

CITY OF LINDALE ZONING ORDINANCE
(INCLUDING AMENDMENTS THROUGH MAY 4, 2012)

McNally & Patrick L.L.P.
100 East Ferguson Suite 400
Tyler, Texas 75702
903-597-6301

TABLE OF CONTENTS

ARTICLE 1 ADMINISTRATIVE AND ENFORCEMENT PROVISIONS. 1-1

 PART 1 GENERAL ADMINISTRATIVE RULES. 1-1

 Section 1-1 Title. 1-1

 Section 1-2 Purpose. 1-1

 Section 1-3 Application and Exceptions. 1-1

 Section 1-4 Rules of Construction. 1-1

 Section 1-5 Definitions. 1-2

 PART 2 ENFORCEMENT AND PENALTY. 1-12

 Section 1-11 Violation and Civil Remedies 1-12

 Section 1-12 Criminal Offense and Penalty. 1-13

 PART 3 SITE PLAN REVIEW, GRADING PERMITS AND BUILDING PERMITS. 1-13

 Section 1-21 Site Plan Review. 1-13

 Section 1-22 Grading Permit Required. 1-14

 Section 1-23 Procedure for Obtaining a Grading Permit. 1-14

 Section 1-24 Building Permit Required. 1-15

 Section 1-25 Procedure for Obtaining a Building Permit. 1-15

 Section 1-26 Grading Permit or Building Permit that Conflicts with Ordinance. 1-16

 Section 1-27 Expiration of a Grading Permit or a Building Permit. 1-16

 Section 1-28 Failure to Comply with Grading permit or Building Permit. . . 1-17

 Section 1-29 Accrual of Rights 1-17

 PART 4 CERTIFICATE OF OCCUPANCY AND COMPLIANCE. 1-17

 Section 1-31 Certificate of Occupancy and Compliance Required 1-17

 Section 1-32 Procedure for Obtaining Certificate of Occupancy and Compliance. 1-17

 Section 1-33 Certificate of Occupancy and Compliance that Conflicts with Ordinance. 1-18

 Section 1-34 Failure to Comply with Certificate of Occupancy and Compliance. 1-18

 PART 5 NONCONFORMING USE, LOT, BUILDING, OR STRUCTURE. . . 1-18

 Section 1-41 Effect of Initial Adoption and Amendment of this Ordinance. . 1-18

 Section 1-42 Types of Nonconformity. 1-19

 Section 1-43 Nonconforming Land Use Standards. 1-19

 Section 1-44 Nonconforming Buildings and Structures. 1-20

 PART 6 ADMINISTRATIVE OFFICER. 1-22

 Section 1-51 Appointment of Administrative Officer. 1-22

 Section 1-52 Duties and Responsibilities of Administrative Officer. 1-22

 Section 1-53 Liability of Administrative Officer. 1-23

 PART 7 BOARD OF ADJUSTMENT. 1-24

 Section 1-61 Members and Presiding Officer 1-24

 Section 1-62 Meetings 1-24

Section 1-63	Hearings and Rules.	1-24
Section 1-64	Minutes and Records	1-24
Section 1-65	Powers and Duties of the Board of Adjustment.. . . .	1-24
PART 8	APPEALS.	1-25
Section 1-71	Standing to Appeal an Order, Requirement, Decision or Determination made by the Administrative Officer.. . . .	1-25
Section 1-72	Procedure for Filing Appeal.. . . .	1-25
Section 1-73	Stay of Proceedings Pending Appeal.. . . .	1-25
Section 1-74	Hearing Date and Notice	1-26
Section 1-75	Decision	1-26
Section 1-76	Vote Required to Reverse Administrative Officer.. . . .	1-26
Section 1-77	Filing and Notice of the Decision.	1-26
PART 9	VARIANCE..	1-26
Section 1-81	Variance Defined.	1-26
Section 1-82	Procedure for Applying for a Variance.	1-26
Section 1-83	Criteria for Approving Variance.	1-27
Section 1-84.	Regulation, District Boundary or Use shall not be Amended. .	1-27
Section 1-85	Vote Required to Approve Variance.	1-27
PART 10.	SPECIAL USES..	1-27
Section 1-91	Special Use not a Violation.	1-27
Section 1-92	Application and Hearing	1-27
Section 1-93	Criteria and Procedure for Approving Special Uses.	1-28
Section 1-94	Regulation or District Boundary shall not be Amended by Special Use..	1-28
Section 1-95	Vote Required to Approve Special Use.. . . .	1-29
PART 11	AMENDMENTS.	1-29
Section 1-101	Zoning Classification Amendment.	1-29
Section 1-102	Zoning Text Amendment..	1-30
ARTICLE 2	DISTRICTS.	2-1
PART 1	GENERAL..	2-1
Section 2-1	Establishment of Zoning Districts	2-1
Section 2-2	Official Zoning Map	2-2
Section 2-3	Interpretation of District boundaries.	2-2
Section 2-4	Territory Annexed after the Effective Date of this Ordinance . .	2-2
Section 2-5	Permitted Uses and Special Uses.. . . .	2-3
Section 2-6	Unlisted or Ambiguous Uses.. . . .	2-3
PART 2	“A” FARMSTEAD AND AGRICULTURAL DISTRICT.	2-3
Section 2-11	Purpose.. . . .	2-3
Section 2-12	Uses and parking space requirements.	2-4
Section 2-13	District Regulations.	2-4
PART 3	“R-1A” SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT.. . .	2-4
Section 2-21	Purpose.. . . .	2-4
Section 2-22	Uses and parking space requirements.	2-4
Section 2-23	District Regulations.	2-5

PART 4	“R-1B” SINGLE FAMILY RESIDENTIAL RESTRICTED DISTRICT	2-5
	Section 2-31 Purpose..	2-5
	Section 2-32 Uses and parking space requirements.	2-5
	Section 2-33 District Regulations.	2-5
PART 5	“R-1C” SINGLE FAMILY RESIDENTIAL STANDARD DISTRICT.	2-6
	Section 2-41 Purpose .	2-6
	Section 2-42 Uses and parking space requirements.	2-6
	Section 2-43 District Regulations.	2-6
PART 6	“R-1D” SINGLE FAMILY RESIDENTIAL DISTRICT.	2-7
	Section 2-51 Purpose .	2-7
	Section 2-52 Uses and parking space requirements.	2-7
	Section 2-53 District Regulations.	2-7
PART 7	“R-2” TWO FAMILY RESIDENTIAL DISTRICT.	2-8
	Section 2-61 Purpose..	2-8
	Section 2-62 Uses and parking space requirements.	2-8
	Section 2-63 District Regulations.	2-8
PART 8	“R-3” MULTIPLE FAMILY RESIDENTIAL DISTRