally using spotlighting.
 - b. Spotlighting shall completely shield all light sources; light should be contained primarily within the sign frame.
 - c. Neon signs with color are permitted (no white neon lighting), but flashing signs are not.
- N. Outdoor lighting requirements. Outdoor lighting requirements shall be provided as required by [section 6-12](#), outdoor lighting requirements.
- O. Open storage. Open storage is prohibited.
- P. Refuse facilities.
 - 1. All refuse facilities shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by a masonry wall not less than six (6) feet, nor more than eight (8) feet in height or by an enclosure within a building.
 - 2. Refuse containers shall have solid latching gates and shall be provided and maintained in a manner to satisfy local public health and sanitary regulations.
 - 3. The width of the front gate opening of the refuse container enclosure shall provide at least two feet (2') of clearance on both sides of the refuse container.
 - 4. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.
 - 5. Repair to damaged walls and gates shall be effected within 30 days of notification of such damage.
- Q. Concurrent use of commercial and residential structures. All commercial structures may contain a residential use concurrent with the commercial use, in accordance with the following restrictions:
 - 1. Only one residential unit, regardless of square footage of the residential use, may be permitted per commercial structure, except that [sic]
 - 2. More than one residential unit may be permitted for loft or studio apartments if the total number of square footage allocated to residential use does not exceed sixty percent of the total square footage of the structure.
 - 3. If residential units are constructed in accordance with subsection 2 above, parking and access to the residential units shall be from the back rear side of the commercial use.
- R. Existing residential uses. All legal and valid residential uses existing on the effective date of this ordinance within the commercial zoning districts shall have legal conforming status. The owners of the property where such uses are located shall be permitted, if necessary or desired, to rebuild, expand, or remodel. All expansions or remodels shall comply with the provisions of the commercial development standards.
- S. Design standards. New construction within the commercial districts shall be subject to the

commercial development standards as adopted by the city.

T. Site plan approval required. Any new construction or modification of more than 50% of an existing structure shall require a site plan be submitted and approved by the city council upon recommendation by the planning and zoning commission.

(Ordinance 2011-06, sec. 1, adopted 10/11/11; Ordinance 2015-21 adopted 8/11/15)

ARTICLE 5. SPECIAL DISTRICTS

Sec. 5-1 PD Planned Development District

A. 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. While great flexibility is given to provide ~~special restrictions~~ **design solutions** which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

B. 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.

C. Development standards.

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 city council may deem appropriate.

2. 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.

3. The Planned Development District shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.

D. Conceptual and development plan. In establishing a Planned Development District, the city council shall approve and file as part of the amending ordinance appropriate plans and standard for each Planned Development District. During the review and public hearing process, the city council shall require a conceptual plan and a development plan (or detail site plan).

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.

(a) 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.

(b) 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 city 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.

(c) Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at

the boundary of the site, or alter the landscape plans as indicated on the approved conceptual plan may be authorized by the mayor or his/her designee. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the city council shall determine the conformity.

2. Development plan or 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. The development plan may be submitted for the total area of the PD or for any section to the city council. A public hearing on approval of the development plan shall be required at the Council level, unless such a hearing is waived pursuant to [section 5-1](#) D., Conceptual and development plan, at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

- (a) A site inventory analysis including a scale drawing, existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.
- (b) A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing 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 two or not more than five feet at location of entry slope as determined by the city.
- (c) 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 for off-street parking.
- (d) A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.
- (e) An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two family may be required by the city 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 mayor or his/her designee.

3. Procedure for establishment. The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in [section 1-14](#), Amendments, changes, and administrative procedures. This procedure is expanded as follows for approval of conceptual and development plans.

- (a) Separate public hearings shall be held by city council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirements are waived by the city council. A single public hearing is adequate when:
- (b) The applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans; or
- (c) 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
- (d) 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.
- (e) The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.
- (f) The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the city council for the initial and subsequent sections will be required.
- (g) Regardless of whether the public hearing is waived for the development plan, approval by the city council is still required.

E. 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 city council.

F. 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.

G. Planned development districts shall be numbered sequentially based upon the year adopted and the number of that planned development district approved in a calendar year. For instance, a planned development district approved in calendar year 2018 shall have the prefix 2018 followed by a hyphen and then the number of the planned development district adopted that year. So the ordinance designation approving a planned development district and the zoning map designation would look like the following: PDD 2018-01.

ARTICLE 6. SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 6-1 Site plan requirements

A. Generally. Whenever a site plan is required by this ordinance, such site plan must conform to the requirements of this section. Unless otherwise specified in this ordinance, all site plans must be approved by the city council, upon recommendation of the planning and zoning commission. The site plan submitted in support of an application shall satisfy the requirements for site plan submittals as set forth by the city staff. Site plans shall be reviewed by the city staff, and comments shall be returned after the review by the city staff. The submittal date of the site plan shall be the date upon which the site plan is found to be in compliance with the provisions of the site plan application by the city staff.

B. Required prior to building permit. When required by this ordinance, a site plan must be approved prior to the issuance of a building permit by the city.

C. Changes to the site plan.

1. Changes to the site plan shall be processed in the same manner as the original approved site plan.
2. Except as otherwise provided in paragraph 3 below, any site plan that is amended shall require approval of the city council, upon recommendation of the planning and zoning commission.
3. Changes to the site plan which will affect the use of the land may require either an amendment to a planned development or a rezoning of property, whichever applies.
4. Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent properties; do not alter the use permitted; and do not increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the mayor or his/her designee. An aggrieved party may appeal the decision of the mayor or his/her designee to the board of adjustment in accordance with the provisions of this ordinance.

D. Council approval. Council approval of a site plan that accompanies a zoning change request shall become part of the amending ordinance.

E. Site plan content. The site plan shall contain the information listed below, and any or all of the required features may be incorporated on a single drawing if the drawing is clear and capable of evaluation by the city council and the staff personnel required to enforce and interpret this ordinance.

1. The boundary lines and dimensions of the property, existing subdivision lots, available utilities, fire hydrants, easements, roadways, sidewalks, emergency access easements, and public rights-of-way.
2. Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations, if different from existing elevations.
3. Floodplains, watercourses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.
4. The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and/or alley.

5. Total number, location, and arrangement of off-street parking and loading spaces, where required.
6. All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
7. Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.
8. The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
9. The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.
10. If multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses.
11. Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, and street address or common description of the property.
12. Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties.
13. Buildings on the exterior of the site and within 25 feet of all property lines.
14. The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow.
15. The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas.
16. Architectural drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.
17. Legal description of the total site area proposed for rezoning, development or specific use permit.
18. Signature, title and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans, and supporting documents reflect a reasonably accurate portrayal of the general nature and character of the applicant's proposals.
19. A development timetable if development is to be in phases.
20. The percentage of the site that will be covered by building and structures.

Sec. 6-2 Specific use permits

A. Purpose. ~~Certain land uses, because of their nature and location, are not appropriate for categorizing into installations, such as colleges and universities, private schools, institutions, community facilities, zoos, cemeteries, country clubs, show grounds, drive-in theaters and other unusual land uses not specifically provided for in this chapter.~~ The specific use procedure provides a means for developing certain uses in a manner in which the specific use will be compatible with adjacent property and consistent with the character of the neighborhood.

To provide for the proper handling and location of ~~such~~ specific uses, provision is made for amending this chapter to grant a permit for a specific use in a specific location. ~~This~~ The procedure for approval of a specific use permit ~~is the same as the procedure for the adoption of a change in zoning district designation or zoning district boundary, includes a public hearing. The amending ordinance may provide for certain restrictions and standards for operation. The indication that it is possible to grant a specific use permit as noted elsewhere in this ordinance does not constitute a grant of privilege for such use, nor is there any obligation to approve a specific use permit unless it is the finding of the planning and zoning commission and city council that such a special use is compatible with adjacent property use and consistent with the character of the neighborhood.~~

B. Permit required. No special use shall be erected, used, altered, occupied nor shall any person convert any land, building or structure to such a use unless a specific use permit has been issued by the city council. The granting of a specific use permit shall be done in accordance with the provisions for amendment of this zoning ordinance.

C. Application procedure. An application for a special permit shall be filed with the mayor or his/her

designee on a form prepared by the city. The application shall be accompanied by the following:

1. A completed application form signed by the property owner;
 2. An application fee as established by the city's latest adopted schedule of fees;
 3. A certificate stating that all city and school taxes have been paid to date;
 4. A property description of the area where the specific use permit is proposed to apply;
 5. A site plan complying with the requirements stated in this section which will become a part of the specific use permit, if approved; and
 6. Any other material and/or information as may be required by the planning and zoning commission, the city council or their designee to fulfill the purpose of this subsection and to ensure that the application is in compliance with the ordinances of the city.
- D. Site plan information. A site plan shall contain, at a minimum the following information, as provided in [section 6-1](#), Site plan requirements:
- E. Additional information. The following additional information may also be required if deemed appropriate by staff, the planning and zoning commission, or city council.
1. Copies of studies or analyses upon which have been based projections for need or demand for the proposed facility.
 2. Description of the present use, assessed value and actual value of the land affected by the proposed facility.
 3. Description of the proposed use, anticipated assessed value and supporting documentation.
 4. A description of any long-term plans or master plan for the future use or development of the property.
 5. A description of the applicant's ability to obtain needed easements to serve the proposed use.
 6. A description of any special construction requirements that may be necessary for any construction or development on the subject property.
 7. A traffic impact analysis prepared by a qualified professional in the field of traffic evaluation and forecasting may be required.
- F. Council action. The city council may grant such a waiver only upon finding that the information submitted is sufficient to determine that the proposed building, use, structure, development or activity will have an insubstantial impact on the surrounding area and that providing the information required by the submittal requirements is unreasonably burdensome on the applicant.
- G. Conditions of permit approval. A specific use permit shall not be recommended for approval by the planning and zoning commission unless the commission finds that all of the following conditions have been found to exist:
1. The proposed use complies with all the requirements of the zoning district in which the property is located.
 2. The proposed use as located and configured will contribute to or promote the general welfare and convenience of the city.
 3. The benefits that the city gains from the proposed use outweigh the loss of or damage to any homes, business, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use.
 4. Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided.
 5. The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.
 6. The issuance of the specific use permit does not impede the normal and orderly development and improvement of neighboring vacant property.

7. The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood.
8. The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity.
9. Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight.
10. Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is adequately shielded or directed so as not to disturb or adversely effect neighboring properties.
11. There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties.
12. The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs.
13. The proposed use is in accordance with the City of McLendon-Chisholm Comprehensive ~~Land Use~~ Plan.

H. Additional conditions. In authorizing a specific use permit, the planning and zoning commission may recommend, and the city council may impose, additional reasonable conditions necessary to protect the public interest and the welfare of the community.

I. Time limit. A specific use permit issued under this division shall become null and void unless construction or use is substantially underway within one year of the granting of the permit, unless an extension of time is approved the city council. ~~Additionally, a specific use permit may be issued for a limited amount of time. If such time restriction is imposed, the expiration date of the specific use permit shall be so noted on the specific use permit.~~

J. Revocation of permit. Specific use permit may be revoked or modified, after notice and hearing, for either of the following reasons:

1. The permit was obtained or extended by fraud or deception.
2. One or more of the conditions imposed by the permit has not been met or has been violated.

K. Amendments to specific use permit. The procedure for amending a specific use permit shall be the same as for a new application, provided the mayor or his/her designee may approve minor variations from the original permit which do not increase density, change traffic patterns, uses or result in an increase in external impacts on adjacent properties or neighborhoods.

L. Jurisdiction. The board of adjustment shall not have jurisdiction to hear, review, reverse or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.

Sec. 6-3 Accessory building regulations

A. Accessory structure definitions. The following definitions shall apply:

Accessory building. Any building customarily incidental to the principal building, including among other things, a garage for parking of vehicles, storage shed, greenhouse, pool cabana or tool storage shed and similar such structures not used for any commercial or dwelling purposes.

Portable building. Any building, which is constructed to be moved on its structure without lifting and minimal damage to the building and anchored to prevent overturning.

Structure. The outside measurement of all roofed area and supporting structural elements of construction for any accessory building. Constructed of conventional commercial kits or conventional wood framed construction meeting the requirements of the city building code as adopted by the City of McLendon-Chisholm.

B. General regulations.

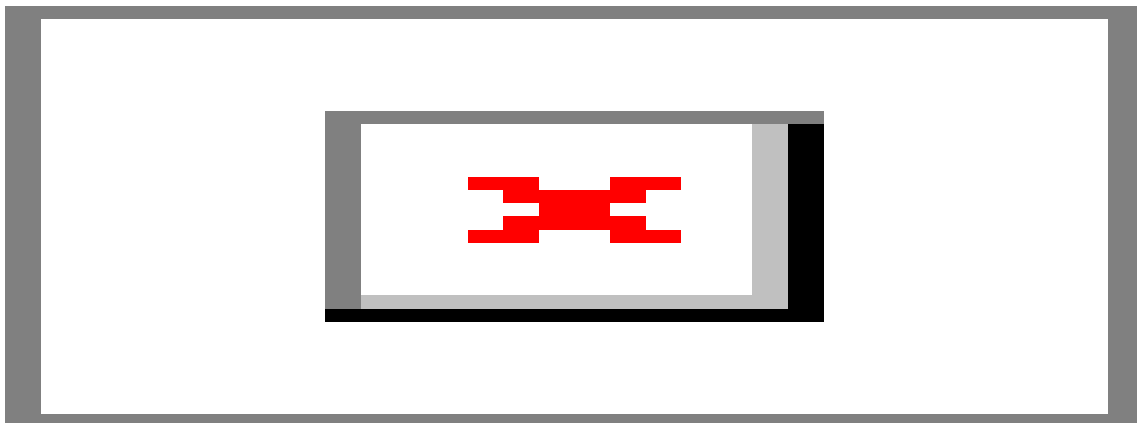
1. In a residence or multifamily district, an accessory building is a subordinate building exceeding 120 square feet of floor area, attached to or detached from the main building, without separate bath or kitchen facilities, ~~(unless used as servants quarters) not used for commercial purposes and not rented.~~

2. In other districts, an accessory building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.
3. No accessory building shall exceed 25 feet in height, nor shall it be greater in height than the main structure.
- C. Area regulations. Area regulations for accessory buildings in residential and multifamily districts:
 1. Front yard. Attached front accessory building shall have a front yard not less than the main building or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the rear yard.
 2. Side yard. There shall be a side yard not less than 25 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 100 feet.
 3. Rear yard. There shall be a rear yard not less than 25 feet from any side 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 15 feet to the main building not nearer than 25 feet to any side lot line.
 4. Any garage constructed in a residential or multifamily district shall be set back not less than 20 feet from any street or alley line on which it faces.

Sec. 6-4 General height requirements

A. Nonresidential structures.

1. A non-residential building may exceed the permitted height in a zoning district by 20 feet if the following conditions are met:
 - (a) A site plan is provided; and
 - (b) For every one foot exceeding the maximum permitted height, an additional one foot of setback is provided on the front, side, and rear yards. The height of a building shall not exceed 20 feet over the maximum permitted height established in the zoning district.



2. A building may exceed the height described in item 2 above only upon approval of a special exception.
- B. Exceptions. Height regulations do not apply to steeples, domes, cupolas, or other architectural design elements usually required to be placed above the roof level and not intended for human occupancy.
- C. Antennas. For antenna and tower height regulations see [section 6-11](#), Wireless communications facilities.
- D. General yard requirements. The following general requirements provide additional criteria which apply to yard requirements in all zoning districts.
- E. Projections of structural features.
 1. Ordinary sills, belt courses, cornices, chimneys, bay windows, buttresses and ornamental features may project not more than 12 inches into a required yard.
 2. Eaves may project not more than 36 inches into a required yard.

3. Open or lattice enclosed fire escapes may project into a required yard not to exceed five feet.

F. Porte-cochere. A porte-cochere may project into a required side yard, provided every part of such porte-cochere is unenclosed except for necessary structural supports. **A minimum side yard setback is required under any circumstances.**

G. Double frontage lots. Where lots have double frontage, running ~~through~~ from one street to another, a required front yard shall be provided on both streets unless otherwise established by plat or by ordinance, in which case only one required front yard need be provided.

H. Railroad siding.

1. Where the side yard abuts and is used for access to a railroad siding, the yard setback shall be zero feet.

2. Where the rear yard abuts and is used for access to a railroad siding, the yard setback shall be zero feet.

I. Public, quasi-public buildings. Churches, schools and other public and quasi-public buildings may be erected to a height not to exceed 60 feet or five stories provided the required front, side and rear yards are each increased at least one foot for each foot of additional height above the height required by this ordinance.

Sec. 6-5 Temporary uses and special events

A. Generally. Certain temporary uses of land are essential to the full development and utilization of the land and are deemed to promote the health, safety, and general welfare of the city. The temporary uses and special events hereinafter enumerated shall not be deemed violations of this ordinance when conducted under the conditions herein provided.

B. Permitted temporary uses. The permitted temporary uses, the conditions of use, the zoning districts wherein the same shall be permitted, and approvals required are as follows:

1. Construction office. Temporary field or construction offices and temporary building material storage areas to be used solely for on-premises construction purposes in connection with the property on which they are erected, or within the same platted subdivision may be permitted in all zoning districts when approved by the mayor or his/her designee. The application for a temporary use permit shall include a scale drawing showing the location and size of the building(s), all outside storage areas, and proposed construction fencing. Such permit shall be issued **by the building official** for temporary buildings on construction sites for a period of six months, with a renewal clause for a similar period. Such buildings must be removed within 30 days after substantial completion or abandonment of such ~~new~~ construction to which they are accessory or upon the request of the administrative official or his/her designee.

2. Temporary outdoor sales on properties zoned as non-residential, all non-residentially used property located in residentially used districts may be permitted by the city enforcement officer for a period not to exceed 30 days upon the application and granting of a temporary use permit.

3. In no event shall such temporary uses be allowed for more than 30 consecutive days or more than once per year. All sales shall meet the special conditions, if any, imposed by the city enforcement officer and/or fire marshal for the protection of public interest and the welfare of the community.

4. No tent or similar structure shall be erected in any required setback or designated easement. Tents shall conform to the Uniform Fire Code and no tent shall be erected without first obtaining a permit **from the fire marshal**. No outside use of property for sales will be allowed except by the existing occupants of the property. This includes parking of vehicles for a purpose other than conducting business on the premises.

5. The temporary outdoor sale of Christmas trees may be permitted, on those properties zoned as non-residential, all non-residentially used property located in residentially used districts, for a period of 40 days prior to Christmas Day. The mayor or his/her designee shall issue a permit, with a refundable clean-up deposit of \$500.00, for such sale when it is found that there is available adequate off-street parking area, either improved or unimproved, as determined by the building official; and that location and layout of drives, parking areas, lighting, and sale signs will not constitute a hazard to public travel on the abutting public streets. Trees, stands, equipment, trash, signs, lighting and shelters shall be removed by the permit holder no later than January 4 following the Christmas holiday. **Failure to complete required clean-up by January 5 will cause the use of the clean-up deposit for the clean-up of**

the property for which the permit was issued. If there are surplus funds remaining following the city originated clean-up of the property, the remaining balance shall be returned to the permittee. If, however, the clean-up required funding greater than the deposit, the permittee shall pay to the city the difference between the deposit and the actual amount of the cost of the clean-up.

6. Carnivals and circuses may be allowed as a temporary use for a period not exceeding 14 consecutive days. Such events shall be on a site in districts zoned as non-residential, all non-residentially used property located in residentially ~~used~~ **zoned** districts, and in non-residential planned developments. Adequate parking and sanitary facilities shall be made available to the satisfaction of the building official. No carnival or circus shall begin operation before 8:00 a.m. and operation shall cease before midnight on all nights except on Saturday when the event shall cease operation at midnight. The mayor or his/her designee shall establish the terms and conditions for the temporary use at the time of approval **and shall issue a permit affirming the terms and conditions of the temporary use permit**. In the event that a sponsor is dissatisfied with the mayor or his/her designee's decision, the sponsor may appeal the requested use to the city council.

7. Refreshment stands (temporary and seasonal). Refreshment stands shall be exempt from the area and masonry requirements of the underlying zoning district; however, they are subject to setback and masonry requirements as may be required by the building and inspection official.

C. Permitted special events. For the purpose of this section, "special events" are defined as any activity or event meeting the following criteria **and require the issuance of a temporary use or special event permit**:

1. The event of activity is carried on for a period of time not exceeding three consecutive days;
2. No retail sales are conducted except those incidental to the primary activity such as refreshment and souvenir sales. Charitable and nonprofit organizations may conduct retail sales for fund-raising purposes in any zoning district;
3. Public assemblies carried on out-of-doors or in temporary shelters or tents.

D. Contents of application. An application for approval of a temporary use or special event shall include the following information:

1. Detailed description of the event, **including a scaled site plan**;
2. Exact location;
3. Expected attendance;
4. Anticipated number of automobiles and proposed methods of providing parking for the same;
5. Location and construction of any temporary signs to be used in connection with the event;
6. Exact dates of commencement and termination of the event;
7. Signed certification by the responsible party and the record owner of the land that all information provided is true and correct and that all schedules will be strictly adhered to; and
8. A fee in accordance with the City of McLendon-Chisholm Fee Schedule.

E. Approval by the city council. Approval of a permit for temporary use or a special event must be approved by the mayor or his/her designee. The mayor or designee may elect, at his/her discretion, to forward any request to the city council.

Sec. 6-6 Home occupations

The purpose of the home occupation provisions is to permit the conduct of home occupations, which are compatible with the neighborhoods in which they are located.

A. Regulations. Home occupations are a permitted accessory use in all residential districts and are subject to the requirements of the district in which the use is located, in addition to the following:

1. Only the members of the immediate family occupying the dwelling shall be engaged in the home occupations.
2. The home occupation shall be conducted only within the enclosed area of the dwelling unit or the garage.
3. There shall be no exterior alterations which change the character thereof as a dwelling and/or

exterior evidence of the home occupation.

4. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
5. No use shall create smoke, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
6. The home occupation shall not create any greater vehicular traffic than normal for the district.
7. No signs of any kind shall be allowed on premises advertising a home occupation or service.

Sec. 6-7 Off-street parking and loading requirements

Whenever any ordinance, regulation, or plan, enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

A. Parking table. Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

Schedule of Parking Requirements		
Land Use	Requirements	Additional Requirements
Residential		
Single-Family Detached Units	2/unit	Must be located in an enclosed garage
Single-Family Attached Units	2/unit	Must be located in an enclosed garage
Duplex	2/unit	None Must be located in an enclosed garage
Townhouse, Condominium, Triplex, Quadruplex or Row	2 1/2/ unit	None Must be located in an enclosed garage
Multi-Family	1.5/1 bed unit 2/2 bed unit 2.5/3 bed unit	None
HUD Code Manufactured Home	2/unit	None
Boarding or Rooming House, Hotel or Motel / Residence Motel or Inn	1 / residential unit	1 additional space for 200 sq. ft. of Exhibit or Ballroom space, plus 1 space per 100 sq. ft. of Meeting Rooms, plus 1 space per 2.5 seats in Restaurant and Lounge
Retirement Housing: Ambulatory Independent Residents	1.5/unit	None
Retirement Housing: Nursing Home Facilities	1/2 beds	None
Dormitory	1.5/2 occupants	None

Fraternity, Sorority, or Lodge	1/125 sq. ft.	none
Civic		
Religious Institution	1/4 seats in the sanctuary or auditorium	None
Community Center	1/4 persons	None
Library	1/300 sq. ft.	
Museum	1/300 sq. ft.	
Public Assembly Hall/Auditorium	1/3 seats	None
Education		
College or University	1/3 day students	None
Schools		
Elementary	1/25 students	
Junior High	1/18 students	
Senior High	1/5 students	
Trade	1/4 students	
Amusement		
Ballpark or Stadium	1/4 seats	None
Bowling Alley	6/ lane	None
Dance Hall, Exhibition Hall w/out fixed seats	1/100 sq. ft. of floor area	None
Outdoor Commercial Amusement	1/500 sq. ft. of site area exclusive of building	None
Pool Hall, Arcade, Other Indoor Commercial Amusement	1/100 sq. ft. of floor area	None
Theater, auditorium	1/4 seats	None
Automotive		
Auto Parts Accessory Sales	1/300 sq. ft. of floor area	None
Auto Parts Repair Garage or Shop	1/350 sq. ft. of floor area	None
Auto Sales	1/300 sq. ft. sales floor or 1/1000 sq. ft. lot area	

Carwash (full-serve)	3 stacking spaces	
Carwash (self-serve or automatic)	3 stacking spaces/ wash bay	None
Service Station	Minimum of 6 + 2/employee	None
Vehicle or Machinery Sales (indoors)	1/500 sq. ft. of floor area	None
Wash Bay	None	
Commercial, Retail, Service		
Barber/Beauty Salon	2/chair	None
Coin- Operated or Self- Service Laundry or Dry Cleaner	1/200 sq. ft. of floor area	Coin- Operated or Self- Service Laundry or Dry Cleaner
Day Care or Day Nursery	1/5 pupils + 1/employee	1 space for drop-off /3 pupils
Driving Range	1/10 linear ft. of designated tee area	None
Eating or Drinking Establishment (no drive-through service)	1/2.5 seats	None
Eating or Drinking Establishment (with drive-through service and all others)	1/150 sq. ft.	None
Furniture, Appliance Sales or Repair	1/600 sq. ft. of floor area	None
Indoor Retail Store or Shop	1/250 sq. ft. of floor area up to 5000 sq. ft., then 1/200 sq. ft.	None
Lodge or Fraternal Organization	1/125 sq. ft. of floor area	None
Miniature Golf	1 / tee	None
Mortuary or Funeral Home	1/2 seats in chapel	None
Outdoor Retail Sales	1/500 sq. ft. of site area, exclusive of building	None
Personal Service Shop	1/250 sq. ft. of floor area up to 5000 sq. ft., then 1/200 sq. ft.	None
Shopping Center, Malls & Multi-occupancy uses (3-50 acres)	1/250 sq. ft. of floor area	None
Shopping Centers, Mall and Multi-occupancy use (over 50 acres)	1/300 sq. ft. of floor area	None
Veterinary Clinic	1/300 sq. ft. of floor area	None
Medical, Professional		
Bank and Savings & Loan or Other	1/300 sq. ft. of floor area	None

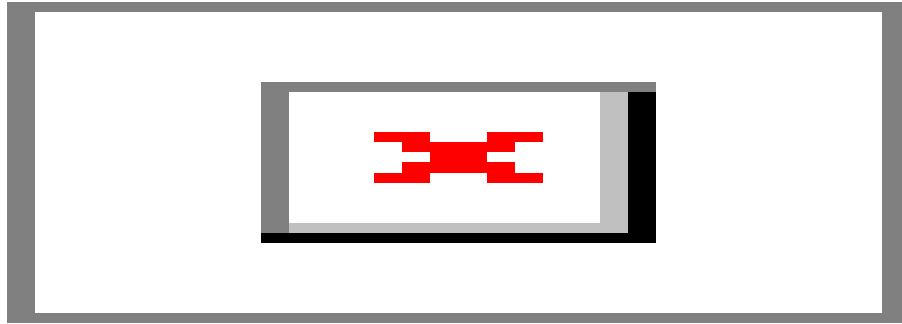
Similar Institution		
Hospital	1.5/ bed	None
Medical, Dental Clinic or Office	1/150 sq. ft. of floor area	None
Other Office or Professional Business	1/250 sq. ft. of floor area	None
Sanitarium, convalescent home	2/6 beds	
Manufacturing, Industrial		
Manufacturing or Warehousing	1/3 employees or 1/1,000 sq. ft. of floor area (whichever results in more spaces)	
Mini-warehouse	1/3,000 sq. ft. of floor area	None
Storage Yard	1/3 employees or 1/1,000 sq. ft. of floor area (whichever results in more spaces)	

B. Rules for computing number of parking spaces. In computing the number of parking spaces required for each of the uses in this section, the following rules shall govern:

1. Floor area shall mean the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be rounded up to the nearest whole number.
3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
4. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

C. General parking regulations.

1. Reduction. In cases where the applicant can provide documentation that parking spaces exceed the amount necessary for the use and that a reasonable alteration of spaces may be provided. Said reduction shall not represent more than 15 percent of the total required spaces and shall require a special exception.
2. Mixed use buildings. Where a building or a site contains two or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use with the exception of shopping centers and multi-use purposes.
3. Drive lane widths and parking space sizes. Drive lanes and parking space sizes shall be required as shown in the following illustration. A driveway for access to any non-residential, single parking space or to a parking lot shall not measure less than that shown in the parking layout illustration. All drive approach widths shall be no less than those indicated in the below graphic. All two-way drive lanes shall be a minimum of 24 feet in width. Parking spaces shall be **not less than** nine feet wide by 18 feet deep for all 90-degree parking spaces. Angled spaces shall be as shown in the graphic.



Parking Angle	Stall Width	Stall Depth	Min. Aisle Width		Aisle Length per Stall	Module Width	
			One-Way	Two-Way		One-Way	Two-Way
(A)	(B)	(C)	(D1)	(D2)	(E)	(F1)	(F2)
Parallel	8.0	8.0	12.0	18.0	22.0	28.0	34.0
45	9.0	19.1	12.0	24.0	12.7	50.2	62.2
60	9.0	20.1	18.0	24.0	10.4	58.2	64.2
90	9.0	18.0	24.0	24.0	9.0	60.0	60.0

4. On-premises parking required. All required commercial and residential parking spaces shall be located on the premises to which such requirement applies or within an off-street space of which the distance is not more than 100 feet from such premises.

5. Residential parking development standards. The following regulations shall apply to all resident

(a) All vehicles, including RV's, campers, boats, or other trailer, which are parked or stored on private property in residential areas are to be on a concrete paved surface or pavers.

(b) Residences located on properties two acres or greater in size may have an alternate surface material upon authorization of the city council or their designee.

(c) Pavers are not to exceed one-half-inch above the surface of the yard in which they are placed to allow them to be properly mowed and trimmed around.

(d) Vehicles are to be completely resting on such surfaces from the point they leave the public streets to the point upon which they are parked or stored.

(e) All vehicles shall be so parked in relation to the street and dwelling at right angles and not to extend over any walkway or be closer than eight inches from the back of the curb so they will not obstruct the pedestrian ways.

(f) Any vehicle found in violation of this provision must be made operable or moved to an enclosed building within 30 days from the notification of such condition existing. All repeat violations which occur at the same address within any subsequent 30 day period shall be subject to immediate penalties and/or fines as allowed by law.

(g) Parking spaces located on existing single-family residentially zoned lots that were deemed to conform at the effective date of this ordinance shall still be deemed to be legal. This includes parking spaces not located in enclosed garages but shall not permit any enclosed garage to be eliminated.

6. Non-residential parking development standards. The off-street parking or loading facilities required for nonresidential uses mentioned in these regulations shall be approved by the city engineer.

7. Maintenance requirements. To insure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to maintain the facility. All off-street

parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the city council.

D. Parking regulations for special events and other one-time events.

1. Special event means a festival, celebration, performance or other such special event which occurs no more frequently than once per year, and which will or should be reasonably anticipated to attract patrons or visitors in such numbers as to exceed the capacity of the permanent parking spaces required and provided under other provisions of this section for the property upon which the special event is to be held. Events which are conducted more frequently than once per year are not considered "special events" under the provisions of this subsection, and the property upon which these events are conducted must conform to the other provisions of this article concerning parking requirements.

2. The persons or entities conducting any such special event shall submit to the mayor or his/her designee at least 45 business days prior to said event a plan for the accommodation and parking of vehicles of persons reasonably expected to attend such event. The plan must include, at a minimum, the following information:

(a) A description and the address of the premises where the event is to be held;

(b) A description and the address of any property, other than the premises described in (a) above, where parking is to be provided for patrons or visitors to the event;

(c) The name and address of the owner of the premises upon which parking for the event is to be provided, and a statement describing the terms and conditions of the agreement whereby the owner of such premises has authorized their use for parking;

(d) The dates and times that the event is to be held;

(e) The measures which will be taken by the persons or entities conducting the special event to ensure safe and orderly traffic flow to and from the event site and any parking area;

(f) A plan or diagram of the proposed layout of the parking scheme upon the property to be used for parking for such event.

(g) All parking for any such special event shall be provided off-street and on an area and surface reasonably anticipated to be dry and safe for vehicular and pedestrian traffic. No public property or rights-of-way may be utilized or included in such parking areas except upon express, prior written permission by the city council.

3. Subject to the above requirements, the surface of such parking areas need not be paved or otherwise surfaced as required by the other provisions of this article for permanent parking areas, but it must be suitable for the type and amount of vehicular and pedestrian traffic reasonably anticipated for the special event at issue.

4. Upon submittal of the required parking plan to the city, the mayor or his/her designee shall review it and shall advise the applicants whether any changes or modifications to said plan will be required. The mayor or his/her designee has the sole discretion to approve or reject, or require modifications to, any parking plan required hereunder. No vehicles may be parked in any location not otherwise allowed under other subsections of this section, in connection with any special event, unless and until the mayor or his/her designee has issued a written approval of the parking plan of the special event.

5. Such written permission may be revoked at any time by the mayor or his/her designee if it is found that false or misleading information was contained in the proposed parking plan.

E. Handicapped spaces.

1. All areas of newly designed or newly constructed buildings and facilities required to be accessible under federal and state law shall comply with the standards set forth in the Texas Accessibility Standards of the Architectural Barriers Act, Tex. Rev. Civ. Stat. Art. Ann. §9102 (Vernon Supp 2000.)

2. The dimensions of each "H" parking space shall be 12 feet wide and 18 feet long.

3. Each and every "H" parking space required by this section of the parking regulations or by other applicable regulations shall be clearly identified as reserved for the handicapped.

4. The number of "H" parking spaces required shall be determined by the following table:

Total Parking Spaces Provided	Number of Accessible Spaces
1 to 25	1
25 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% of total
More than 1,000	20 plus one for each 100 over 1,000

F. Single-family attached and multi-family parking facilities. Common parking facilities for single-family attached and multi-family structures shall meet the following criteria:

1. Each dwelling unit shall have its required parking spaces provided within 100 feet of a principal entrance to a single-family attached structure and 150 feet of a principal entrance to a multi-family structure.
2. The parking facility shall be arranged so that a minimum of five feet shall separate any parked car from a solid building wall and 20 feet from a principal entrance.
3. In any residential district off-street parking provided at the rear of the lot shall be permitted to occupy any paved portion of the rear yard except that a minimum distance of 20 feet shall separate the enclosed off-street parking spaces from an alley at the rear lot line.

G. Parking access requirements. Parking areas which would require the use of public rights-of-way for maneuvering shall not be acceptable for the furnishing of required off-street parking spaces other than for single-family detached and duplex dwelling structures. Parking parallel at the curb on a public street shall not be substituted for off-street requirements.

H. Non-residential off-street loading requirements. Provisions for loading and unloading in non-residential districts shall be provided on the site according to the following regulations:

1. To facilitate the movement of traffic on the public streets, all retail, office and service buildings 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 public alley or private service drive:
2. Individual loading space dimensions shall be required as a minimum to be 35 feet in length, 12 feet width with a height clearance of 15 feet.
3. The number of off-street loading spaces shall be placed according to the following table:

Square Feet of Gross Floor Area in Structure	Maximum 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 200,000	1 Additional

I. Additional regulations. Nothing in this section shall require the furnishing of additional parking spaces for buildings existing and used on the date of adoption of this article. However, any enlargement or addition to an existing building shall not be approved unless such building and addition or enlargement shall be brought into full compliance with the provisions of this section.

When the occupancy of any building is changed to another use, parking shall be provided to meet the requirements for the new use.

J. General design standards for parking structures.

1. In all districts, above grade parking structures shall conform to height restrictions for zoning districts in which they are located.
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.
3. Ramps shall not be constructed with slopes exceeding 15 percent and single lane entrances shall not be less than 16 feet wide at the street.
4. A minimum of one 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. **If no sidewalk exists, then a minimum of one car length shall be provided between an exit control gate or facility and the inside edge of that area where pedestrians walk.**
5. Parking structure facades shall be left 50 percent open and interior light levels shall be maintained at ten footcandles to enhance security and safety. All parking structure lighting shall be designed so as not to reflect or shine on adjacent properties.
6. Full enclosure of any level of a parking structure may be permitted only if such structure is fully sprinklered and mechanically ventilated.

K. Stacking requirements for drive-through facilities.

1. A stacking space shall be an area on a site measuring eight feet by 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.
2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five stacking spaces (from the right-of-way line).
3. For each service window of a drive-through restaurant, a minimum of seven stacking spaces (from the right-of-way line) shall be provided.
4. For kiosks, a minimum of two stacking spaces (from the right-of-way) for each service window shall be provided.
5. For drive-in cleaners, three storage spaces for each drive-in/drive-through window.

~~L. Exemptions. Commercial uses located in the Heritage Preservation Overlay District, when the underlying zoning district is commercial, shall be exempt from this section.~~

Sec. 6-8 Screening and buffer requirement

A. Purpose. Standards set forth in this section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

B. Generally.

1. When **a the** boundary of a non-residential zoning district sides or backs upon an SF5, SF2.5, SF1.5, MH District, or a residential planned **unit** development **district** a solid screening wall or fence of

not less than six feet nor more than eight feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

2. Where a multi-family use abuts a ~~one or two family~~ single family residential zoning district, the side and rear property lines of said multi-family district shall be suitably screened to a height of not less than six feet, nor more ~~that than~~ eight feet, from any adjacent dissimilar residential dwelling or lot.

3. The owner of the non-residential property or the owner of the multifamily property shall be responsible for and shall build the required wall or fence on ~~his~~ the property line dividing ~~his~~ the subject property from the ~~more restrictive residential~~ zoning district.

4. The entire area occupied by a junk yard or salvage yard shall be surrounded by a continuous screening wall or fence ~~that complies with B. 1. Above.~~

C. Screening wall or fence construction.

1. Unless otherwise provided for herein, a screening wall or fence required under the provisions of this section shall be constructed of a permanent, solid masonry material. Such wall or fence shall not contain openings constituting more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier.

2. All wall or fence openings shall be equipped with gates compatible in height and screening characteristics to the wall or fence.

3. In cases where city council finds this requirement to be better met by a screen of living, irrigated plant materials, a landscape plan may be submitted in lieu of a screening wall. Such landscape screening must be no less than four feet deep and must demonstrate screening characteristics equal to that of a masonry-screening wall.

4. In cases where the city council finds this requirement better met by a decorative fence or a combination of decorative fence and masonry screening wall and/or living plant materials, the same may be submitted to the city for approval along with a landscape plan.

5. All required screening walls shall be equally finished on both sides of the wall.

D. Prohibited screening walls and fences.

1. Required walls or fences shall not be constructed of chain link, barbed wire or other similar materials.

2. With the exception of the AG district, electric fences are not permitted in any zoning district. Existing electric fences shall be removed at the time that property ownership is transferred.

3. All required screening elements shall be permanently maintained by the nonresidential property owner.

4. Dumpsters and trash receptacles located on non-residentially zoned property and on sites used for non-residential purposes shall be located on a concrete pad constructed for that purpose. Said dumpsters and trash receptacles shall be screened on three sides by a masonry wall and shall contain a solid self-latching gate. The masonry wall shall be of similar construction as the principle building. Non-decorative concrete block shall not be permitted. A screening device shall be erected along side and rear property lines adjacent to residential districts. The screening device shall be a minimum height of eight feet, unless otherwise approved by city council.

5. No screening element of solid construction such as brick, masonry, concrete or solid metal, shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage-way within easements reserved therefore.

Sec. 6-9 Construction materials

A. Exterior construction of main buildings in residential districts.

1. The exterior facades of a main building or structure in the single-family residential districts shall be constructed of 80 percent masonry, excluding windows and doors, unless otherwise specified in this article. Cementitious fiberboard, cedar, redwood, or cypress may constitute 50 percent of stories other than the first story. Cementitious fiberboard, redwood, cedar, or cypress may also be used for architectural features, including window fur-outs, bay windows, roof dormers, garage door headers or rear entry garages, columns, chimneys not part of an exterior wall, or other architectural features

approved by the building official. In the agricultural district on lots of 100 acres or greater, a main building or structure, for nonresidential use, may be constructed of wood or an equivalent material.

B. Exterior construction of main buildings in non-residential districts. All exterior facades for a main building or structure in a nonresidential district shall be constructed of 100 percent masonry as defined herein.

Exception. Metal buildings are permitted in the LI Light Industrial or Planned Development Districts upon review of the planning and zoning commission and approval by the city council subject to:

1. The maximum height of the metal building is 36 feet;
2. The lot on which the building is constructed must have frontage only on streets with 80 feet in right-of-way or greater;
3. The lot containing the metal building shall be at least 500 feet from any zoning districts other than LI Light Industrial and PD Planned Development for industrial or commercial uses;
4. The wall of the building facing the street must be 100 percent masonry; and
5. Other walls of the building visible from a street must have trees planted on 30-foot centers within 20 feet of the building.

C. Exterior construction of accessory buildings. Exterior construction of maintenance buildings for golf courses, public or parochial schools, churches, or the city may be metal upon issuance of a specific use permit. In the SF5, SF2.5, and SF1.5 Zoning Districts, accessory buildings used exclusively for equipment storage, animal and farm-related uses, or hobby uses may be constructed of metal or a metal-wood combination upon approval of the building official; provided, however, that no such accessory building shall be located within 50 feet of any primary residential dwelling nor shall such structures be located within 100 feet of any primary residential dwelling if the accessory building is used primarily for housing or stabling animals.

D. Definition of masonry construction material. Masonry construction for residential uses, unless otherwise provided for in this article, shall be composed of fired brick, natural and manufactured stone, granite, marble, or cementitious stucco. Masonry construction for nonresidential uses, unless otherwise provided for in this article, shall be composed of fired brick, natural and manufactured stone, granite, marble, or cementitious stucco. Elevations visible from a public thoroughfare or with an adjacent residential use may not be composed of greater than 60 percent integral colored architectural concrete block. Other exterior construction materials allowed for nonresidential structures are painted or stucco covered tilt wall concrete panels and exterior insulated finishing system (EFIS). EFIS is not permitted below nine feet above finished grade, and the use of EFIS above nine feet is limited to high impact EFIS.

E. Building canopies. Convenience store building roofs and fueling station canopies shall be pitched. Canopy columns shall be fully encased in masonry that is complimentary to the masonry material that is used on the main building. The canopy band face shall be a color consistent with the main structure or an accent color and may not be backlit or used as signage.

Sec. 6-10 Landscape requirements

A. Purpose. It is the purpose of this section to establish certain regulations pertaining to landscaping within the city. These regulations provide standards and criteria for new landscaping and the retention of existing trees which are intended to:

1. Promote the value of property, enhance the welfare, and improve the physical appearance of the city;
2. Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment; and
3. Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to the processes of air improvement and purification, oxygen regeneration, groundwater recharge, abatement of noise, reduction in glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City of McLendon-Chisholm.
4. These landscape regulations establish requirements in the NC, GB, CP, O-1, O-2, LI, Zoning

Districts and all non-residential development located in a residentially zoned district.

5. Residential uses in the A, SF5, SF2.5, and SF1.5 Districts shall conform only to the requirements set forth in subsection E, Residential uses, of this section.

6. Non-residential uses located within the SF5, SF2.5, SF1.5, and MH. Zoning Districts, which consist of principle structures, parking areas, and signage, shall be required to comply with the requirements contained in this section.

B. Landscaping definitions. The following definitions shall apply:

Buffer yard. A buffer yard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between, land uses to eliminate or minimize conflicts between them.

Building footprint. The area of the building in contact with the ground.

Caliper. Diameter of the trunk measured four foot above grade.

Canopy trees. A perennial woody plant single or multiple trunks, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as shade trees.

Development. The changing of the existing topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property. The changing of the existing topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property.

Enhanced pavement. Any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Enhanced pavement includes brick or stone pavers, grass pavers and stamped and stained concrete.

Ground cover. Low growing, dense spreading plants typically planted from containers.

Interior lot area. The area of the lot remaining after subtracting out the area included in the buffer yards.

Landscape architect. A person registered as a landscape architect in the State of Texas pursuant to state law.

Landscape area. An area covered by natural grass, ground cover, or other natural plant materials.

Lawn grasses. Thin bladed surface growing plants typically planted from seed, sprigs, or plugs.

Licensed irrigator. A person duly licensed by the State of Texas to design and install irrigation systems.

Permeable pavement. A paving material that permits water penetration.

R.O.W. parkway. That area within the public right-of-way (R.O.W.) between the back of curb or edge of pavement and the right-of-way line.

Seasonal color. Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.

Shrubs. Plants that grow vertically in a mufti-branched growth pattern.

Understory/accent trees. Small evergreen or deciduous perennial woody plants, which would grow below the top layer of the forest and typically has unique branching, textural or seasonal color characteristics.

C. Events causing compliance. Land uses not previously subject to landscaping requirements may be required to comply with this section upon the occurrence of one of the following events:

- * A change in zoning;
- * Requirement of landscaping as conditions of a specific use permit;
- * Issuance of a building permit; or
- * Loss of legal non-conforming status.

D. Landscaping generally. Landscape installation required:

1. A minimum of 20 percent of the total lot shall be landscaped. Landscaping which includes the planting of new and the retention of existing shrubs, trees, and flowering plants, in addition to grass, may reduce the landscape requirement to ten percent of the total lot area. Landscaping which consists of grass only will require 20 percent of the total area to be landscaped.

2. 20 percent of the total land area in any lot upon which development or construction occurs for any use after the effective date of this article shall be landscaped in accordance with this section.

3. Where the construction is to be a single phase of a multi-phase development, only the area being constructed in the current phase need be subject to the landscape regulations. However, each phase will be required to meet the landscaping requirements as they are being developed.

E. Required tree planting in residential districts. Residential uses located in the SF-5, SF2.5, or SF1.5 zoning districts shall be required to locate a minimum of two trees within the front-yard setback. The size of such trees shall be a minimum of three-inches in caliper and shall be approved by the city according to the recommended tree list, [section 6-10](#), Landscaping regulations.

F. Landscaping plan required.

1. The landscape plan may be prepared by the applicant, or his/her designee. The landscape plan is not required to be prepared by a registered or certified professional.

2. A landscaping plan shall be submitted to the city for approval. The landscape plan may be submitted as a part of the site plan or as a separate submittal. However, a landscape plan meeting the requirements of this article shall be provided and approved prior to the issuance of a building permit.

3. The landscape plan shall contain the following information:

4. Drawn to scale; Minimum scale of one inch equal 50 feet;

5. Location of all trees to be preserved, method of preservation during the construction phase of development shall be approved by the director of parks and recreation.

6. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;

7. Species of all plant material to be used;

8. Size of all plant material to be used;

9. Spacing of plant material where appropriate;

10. Layout and description of irrigation, sprinkler or water system, including placement of water sources;

11. Description of maintenance provisions of the landscape plan;

12. Persons responsible for the preparation of the landscape plan.

G. Locational criteria.

1. Not less than 40 percent of the total landscaping shall be located in the designated front yard.

2. In the LI Zoning District only the front yard 40 percent of the total 20 percent shall be required. The rear and side yard landscape requirements may be waived upon submittal of a landscape plan showing other requirements.

3. All landscape material shall comply with visibility requirements of the McLendon-Chisholm Subdivision Regulations.

H. Credits toward landscaping requirements.

1. Grass is an appropriate landscape material. However, a variety of plan material is recommended. Credits toward the landscaping requirements may be granted in the following manner:

2. Additional enhancement credit may be obtained by providing the following optional landscaping elements.

Landscape Area Credit	
Landscape Element	Amount of Area Credit
For each 3 inch tree	200 sq. ft.
For each 6 inch tree	400 sq. ft.
For each existing 6" tree protected and kept	800 sq. ft.

For each one-gallon shrub	10 sq. ft.
For each five-gallon shrub	25 sq. ft.
For each sq. ft. of flowering beds	2.5 sq. ft.
For each sq. ft. of xeriscape area	5 sq. ft.
For each sq. ft. of landscaped R.O.W.	0.5 sq. ft.

3. In no instance shall the total amount of landscaping on a lot be reduced through credits by more than 50 percent of the landscaped area required by this article.

4. Xeriscaped area shall be clearly located and detailed on the site plan. In addition, the xeriscape methodology shall be detailed on the site plan.

5. A flowering bed is any area where the soil has been specifically prepared for the planting of flowering plants. In addition in order to be considered for credit calculations, at least 80 percent of the prepared area must be covered with flowering plant material at the time of peak growth.

6. Caliper of trees is to be measured at a point 12 inches above top of ground.

7. In order to receive credit for protecting and keeping existing trees, the area within the dripline of the tree must be protected by fencing during grading and construction.

I. Installation and maintenance.

1. All required landscaped area shall be permanently landscaped with living plant material, and shall have an irrigation system installed. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements of this article.

2. Landscaped areas shall be kept free of trash, litter, weeds, and other such materiel or plants not a part of the landscaping.

3. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.

4. Plant materials which die shall be replaced with plant material of similar variety and size within 90 days period, with a one time extension not exceeding 90 days being provided upon approval of the city council.

J. Landscaping of parking lots. It is the intent of these landscape regulations to encourage design and construction of parking areas so that in a manner whereby areas within the parking lot are landscaped as well as areas considered unusable for parking or maneuvering space are landscaped. The following minimum requirements shall be observed:

1. A minimum of ten percent of the gross parking area shall be devoted to living plant material. Gross parking area shall be measured from the edge of the parking and/or driveway paving and sidewalks.

2. Landscaped areas within parking lots shall be located so as to best relieve the expanse of paving.

3. The placement of additional landscaped islands throughout the parking area in a manner which best relieve large expanses of paved area is encouraged.

4. Landscape material which is located within the interior of a parking lot shall be surrounded by a curb of four inches in height.

5. Landscaping within a parking lot shall not create a visibility obstruction. A visibility obstruction within a parking lot is defined as landscaping between 30 inches in height and seven feet in height. No shrubs shall exceed 30 inches in height. Tree canopies shall be at least seven feet in height.

6. For large existing trees located in the parking area, which is being retained and incorporated into the landscaping plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.

7. For each landscaped island of at least ten feet by 20 feet located within a parking lot, credit for four parking spaces will be provided. Credit for parking spaces cannot reduce the overall parking

requirement by more than 20 percent or to less than ten total spaces.

K. Landscaping as related to certificate of occupancy.

1. All landscaping shall be completed and installed in accordance with the approved landscape plan within 90 days of a certificate of occupancy being granted. A one-time extension not to exceed 90 days may be granted upon approval of the mayor or his/her designee.
2. If these landscaping requirements have not been satisfied within the 90 days six month period from when the certificate of occupancy is issued, the property owner shall be considered in violation of this the Zoning Ordinance of the City of McLendon-Chisholm, and shall be subject to the penalties established herein. A one-time extension not to exceed 90 days may be granted upon approval of the city council.

L. Nonconforming landscaping conditions. Developments, structures, and uses that are in existence at the time of the adoption of this article, which do not meet the landscape requirements provided herein, will be considered as being legal nonconforming . These nonconforming uses/structures will be subject to [Article 2](#), Nonconforming lots, structures, and uses of the McLendon-Chisholm Zoning Ordinance, unless otherwise provided for in this section.

M. Relief from landscaping requirements. Upon completion of the following, relief from landscaping requirements may be granted in situations where the individual circumstances, such as the presence of existing facilities or unusual topography, limit the applicant's ability to comply with the landscaping requirements of this article:

1. The applicant shall provide the city council with an alternative landscape plan for review and approval.
2. Said landscape plan will illustrate a plan to landscape area as available, provide for irrigation, and provide a phasing schedule for completing the plan.
3. The installation of landscaping as indicated by the landscape plan is completed and approved by the city.

Approved/Recommended Plant List	
Common Name	Scientific Name
Canopy Trees	
Ash, Texas	Fraxinus texensis
Cedar Elm	Ulmus crassifolia
Cedar, Eastern Red	Juniperus virginiana
Cypress, Bald	Taxodium distichum
Elm*, Lace Bark	Ulmus parvifolia
Magnolia, Southern	Magnolia grandiflora
Maple, Bigtooth	Acer gradidentatum
Maple, Caddo	Acer saccharum
Oak, Bur	Quercus macrocarpa

Oak, Chinquapin	<i>Quercus muhlenbergii</i>
Oak, Escarpment Live	<i>Quercus fusi formis</i>
Oak, Lacey	<i>Quercus glaucoides</i>
Oak, Live	<i>Quercus virginiana</i> (Escarpment)
Oak, Post	<i>Quercus stellata</i>
Oak, Red	<i>Quercus shumardi</i>
Oak, Texas Red	<i>Quercus texana</i>
Osage Orange	<i>Maclura pomifera</i> (thornless and fruitless)
Pecan (native)	<i>Carya illinoensis</i>
Pistache*, Chinese	<i>Pistacia chinensis</i>
Soapberry, Western	<i>Sapindus drummondii</i>
Walnut, Black	<i>Juglans nigra</i>
Ornamental Trees	
Buckeye, Mexican	<i>Ungnadia speciosa</i>
Buckeye, Texas	<i>Aesculus glabra</i> var. <i>arguta</i>
Buckthorn, Carolina	<i>Rhamnus caroliniana</i>
Chaste Tree*	<i>Vitex agnus-castus</i>
Crabapple, Prairie	<i>Pyrus ioensis</i>
Crape Myrtle*	<i>Lagerstroemia indica</i>
Eves Necklace	<i>Sophora affinis</i>
Goldenball Leadtree	<i>Leucaena rietusa</i>
Hawthorne*	<i>Crataegus phaenopyrum</i>
Hawthorne*	<i>Crataegus crus-galli</i>
Hawthorne*	<i>Crataegus reverchonii</i>
Holly, Possumhaw	<i>Ilex decidua</i>

Indigo, False	<i>Amorpha fruticosa</i> var. <i>angustipolic</i>
Mountain Laurel, Texas	<i>Sophora secundiflora</i>
Persimmon, Texas	<i>Diospyros texana</i>
Plum, Mexican	<i>Prunus mexicana</i>
Redbud	<i>Cercis canadensis</i>
Smoketree	<i>Cotinus obovatus</i>
Smoketree*	<i>Cotinus caggyria</i>
Sumac, Prairie Flame-leaf	<i>Rhus lanceolata</i>
Viburnum, Rusty Blackhow	<i>Viburnum rufidulum</i>
Wax Myrtle	<i>Myrica cerifera</i>
Willow, Desert	<i>Chilopsis linearis</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Shrubs	
Agarita	<i>Berberis trifoliolata</i>
Althea	<i>Hibiscus syriacus</i>
American Beautyberry	<i>Callicarpa americana`</i>
Aspidistra	<i>Aspidistra eliator</i>
Barberry, Red	<i>Berberis thunbergii</i>
Barberry, Texas	<i>Berberis thunbergii</i>
Bayberry	<i>Myrica pensylvanica</i>
Bird of Paradise	<i>Caesalpinia gilliesii</i>
Burning Bush	<i>Euonymus alata compacta</i>
Butterfly Bush	<i>Buddleia</i> sp.
Cactus, Prickly Pear	<i>Opuntia phaceacantha</i>
Cenizo	<i>Leucophyllum frutescens</i>

Chokeberry, Red	<i>Aronia arbutifolia</i>
Coralberry	<i>Symphoricarpos obiculatus</i>
Dogwood, Rough Leaf	<i>Cornus drummondii</i>
Elaeagnus	<i>Elaeanus macrophylla</i>
Forsythia	<i>Forsythia</i> sp.
Germander, Upright	<i>Teucrium chamaedrys</i>
Holly, Dazzler	<i>Ilex cornuta</i> 'Dazzler'
Holly, Dwarf yaupon	<i>Ilex vomitoria</i>
Holly, Nellie R. Stevens	<i>Ilex</i> x 'Nellie R. Stevens'
Honeysuckle, Bush	<i>Lonicera fragrantissima</i>
Hydrangea, Oakleaf	<i>Hydrangea quercifolia</i>
Hypericum, Upright	<i>Hypericum patulum</i>
Jasmine, Italian	<i>Jasmine nudiflorum</i>
Lantana	<i>Lantana horrida</i>
Mahonia, Leatherleaf	<i>Mahonia bealeii</i>
Mimosa, Fragrant	<i>Mimosa borealis</i>
Nandina, Compact	<i>Nandina domestica compacta</i>
Nandina, Gulfstream	N.d. 'Gulfstream'
Nandina, Standard	N. domestica
Pavonia	<i>Pavonia lasiopetala</i>
Photinia, Chinese	<i>Photinia serrulata</i>
Privet, Southern River	<i>Ligustrum vulgare</i>
Privet, Variegated	<i>Ligustrum luicidum</i> 'variegata'
Quince, Flowering	<i>Chaenomeles japonica</i>
Sage, Cherry	<i>Salvia greggii</i>

Spiraea, Bridal Wreath	Spiraea sp.
Spiraea, Anthony Waterer	Spiraea x bumalda 'goldflame'
Spiraea, Goldflame	Spiraea x bumalda 'goldflame'
Spiraea, Little Princess	Spiraea x bumalda 'Little Princess'
Spiraea, Shirobana	Spiraea japonica 'Shirobana'
Sumac, Aromatic	Rhus aromatica
Sumac, Evergreen	Rhus virens
Sumac, Smooth	Rhus glabra
Turk's Cap	Malvaviscus drummondii
Viburnum, Cranberry Bush	Viburnum opulus
Viburnum, Small Leaf	Viburnum obavatum
Viburnum, Snowball	Viburnum opulus
Virginia Sweetspire	Itea virginica
Wax Myrtle, Dwarf	Myrica pusilla
Yucca, Red	Hesperaloe parviflora

An “ * ” indicates an approved street tree

Sec. 6-11 Wireless communication facilities

A. Purpose. Certain radio equipment used in transmitting and receiving signal energy are essential and are deemed to promote the health, safety, and general welfare of the citizens of the city. The placement of such equipment shall be located such that the health, safety, welfare, and aesthetic quality of the community shall not be compromised. Therefore, the regulations governing the location of such equipment shall consider the aesthetic quality of the community equal to the health, safety, and general welfare of the community. The antennas, masts, and towers hereinafter enumerated shall not be deemed violations of this article when made under the conditions herein provided. Property zoned A Agricultural District is considered as a residentially zoned district for the purpose of this Section 6-11.

B. Wireless communications facilities definitions. The following definitions shall apply:

Antenna. A device used in communications which transmits or receives radio signals.

Antenna, building attached. Antenna attached to existing structures in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are mounted to the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

Antenna facility. A building or independent support structure and the antennas mounted thereon, along with an associated and necessary equipment building.

Antenna, microwave. Also known as “dish” antenna. A dish-shaped antenna used to link communications sites together by wireless transmission of voice or data, utilizing electromagnetic radiation frequencies from three GHz to 300 GHz; and using relatively low transmitter power levels when compared to other forms of transmission.

Antenna, panel. Also known as “directional” antenna. An antenna or array of antennas designed to concentrate a radio signal

in a particular area. Panel antennas are typically flat, rectangular devices approximately six square feet in size.

Antenna, whip. Also known as “omni-directional antenna.” Shaped cylindrically, whip antennas have diameters between two and six inches, and measure between one and 18 feet in height. They are used to emit signals in a 360-degree horizontal plane and a compressed vertical plane.

Co-location. The act of locating wireless communications equipment from more than one provider on a single antenna facility.

Equipment storage. A small unmanned, single story equipment building less than 500 square feet in size used to house radio transmitters and related equipment.

Lattice tower. A tower having three or four support steel legs and holding a variety of antennas. These towers range from 60 to 200 feet in height and can accommodate a variety of users.

Monopole. An antenna facility composed of a single spire used to support communications equipment. No guy wires are used or permitted.

Personal wireless services. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

Personal wireless service facilities. Facilities for the provision of personal wireless services.

Satellite receive-only antenna. An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.

Stealth facility. An antenna facility that is virtually transparent or invisible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, and camouflaged wireless facilities that are constructed to blend into the surrounding environment.

Unlicensed wireless service. The offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 47 USCS § 303(v)).

C. Residentially zoned districts—Amateur radio equipment and TV antennas. Amateur radio equipment, including ham radio and CB equipment and personal use TV antennas, shall be allowed in the residential zoning districts if they comply with the following regulations:

1. A specific use permit must be obtained in the residential zoning districts for any antenna facility which does not comply with the regulations specified herein;
2. Antenna facilities may be building attached, monopoles, or lattice towers;
3. Up to three antenna facilities may be located on a lot of record, co-location is encouraged;
4. An antenna facility, exclusive of the height of any antenna or mast, shall not exceed 35 feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the zoning district regulations contained in [section 6-3](#), Accessory building regulations. Regardless of the above, the maximum height for a tower permitted without a specific use permit in any residential district shall be 65 feet;
5. The height of an antenna, including the height of any antenna facility to which they may be fastened or attached, shall not exceed 65 feet in height without a specific use permit;
6. An antenna not fastened to an antenna facility shall not exceed 50 feet without a specific use permit, except for an antenna which does not extend more than eight feet above a building on which it is mounted;
7. An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;
8. Setbacks:
 - (a) Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards;
 - (b) Guy wires are permitted in required side and rear yards;
 - (c) Setback for antenna facilities shall be the same as is required for accessory buildings in residential districts.

9. Separation. There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record;
 10. Antenna facilities shall not be permitted in any easement;
 11. Lights. No auxiliary or outdoor lighting shall be allowed on antenna facilities located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
 12. Construction standards. A building permit must be obtained prior to the construction and/or installation of an antenna facility. Antenna facilities must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facilities must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;
 13. Maintenance. Antennas and/or antenna facilities obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the mayor or his/her designee to safeguard life, limb, health, property, and public welfare;
 14. No part of an antenna facility or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility; and
 15. No permit shall be issued for the installation of an antenna facility on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the building department.
- D. Residentially zoned districts—Commercial equipment and antennas. Only building attached antenna shall be allowed in residentially zoned districts under the following conditions:
1. A specific use permit must be obtained in the residential zoning districts for any commercial equipment or antenna facility which does not comply with the regulations specified herein;
 2. The proposed antenna must be attached to or enclosed in an existing structure currently or last occupied by a nonresidential use as listed in [section 6-1](#), Permitted use table, or attached to a power or telephone pole, water storage tower, or other utility structure;
 3. The antenna must not exceed eight feet above the structure to which it is attached;
 4. A minimum of 1,500 feet of separation shall be required between antenna facilities;
 5. If attached to the exterior of a structure or a power or telephone pole, water storage tower or other utility structure the antenna must be at least 75 feet above grade and painted to match the structure to which it is attached;
 6. The antenna may be placed lower than 75 feet above grade if completely enclosed within existing architectural elements of a building so as not to be visible;
 7. Any associated equipment storage building shall be screened from public view by a decorative masonry wall, with landscaping for aesthetic purposes;
 8. All driveways accessing any antenna facility site or equipment storage site shall be constructed of an all weather hard surface as approved by the city engineer;
 9. Lights. No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
 10. Construction standards. A building permit must be obtained prior to the construction and/or installation of a tower, antenna or mast. Towers must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such towers, antennas or masts must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;
 11. Maintenance. Antennas, obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice

given by the building official. This shall not preclude immediate action by the mayor or his/her designee to safeguard life, limb, health, property, and public welfare;

12. No part of an antenna, or any attachment thereto may extend beyond the property lines of the owner of such antenna; and

13. No permit shall be issued for the installation of commercial radio equipment or an antenna on a structure or property unless a notarized statement of permission from the owner is presented to the building department.

E. Non-residential districts. Radio, television, microwave broadcast relay, receiving towers, transmission and re-transmission facilities, satellite receiving only earth stations (home dish antenna), and any electronic emission equipment or antenna facility of a commercial nature shall be allowed in the nonresidential zoning districts if it complies with the following regulations:

1. Up to three antenna facilities may be located on a lot of record, co-location is encouraged;

2. Antenna facilities shall be limited to building attached, stealth, and monopoles only;

3. An antenna facility, exclusive of the height of any attached antenna, shall not exceed 35 feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of a accessory building in the zoning district regulations herein. Regardless of the above, the maximum height for an antenna facility permitted without a specific use permit in any nonresidential district shall be 65 feet;

4. With the exception of stealth facilities, the height of an antenna, including the height of any antenna facility to which they may be fastened or attached, shall not exceed 65 feet in height without a specific use permit;

5. With the exception of stealth facilities, an antenna shall not extend more than eight feet above a building on which it is attached;

6. An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;

7. Setbacks. With the exception of stealth facilities, antennas and antenna facilities shall not be permitted in front or side yards;

8. Antenna facilities shall not be permitted in any easement;

9. Lights. No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;

10. Construction standards. A building permit must be obtained prior to the construction and/or installation of a tower, antenna, or mast. Antenna facilities must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facility and antennas must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;

11. Maintenance. Antenna facilities and antennas obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the mayor or his/her designee to safeguard life, limb, health, property, and public welfare;

12. No part of an antenna facility and antennas or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility;

13. No permit shall be issued for the installation of an antenna or antenna facility on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the building department;

14. A specific use permit must be obtained in nonresidential zoning districts for any antenna or tower which does not comply with the regulations, specified herein; and

15. Stealth facilities which meet the definition of stealth as provided in section 6-11, Wireless communications facilities definitions, shall be exempt from the height and location requirements of this section. In addition, the city council shall be the final authority as to whether or not any facility meets the definition of "stealth."

F. Satellite receive-only antennas.

1. Generally. Satellite receive-only antennas assist individuals in the receipt of satellite transmitted television signals. Satellite receive-only antennas shall not be deemed violations of this article when made under the conditions herein provided. Such conditions are hereby found to be reasonable and clearly defined

2. A satellite receive only antenna shall be allowed if it complies with the following:

(a) The satellite receive-only antenna is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non-federal land use regulations or;

(b) The satellite receive-only antenna is less than one meter in diameter in any residential zoning district.

3. Large satellite receive-only antennas. Satellite receive-only antennas that are greater than one meter in diameter in residential districts or greater than two meters in diameter in nonresidential districts shall be allowed in any zoning district if they comply with the following regulations:

(a) A specific use permit must be obtained for any satellite receive only antenna which does not comply with the regulations specified below.

(b) Only one satellite receive-only antenna per lot of record;

(c) A satellite receive-only antenna shall not exceed ten feet in height;

(d) Setbacks as required for accessory structures shall apply.

(e) Front and side. Satellite receive-only antennas shall not be permitted in front or side yards;

(f) Rear. Satellite receive-only antennas shall be permitted in rear yards provided they meet the minimum setback as is required for accessory buildings in residential districts and as for all buildings in nonresidential districts;

(g) Separation. There shall be no minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record;

(h) Satellite receive-only antennas shall not be permitted in easements;

(i) Lights. No auxiliary or outdoor lighting shall be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;

(j) Construction standards. A building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna. Satellite receive-only antennas must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas;

(k) Maintenance. Satellite receive-only antennas obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the mayor or his/her designee to safeguard life, limb, health, property, and public welfare;

(l) No part of a satellite receive-only antenna or any attachment thereto may extend beyond the property lines of the owner of such satellite receive-only antenna;

(m) No permit shall be issued for the installation of a satellite receive-only antenna on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the building department;

(n) All satellite receive-only antennas shall be screened from view from adjoining properties by fencing or evergreen plants. A satellite receive-only antenna located within a fence surrounding the yard in which the satellite receive-only antenna is located shall be considered to be screened;

G. Specific Use Permit for relief from regulations. A specific use permit must be obtained for any antenna, tower, facility, structure and/or satellite receive-only antenna which does not comply with the regulations specified in this section 6-11.

1. Notwithstanding the requirements for specific use permits contained in [section 6-2](#) or elsewhere in the Code of Ordinances, the following limitations shall apply to any request for a specific use permit under this section 6-11:

(a) The regulation of the placement, construction, and modification of personal wireless service facilities:

(i) shall not unreasonably discriminate among providers of functionally equivalent services; and

(ii) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(b) Any request for authorization to place, construct, or modify personal wireless service facilities shall be acted upon within a reasonable period of time after the request is duly filed with the City, taking into account the nature and scope of such request.

(c) No regulation of the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions is allowed to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions.

2. In considering whether to grant a specific use permit for relief from the regulations specified above, the following shall be considered:

(a) The effect on the value of the surrounding property;

(b) The potential for interference with the enjoyment of the use of surrounding properties;

(c) Aesthetics;

(d) The necessity of the specific use permit for the public health, safety, and welfare of the citizens or for governmental purposes;

(e) The zoning district and the adjoining zoning districts of the property for which the specific use permit is sought;

(f) The provisions of 47 C.F.R. § 25.104 which preempt local zoning or other regulations that differentiate between satellite receive-only antennas and other types of antenna facilities unless such regulations:

(g) Have a clearly defined health, safety or aesthetic objective; and

(h) Further the stated health, safety, or aesthetic objective without unnecessarily burdening the federal interest in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers;

(i) The unique conditions that govern reasonable reception on any given lot;

(j) To properly evaluate all applications to locate commercial antennas or towers which do not comply with the regulations specified hereinabove the following information must be provided by the applicant:

(i) Describe the nature of the antenna site. Indicate whether the proposed structure is a monopole or mounted to a self-supporting structure. Indicate the proposed height;

(ii) Provide photos or drawings of all equipment, structures and antenna;

(iii) Describe why the antenna or tower is necessary;

(iv) State the name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user;

(v) Indicate if this antenna or tower site is to be connected to other sites; and if so, describe how it will be connected and who will be the backhaul provider;

(vi) The applicant must address whether or not they have made an effort to co-locate the facilities proposed for this antenna or tower on existing towers or facilities in the same general area. Please identify the location of these existing sites. If yes, please describe in detail these efforts and explain in detail why these existing sites were not feasible. Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage. Provide written

documentation from existing sites owners and/or operators, which confirm the statements provided. Indicate whether or not the existing sites allow or promote co-location and, if not, describe why not;

(vii) Indicate whether or not co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis for each reason;

(viii) If the requested location is in a residential district the applicant must address whether or not they have made an effort to locate the facility in a commercial or industrial district. Please identify the location of these commercial and or industrial district sites. Please describe in detail these efforts and explain in detail why these commercial or industrial district sites were not feasible. Attach all studies or tests performed which demonstrate why the commercial or industrial sites will not provide sufficient signal coverage. Provide written documentation from commercial or industrial district sites' owners and/or operators which confirm the statements provided;

(ix) Indicate the proposed provider's current coverage area for the city. Attach maps showing the areas the proposed provider's existing antennas currently cover, the areas the applicant's existing sites and other existing sites would cover, and the areas the applicant's existing sites and the requested site would cover;

(x) Describe the applicant's master antenna and tower plan for the city. Attach maps and other related documentation. Provide information indicating each phase of the plan;

(xi) Describe the applicant's plan to minimize the number of telecommunications antenna and towers needed to cover the city;

(xii) The city council will approve a requested application subject to the finding that co-location of this facility with a nearby existing tower facility is technically not feasible and subject to the following conditions;

(xiii) Applicant will permit co-location of others at the site;

(xiv) Applicant will configure its antenna and other equipment to accommodate other providers;

(xv) Applicant will identify its backhaul provider connecting antenna sites; and

(xvi) Applicant will give notice to the city identifying any providers who co-locates to the site and identify their backhaul provider.

H. Written report upon denial of request. The City of McLendon-Chisholm shall document any denial of a request to place, construct, or modify personal wireless service facilities in writing. Such documentation shall be supported by substantial evidence within the written record.

(Ordinance 2017-22, ex. 2, adopted 12/19/17)

Sec. 6-12 Outdoor lighting requirements

A. Applicability. All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this section, the Building Code and the Electrical Code of the City of McLendon-Chisholm as applicable and under appropriate permit and inspection. These lighting standards shall apply to all non-residential uses in the City of McLendon-Chisholm. Unless otherwise stated, this article does not regulate lighting in public road rights-of-way.

B. Outdoor lighting plan. An outdoor lighting plan must be submitted separately from any required site plan or landscape plan on all public or private properties, including rights-of-ways, public easements, franchises and utility easements for approval by the building official. An outdoor lighting plan shall be submitted prior to issuing a building permit. Plans shall include the following:

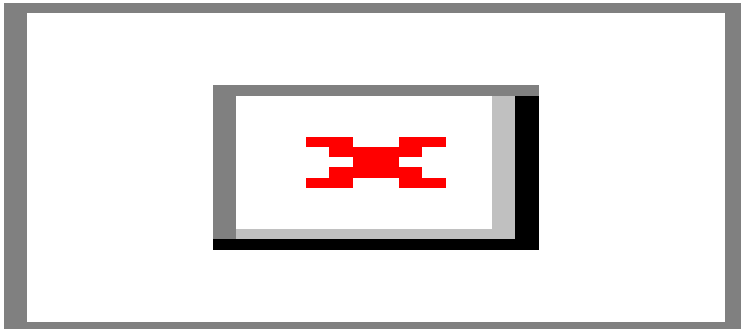
1. A layout of the proposed fixture locations.
2. The light source.
3. The luminous area for each proposed light source with proposed foot candle measurements.
4. The type and height of the light fixture or of the light source above grade.
5. The type of illumination.

C. General lighting requirements.

1. Unless otherwise provided herein, illumination, where required by this article, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating

Engineering Society of North America (IESNA) as from time to time amended.

2. Unless otherwise provided herein, all building lighting for security or aesthetics will be fully-shielded type, not allowing any upward distribution of light. Wallpack type fixtures are acceptable only if they are fully-shielded with 80° cut-off.



3. No use or operation in any district shall be located or conducted so as to produce glare, or either direct or indirect illumination across the bounding property line from a source of illumination into a residentially zoned property, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this section, a nuisance shall be defined as more than one-tenth (0.25) of one footcandle of light measured at the residential property line and twenty-five hundredths (2.25) of one footcandle at any adjoining non-residential property line.

4. Shielding shall be required in all outdoor lighting installations as specified below.

Lamp Type	Shielding
Low Pressure Sodium (LPS)	Fully Shielded, with 80° cut-off
High Pressure Sodium (HPS)	Fully Shielded, with 80° cut-off
Metal Halide	Fully Shielded, with 80° cut-off
Halogen	Fully Shielded, with 80° cut-off
Mercury Vapor	Prohibited
Fluorescent	Fully Shielded, with 80° cut-off
Incandescent	Fully Shielded, with 80° cut-off
Any light source 50 watts and under	Unshielded Permitted
Low intensity Neon, Krypton or Argon Discharge Tubes	Unshielded Permitted

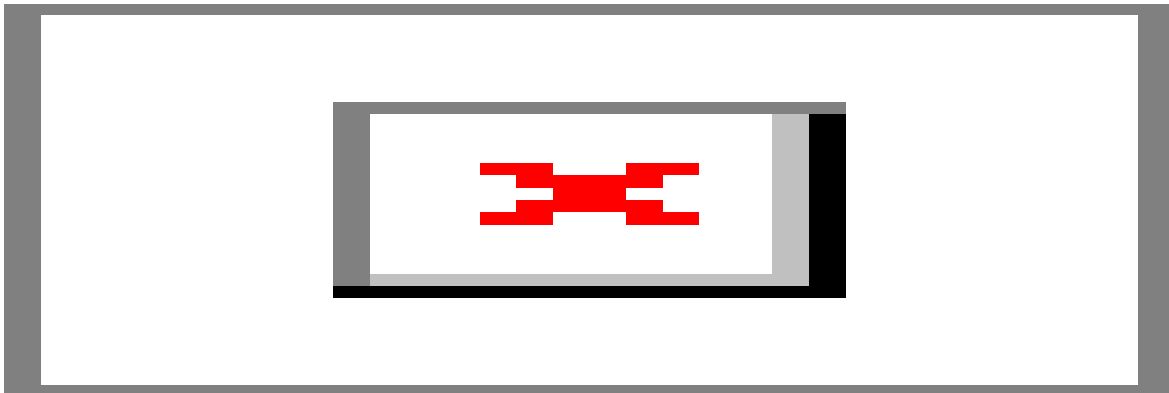
D. Illumination.

1. Measurement. Illumination levels of outdoor lighting shall be measured by a qualified professional according to generally accepted IESNA methods.

2. Computation of illumination. Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of a generally accepted IESNA method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the city. Computations shall be based on new, properly seasoned lamps, diffusers and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and man-made objects.

3. Limitations on neighboring property. The limit of illumination on neighboring property from one

establishment shall be by zoning of the neighboring property. Maximum computed or measured footcandles at the neighboring property line shall not exceed:



Land Use Type	Horizontal Footcandles
Single-family and two-family residential districts.	0.25
Non-residential districts	2.25

Measurement: Illumination levels of outdoor lighting shall be measured by a qualified professional

E. Non-residential lighting parameters.

1. All non-essential lighting shall be turned off after business hours, leaving only necessary lighting for non-residential districts site security.
2. Floodlights, accent, aesthetic and security lights must be fully shielded and no uplighting shall be permitted except that lighting of 75 watts or less are excepted if necessary for security purposes.
3. Parking lots and vehicle movement areas shall not exceed a maximum illumination value of ten footcandles nor a minimum illumination value of 1.0 footcandles. Lamps in decorative lantern type fixtures shall not exceed a maximum of 100 watts. Total pole and fixture height shall not exceed a maximum of 32 feet, measured from grade at the base. Taller poles may be considered in some situations upon approval of a special exception by the zoning board of adjustments.
4. Display, building and aesthetic lighting must be externally lit from the top and shine downward. The lighting must be fully-shielded to prevent direct glare and/or light trespass. The lighting must also be substantially contained to the target area.
5. Limitations on establishment property. The maximum outdoor initial computed or measured illuminance level on the establishment property shall not exceed 20 footcandles outdoors at any point, except that lighting under canopies (such as service stations) shall not exceed 40 footcandles.

F. Public and semi-public recreational facilities.

1. Any light source permitted by this section may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
2. Any illumination level exceeding a maximum of 20 footcandles must receive prior approval by the zoning board of adjustments by means of a special exception.
3. All fixtures used for event lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
4. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

G. Prohibited lighting elements. Unless otherwise authorized, the following shall be prohibited except upon prior approval of a special exception by the zoning board of adjustments.

1. Laser source light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

2. Searchlights. The operation of searchlights for advertising purposes is prohibited.

3. Floodlights. The use of floodlights is prohibited.

4. Uplighting of display, building and aesthetic lighting is prohibited.

5. Mercury vapor lights.

H. Exemptions.

1. All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaries.

2. All hazard warning luminaries required by Federal regulatory agencies are exempt from the requirements of this section, except that all luminaries used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.

3. Any luminary of 75 watts or less provided the accumulated illumination of 50 watt luminaries does not exceed 75 watts.

4. Seasonal decorative lighting.

5. Uplighting of any City of McLendon-Chisholm, State of Texas or United States of America Flag.

I. Temporary exemptions.

1. Upon approval by the mayor or his/her designee, temporary exemptions from the requirements of this article for a period not to exceed 30 days may be approved.

2. Any person may submit a written request, on a form prepared by the city for a temporary exemption request. The request shall contain the following information:

(a) Specific exemption(s) requested;

(b) Type/use of outdoor lighting fixture involved;

(c) Duration of time requested;

(d) Type of lamp and calculated footcandles;

(e) Total wattage of lamp(s);

(f) Proposed location of fixtures;

(g) Previous temporary exemption requests;

(h) Physical side of fixtures and type of shielding provided; and

(i) Such other data or information as may be required by the mayor or his/her designee.

(j) Requests for renewal of exemptions shall be processed in the same way as the original request. Each renewal shall be valid for not more than 14 days or a time period designated by the mayor or his/her designee.

3. Approval for temporary exemptions will be based on the effect of location and use of outdoor lighting fixture.

J. Non-conforming lighting. All luminaries lawfully in place prior to the date of the article shall be considered as having legal non-conforming status. However, any luminaire that replaces a legal non-conforming luminaire, or any legal non-conforming luminaire that is moved, must meet the standards of this article.

Sec. 6-13 Manufactured housing parks

A. Site requirements. Any development redevelopment alteration, or expansion of a manufactured housing park in the city shall be done in compliance with the following site requirements:

1. Location. A manufactured housing park shall be located only where such use is permissible under the terms and provisions of the zoning ordinance.

2. Site plan. A site plan, shall be filed with the planning director of the city, showing the following:

(a) The area and dimensions of the tract of land;

- (b) The number, location, and size of all manufactured housing spaces;
 - (c) The location, width, and specifications of roadways and walkways;
 - (d) The location and specifications of water and sewer lines and riser pipes;
 - (e) The location and details of lighting and electrical systems;
 - (f) The location and specifications of all buildings constructed or to be constructed within the park;
 - (g) Such other information as municipal reviewing officials may reasonably require.
3. Soil and ground cover. Exposed ground surfaces in all parts of every manufactured housing park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.
4. Drainage. The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be verified by a competent professional engineer.
5. Lot area. All mobile homes and/or HUD-code manufactured homes shall be so located that there shall be maintained a minimum of 30 feet between each unit and the adjoining unit, and seven and one-half feet to the property line. A minimum of 15 feet shall be maintained between any unit and an existing road right-of-way.
6. Screening. The manufactured housing park shall be screened from view of all adjacent residential areas by a fence of not less than eight feet in height. The frontage of the manufactured housing park shall be landscaped to provide a screening effect from the public roadway.
7. Skirting. Skirting or the underpinning of the unit shall be installed within 30 days of the application for a certificate of occupancy.
- B. Access and traffic circulation. All manufactured housing parks shall provide access and means of motor vehicle and pedestrian traffic circulation as follows:
- 1. Access. Motor vehicle entrances and exits shall be designed for safe and convenient traffic movement from adjacent public streets and onto internal streets.
 - 2. Internal streets. Internal streets shall be privately built and maintained, and shall be designed for safe and convenient access to all spaces and to facilities for common use of park residents.
 - (a) All internal streets shall be constructed according to McLendon-Chisholm Construction Requirements and approved by the city's engineer.
 - (b) All internal streets shall be maintained in good repair.
 - (c) On all internal streets, roads or driveways designed or intended to provide access to two or more spaces, there shall be 20 feet of pavement width unobstructed for vehicular access at all times.
 - (d) In the event such streets, roads or driveways are intended to be used also for vehicle parking, a parallel parking space shall be deemed to have a minimum width of eight feet and no such parking space shall occupy or encroach upon the minimum unobstructed access herein above prescribed.
 - 3. Street specifications. Internal streets shall be constructed following the specifications in City of McLendon-Chisholm Subdivision Regulations.
- C. Manufactured housing spaces. The area of the manufactured housing space shall be improved to provide adequate support for the placement of the manufactured housing, thereby securing the superstructure against uplift sliding, rotation and overturning due to frost action, inadequate drainage, vibration or other forces acting on the structure. Each manufactured housing shall be secured with FHA/HUD approved anchor system to prevent overturning.
- D. Water supply.
- 1. General requirements. An accessible, adequate, safe and potable supply of water shall be provided by following the specifications in City of McLendon-Chisholm Ordinance No. 98-17[2007-11] (Subdivision Regulations) in each manufactured housing park with the following exceptions:
 - 2. Water distribution system.
 - (a) The water supply system of the manufactured housing park shall be connected by pipes to all manufactured housing, buildings, and other facilities requiring water.

(b) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be approved by the building official.

(c) The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of back flow or back siphon.

3. Individual water riser pipes and connections.

(a) Individual water riser pipes shall be located within the confined area of the manufactured housing space at a point where the water connection will approximate a vertical position.

(b) Water riser pipes shall extend at least four inches above ground elevation. The pipe shall be at least three-quarter inch. The water outlet shall be capped when a manufactured housing does not occupy the space.

(c) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

E. Sewage disposal.

1. General requirements. An adequate and safe sewerage system shall be provided, by following the specifications in City of McLendon-Chisholm Ordinance No. 98-17[2007-11] (Subdivision regulations) in all manufactured housing parks with the following exceptions.

2. Sewer lines. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade, which will insure a velocity of two feet per second, when flowing full. All sewer lines shall be constructed of materials approved by the building official, shall be adequately vented, and shall have watertight joints.

3. Individual sewer connections.

(a) Each manufactured housing stand shall be provided with at least a four-inch diameter sewer riser pipe. Each sewer line shall be equipped with a two-way cleanout between the dwelling and the sewer drain. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured housing drain outlet will approximate a vertical position.

(b) The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipe only without any branch fittings. All joints shall be watertight.

(c) All materials used for sewer connections shall be semi-rigid, corrosion resistant nonabsorbent and durable. The inner surface shall be smooth.

(d) The sewer riser pipe shall be plugged when a manufactured housing does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.

F. Electrical distribution system.

1. General requirements. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

2. Power distribution lines.

(a) Main power lines located above ground shall be suspended at least 18 feet above ground level. There shall be a minimum horizontal clearance of three feet between overhead wiring and any manufactured housing, service building or other structure.

(b) All direct burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas, or communication lines.

3. Individual electrical connections.

(a) Each manufactured housing lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 50 amperes.

(b) Outlets (receptacles or pressure connectors) shall be housed in a weatherproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the manufactured housing. A three-pole, four wire grounding type shall be used.

(c) Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1.

(d) Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the manufactured housing is more than 50 amperes.

(e) The manufactured housing shall be connected to the outlet box by an approved type of flexible supply cord with a male attachment plug or with pressure connectors.

4. Required grounding. All exposed non-current carrying metal parts of manufactured housing and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for manufactured housing or other equipment.

G. Service buildings and other community service facilities.

1. General. The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities, such as management offices, maintenance and storage areas, and sanitary or laundry facilities.

2. Required community sanitary facilities. Every park shall be provided with emergency sanitary facilities consisting of not less than one flush toilet and one lavatory per sex which shall be accessible to all manufactured housing.

3. Structural requirements for buildings.

(a) Service buildings shall be protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of moisture and weatherproof materials and construction.

(b) All rooms containing sanitary or laundry facilities shall:

* Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent waterproof material or covered with moisture resistant material.

* Have at least one window, which can be easily opened, or an adequate mechanical ventilation device.

(c) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

(d) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every toilet and urinal.

4. Barbecue pits, fireplaces, stoves, open fires. Cooking shelters, barbecue pits, fireplaces, and wood burning stoves shall be so located, constructed, maintained and used so as to minimize fire hazards and smoke nuisance. No open fire shall be permitted except in approved facilities. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

H. Refuse handling.

1. The storage, collection and disposal of refuse in the manufactured housing park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

2. All refuse shall be stored in flyproof, watertight rodent-proof containers, which shall be located not more than 300 feet from any space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

3. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

I. Insect and rodent control.

1. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the city health department.
2. Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
3. The growth of brush, weeds, and grass shall be controlled to prevent harborage of noxious insects or other pests. Parks shall be so maintained as to prevent the growth of noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

J. Fuel supply and storage.

1. Natural gas system.

- (a) Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
- (b) Each space provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. Liquefied petroleum-gas systems.

- (a) Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes of the city governing such systems and regulations of the Texas Railroad Commission pertaining thereto.
- (b) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- (c) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the manufactured housing and shall be maintained in effective operating condition.
- (d) All LPG piping outside the manufactured housing shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured housing.
- (e) Liquefied petroleum gas containers installed on a space shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 12 nor more than 60 U.S. gallons gross capacity.
- (f) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet carport, manufactured housing, or any other structure, unless such installations are approved by the building official.

K. Fire protection.

1. Manufactured housing parks shall be kept free of lifter, rubbish, and other flammable materials.
2. Portable fire extinguishers rated for classes B and C fires shall be kept in service buildings and shall be maintained in good operating condition. Their capacity shall not be less than five pounds.

L. Miscellaneous requirements.

1. Responsibilities of the park management.

- (a) The licensee or his agent shall operate the park in compliance with this and other applicable ordinances and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) The licensee or agent shall notify park occupants of all applicable provisions of this article and inform them of their duties and responsibilities under this article.
- (c) The licensee or agent shall supervise the placement of each manufactured housing on its manufactured housing stand and the installation of all utility connections.
- (d) The licensee or agent shall maintain a register of park occupancy, which shall contain the following information:

- * Name and address of park residents.
 - * Manufactured housing registration data, including make length, width, and year of manufacture and identification number.
 - * Location of each manufactured housing within the park by space or lot number.
 - * Dates of arrival and departure.
2. A new register shall be initiated on January 1 each year, and the old register may thereafter be retired but shall be retained on the premises for at least three years following its retirement. Registers shall be available for inspection at all reasonable times by any official of the City of McLendon-Chisholm whose duties may necessitate access to the information contained therein.
3. The licensee or agent shall furnish to the Assessor and Collector of Taxes for the City of McLendon-Chisholm, within ten days after the first day of January of each year, a list of all manufactured housing residents in the park on the first day of January, showing the owner's name and address, the make, length, width, year of manufacture and identification number of the manufactured housing, and the address or location description of said manufactured housing within the park. Said lists shall be prepared using forms provided by the assessor and collector of taxes of the city.
4. Each space shall be clearly marked such that the address may be discerned for the street.
- M. Responsibilities of park occupants.
1. The park occupant shall comply with all requirements of this article and shall maintain his manufactured housing space, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The park occupant shall be responsible for proper placement of his manufactured housing on its manufactured housing stand and proper installation of all utility connections in accordance with the instructions of the park management.
3. Skirting, porches, awnings, and other additions, shall be maintained in good repair. The use of space immediately underneath a manufactured housing for storage shall be permitted only under the following conditions:
- * The storage area shall have a base of impervious material.
 - * Stored items shall not interfere with the underneath inspection of the manufactured housing.
 - * The storage area shall be enclosed by skirting.

Sec. 6-14 Cargo container regulations

- A. Purpose. It is recognized that uncontrolled storage and placement of cargo containers may detract from the value adjacent property, discourage commerce, and negatively impact the aesthetic quality of non-residential property and adjacent residential property. The purpose of this section is to provide for regulations that protect the value of property and enhance the appearance, health, safety, and welfare of the city.
- B. General regulations.
1. Cargo containers in residential districts may be permitted for a period of 30 days. The 30-day period may be extended for an additional 30 days upon approval of a special exception.
2. Cargo containers located in the GB and LI zoning districts must be located in an area designated for storage use.
3. Only one cargo container shall be permitted on any site in the residentially zoned districts.
4. Cargo containers located in all zoning districts shall be located on an all weather, dust free surface.
5. Cargo containers located in the residentially zoned districts shall not exceed 16 feet in length, eight feet in width, and eight-and-one-half feet in height.
6. Cargo containers shall be permitted in the NC, CP, O1, and O2 Zoning Districts by specific use permit only and shall not exceed two cargo containers on any site at any time. All other applicable regulations contained herein shall apply.
7. Cargo containers shall not be stacked in any zoning district.

8. Cargo containers shall not occupy any required off-street parking spaces, vehicular access, pedestrian facilities or landscape areas for the site.
9. Cargo containers shall not be located between a building and front property line.
10. Cargo containers shall be placed in a location that minimizes visual impact from surrounding streets and properties. For any site containing more than four cargo containers, a location plan shall be submitted and approved by the mayor or his designee prior to locating the cargo containers on site. At such time all cargo containers shall be subject to the location plan.
11. Any cargo container located within 100 feet of a residential zoning district shall be no greater in size than ten (8)[10] feet in width, twenty (16)[20] feet in depth, and eight-and-one-half feet in height. And no cargo container may be stacked within 100 feet of a residential district.
12. Cargo container shall not be used for a primary use without obtaining a special use permit. Such special use permit shall be accompanied with a detailed site plan of the entire site and must be approved by the city council upon recommendation by the planning and zoning commission.
13. Cargo containers shall be placed upon a dust-free, all weather surface as approved by the mayor or his designee.
14. Cargo containers located in any non-residential zoning district shall not exceed a size of ten feet in height, ten feet in width, and 30 feet in length, unless approved by the city council upon recommendation of the planning and zoning commission.
15. Areas utilized by cargo containers shall be included in the square foot requirement as a storage use and shall be applicable to the required parking calculations as set forth in [section 6-7](#), Off-street parking and loading requirements.
16. The quantity of cargo containers located in the C2 and I Zoning Districts, shall be determined by the total aggregate square foot of principal buildings according to the following rate:

0 to 35,000 sq. ft of principle building	=	one cargo container
35,001 sq. ft.–70,000 sq. ft.	=	two cargo containers
70,001 sq. ft.–105,000 sq. ft.	=	three cargo containers
105,001 sq. ft.–140,000 sq. ft.	=	four cargo containers
140,001 sq. ft.–175,000 sq. ft.	=	five cargo containers
175,501 sq. ft.–210,000 [sq. ft.]	=	six cargo containers
over 210,100 sq. ft.	=	amount upon approval by the city council

17. Cargo containers located within the I Zoning District may exceed the above listed quantities upon approval of a special exception and a detailed site plan showing the proposed location and quantity of cargo containers.

Sec. 6-15 Fence regulations

A. Generally. No fence, wall, or outdoor area enclosure structure may be erected, placed, or altered within the town unless the fence, wall, or outdoor area enclosure is in conformance with the provisions of this section.

B. Definitions. For the purposes of this section, the following definitions shall apply:

1. Alternate orientation. Created when a structure located on a corner lot is constructed to face the street frontage not normally associated to be the front of the lot.
2. Approved fence materials. Wood, pipe, barbed wire, masonry, chain link, wrought iron, welded wire, plaster, plastic vinyl post and rail.

3. Corner lot. A lot, tract, or parcel which abuts two streets at their intersection, with the longer street frontage being the side of the lot.
 4. Corner orientation. Created when a structure located on a corner lot is constructed to face the intersection, diagonally across a lot, rather than a traditional orientation toward one of the intersecting streets. In cases of corner orientation, both sides of the lot along the street frontages are to be treated as front yards.
 5. Decorative fence. A fence or outdoor area enclosure constructed for aesthetic purposes only constructed of material such as wood pickets, lattice work, decorative metal, masonry or stone, meeting the requirements of this section.
 6. Electrical fence. An outdoor area enclosure that contains an electrically charged or partially charged metallic material designed to discourage crossing by either man or animal.
 7. Fence. An outdoor area enclosure of masonry, wood, chain link, plaster, or other approved building material no more than three inches in thickness, serving to enclose, divide, or protect an area.
 8. Front building setback. Minimum required front yard setback as specified under McLendon-Chisholm Residential Regulations.
 9. Key lot. An interior lot, tract, or parcel which sides to the rear of one or more lots, tracts, or parcels.
 10. Nonresidentially zoned areas. Any land within the city zoned for nonresidential uses: NC, GB, CP, O1, O2 or L1.
 11. Office, business, or industrial park/complex enclosure (including entry features). A wall of masonry or a combination of masonry and pressure-treated timber, plaster, iron, or other approved building material serving to enclose or protect an office, business, or industrial park/complex.
 12. Outdoor area enclosure. Any fence, wall, or structure of various materials designed to serve as an enclosure of an outdoor area, a barrier or boundary, or to otherwise divide or protect an area.
 13. Privacy/security enclosures. Fences, walls, or structures located on individual lots, tracts, or parcels for the purpose of enclosing an outdoor area for privacy or security purposes.
 14. Residential subdivision enclosures (including subdivision entry features). A wall of masonry or a combination of masonry and pressure-treated timber, plaster, iron or other building material as approved by the city serving to enclose, divide, or protect a residential subdivision.
 15. Residentially zoned areas. Any land within the city zoned for residential uses: SF1.5, SF2.5, SF5, MH and PD.
 16. Wall. An outdoor area enclosure of masonry, wood, plaster or other approved building material that exceeds three inches in thickness, serving to enclose, divide, or protect an area.
 17. Visibility triangle. An area as defined in the subdivision ordinance of the city, located at the intersection of two streets, access easements or alleys or any combination thereof where no structure, growth, or object shall exceed two feet in height.
- C. Residential uses. In residentially zoned districts, fences, walls, and outdoor area enclosure structures may be erected if in accordance with the following regulations:
1. Privacy/security enclosures.
 - (a) Privacy/security enclosures may be fences or walls.
 - (b) Privacy/security enclosures shall not exceed eight feet in height.
 - (c) Privacy/security enclosures may be erected upon the rear lot line of any lot.
 - (d) Privacy/security enclosures may be erected upon the side lot lines of any interior lot.
 - (e) Private/security enclosures can be no closer than 75 feet from front lot line.
 2. Decorative fences.
 - (a) Decorative fences shall not be walls.
 - (b) Maximum height of decorative fences shall not exceed six feet.
 - (c) Solid surface area of any decorative fence shall not exceed 30 percent of the total surface area.

(d) Decorative fences may be erected upon any residential lot line; however, no decorative fence may encroach upon any right-of-way, drainage or access easement, or floodway.

(e) Decorative fences may be allowed within the visibility triangle with a maximum height of two feet.

(f) Decorative fences shall be constructed of approved materials.

3. Residential subdivision enclosures, including subdivision entry features.

(a) All residential subdivision enclosures shall be walls or a combination of decorative fences as approved by the city staff.

(b) All residential subdivision enclosures shall be constructed with minimum ten-inch by 20-inch brick columns set on piers with a maximum spacing of ten feet on center. Infill material between brick columns shall be brick, pressure-treated lumber, plaster, iron, or other material as approved by the city.

(c) Maximum height of subdivision enclosures shall not exceed eight feet.

(d) Walls enclosing residential subdivisions may be erected along rear property lines and along the side property lines exceeding the required front yard setback, provided that such encroaching structure does not exceed the required two-foot maximum height limit within the visibility triangle, and the enclosure does not encroach upon any right-of-way, drainage or utility easements, or floodway.

(e) Plans for all residential subdivision enclosures shall be reviewed and approved by the city staff.

D. Nonresidential uses. In nonresidential zoning districts, fences, walls, and outdoor area enclosures may be erected if in accordance with the following regulations:

1. Privacy/security enclosures.

(a) Privacy/security enclosures may be fences or walls.

(b) Maximum height of privacy/security enclosures shall not exceed eight feet.

(c) Privacy/security enclosures may be erected on the rear lot line of any lot, tract, or parcel.

(d) Privacy/security enclosures may be erected upon the side lot line of any lot, tract, or parcel provided that no fence may be erected to extend into the required front building setback without specific city staff approval.

(e) No privacy/security enclosure may be erected to encroach upon any visibility triangle, right-of-way, access or drainage easements or floodway.

2. Decorative fences.

(a) Decorative fence shall not be walls.

(b) Maximum height of decorative fences shall not exceed six feet.

(c) Solid surface area of any decorative fence shall not exceed 30 percent of the total surface area.

(d) Decorative fences may be erected upon any nonresidential lot line; however, no decorative fence may encroach upon any right-of-way, drainage or access easements, or floodway.

(e) Decorative fences may be allowed within the visibility triangle with a maximum height of two feet.

(f) Decorative fences shall be constructed of approved material.

3. Office, business, or industrial park or complex enclosure, including entry features.

(a) Maximum height of all enclosures shall be eight feet.

(b) Walls enclosing nonresidential developments may be erected along rear property lines.

(c) Walls enclosing nonresidential developments may be erected upon rear property lines and along the front and side property lines to extend into the required front yard setback; provided that such encroaching structure does not exceed the required two-foot maximum height limit within the visibility triangle, and the enclosure does not encroach upon any right-of-way, drainage or utility easements, or floodway.

(d) Plans for park or complex enclosures shall be reviewed and approved by the city staff.

E. Miscellaneous uses. The following regulations shall apply to zoning districts of the city as applicable:

1. Screening. Live screening using natural growth or planted vegetation shall be allowed within the city under the following provisions:

- (a) No tree, shrub, hedge, or other vegetation shall be so planted, pruned or otherwise maintained to exceed a height of two feet within the defined visibility triangle or street right-of-way.
- (b) Any tree, shrub, hedge, or other form of vegetation located within the public right-of-way, utility easement, or visibility triangle shall be subject to removal (without compensation) by the authority of the city for the purpose of utility maintenance and public safety.

2. Barbed wire. Will be permitted at the front property line (in front yard):

- (a) In the 2.5 residential zoning districts by special use permit (SUP).
- (b) In all other residential classifications when land is used for animal husbandry.
- (c) Not allowed in the 1.5 residential zoning districts.

3. Electrical fences. Except as provided below, the use of electrical fencing is prohibited within the city:

- (a) Electric fences are allowed within the NC, GB, CP, O1, O2 and L1 zoning districts and within the R zoning districts AG, SF5, and SF2.5 if the land is used for animal husbandry.
- (b) Electrical fences shall be UL-approved and installed and maintained as per manufacturer's instructions.

F. Permits required. Prior to construction of any outdoor area enclosure, a permit shall be obtained from the city. Upon approval of the application by the city staff and payment of the permit fee, a permit shall be issued for construction. If the permit holder fails to comply with the provisions of this section, the permit shall be revoked, the fence will be considered a nuisance per se, and must be immediately removed.

G. Permit not required. Where fences to be erected are associated with new residential permit, new pool permit, or in SF2.5, SF5, and AG zoning districts. Where an existing fence is being repaired or where fences are erected within an existing fence.

H. Enclosures. In planned developments shall be addressed by the developer.

(Ordinance 2008-06, sec. 1, adopted 5/27/08)

HONORABLE PLANNING AND ZONING COMMISSION

CITY OF MCLENDON-CHISHOLM, TEXAS

REPORT PREPARED BY MICHAEL COKER

DATE PREPARED: January 14, 2019

APPLICANT: City of McLendon-Chisholm

LOCATION: City Wide

SIZE OF REQUEST: City Wide

REQUEST: Recommendations for amendments to the official zoning map of the McLendon-Chisholm

REPRESENTATIVE: City Planner

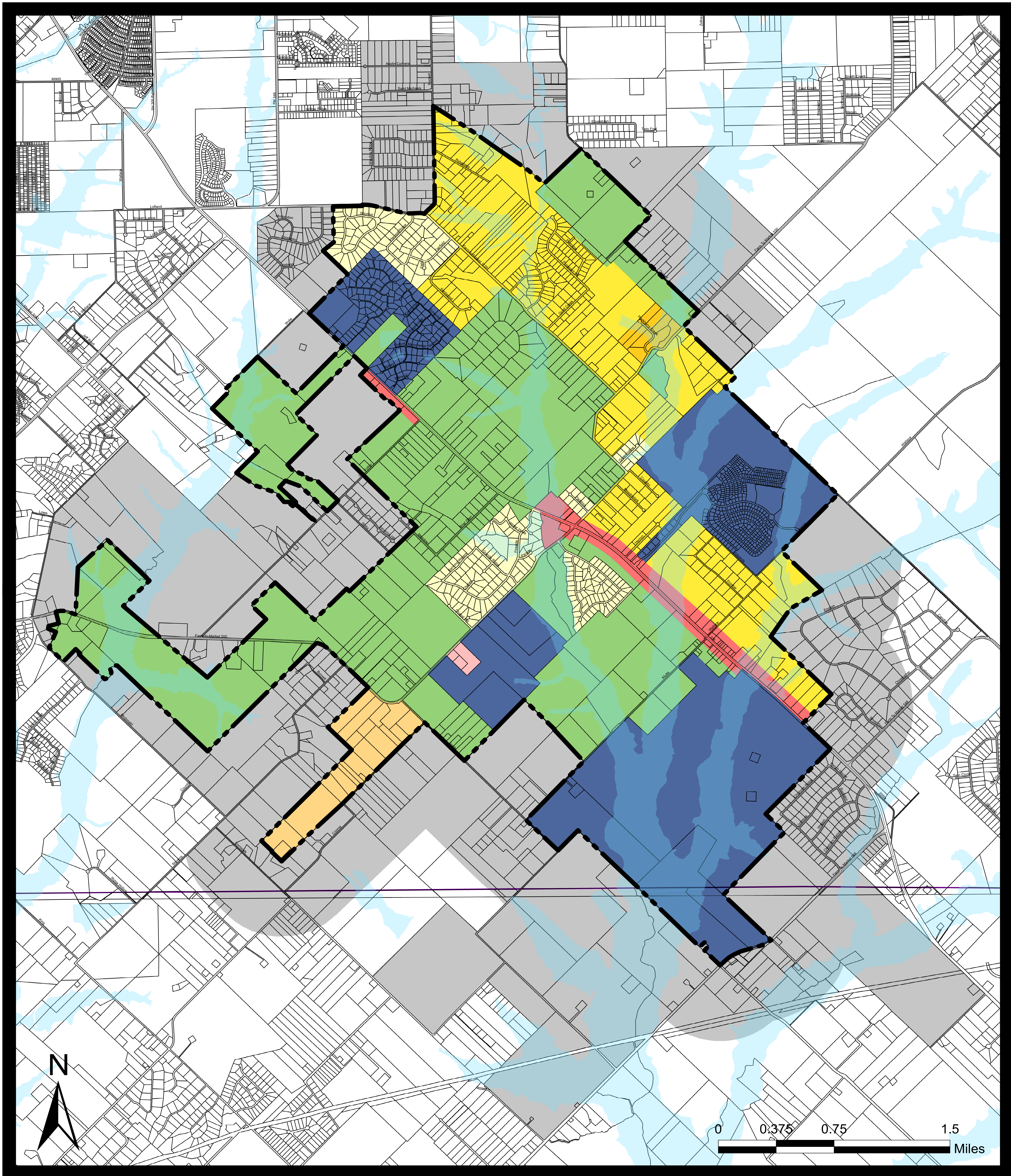
PLANNING AND ZONING COMMISSION HEARING DATE:

February 28, 2019

STAFF RECOMMENDATION:

APPROVAL OF THE RECOMMENDED CHANGES TO THE OFFICIAL ZONING MAP

The recommended amendments to the official zoning map have been prepared in accordance with zoning district changes that have been approved by the City Council upon recommendation from the Planning and Zoning Commission.



Legend

	McLendon-Chisholm City Limits		AG District		GB District
	McLendon-Chisholm ETJ		SF 1.5 District		O-1 District
	County Line		SF 2.5 District		PD District
	Floodplain		SF 5 District		

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the ground survey and represents only the approximate relative location of property boundaries. (Texas Government Code § 2051.102)

This map was created using Rockwall and Kaufman County GIS data and FEMA GIS data.

City of McLendon-Chisholm Rockwall & Kaufman County Draft Zoning Map



HONORABLE PLANNING AND ZONING COMMISSION

CITY OF MCLENDON-CHISHOLM, TEXAS

REPORT PREPARED BY MICHAEL COKER

DATE PREPARED: January 14, 2019

APPLICANT: City of McLendon-Chisholm

LOCATION: City Wide

SIZE OF REQUEST: City Wide

REQUEST: Recommendations for amendments to the official city limit and extraterritorial jurisdiction map of the City of McLendon-Chisholm

REPRESENTATIVE: City Planner

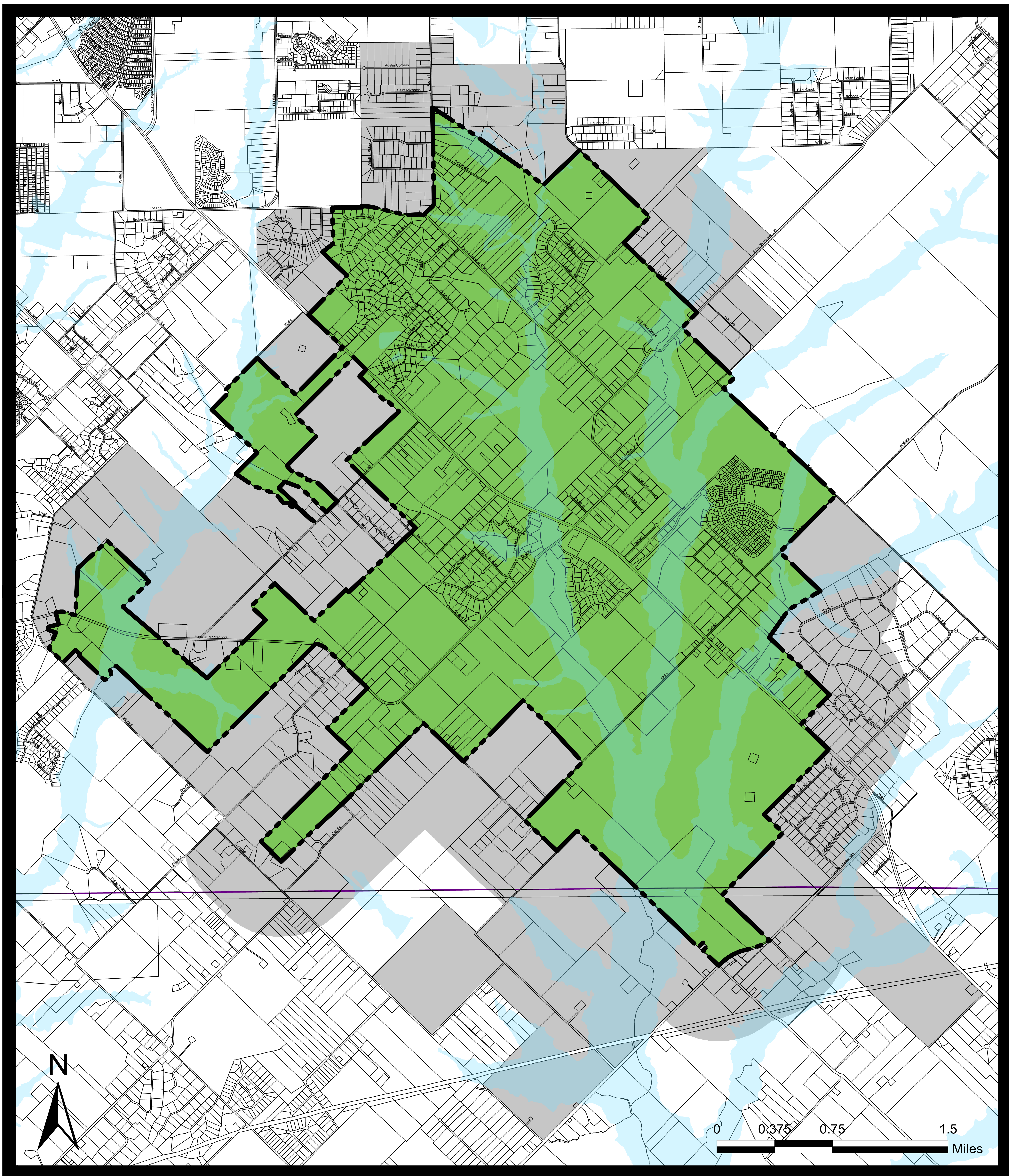
PLANNING AND ZONING COMMISSION HEARING DATE:

February 28, 2019

STAFF RECOMMENDATION:

APPROVAL OF THE RECOMMENDED CHANGES TO THE OFFICIAL CITY LIMIT/EXTRATERRITORIAL JURISDICTION MAP

The recommended amendments to the official city limits and extraterritorial jurisdiction map have been prepared in accordance with annexations and ordinances that have been approved by the City Council.



Legend

- McLendon-Chisholm City Limits
- McLendon-Chisholm ETJ
- County Line
- Floodplain

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This map was created using Rockwall and Kaufman County GIS data and FEMA GIS data.

City of McLendon-Chisholm Rockwall & Kaufman County Draft City Limits

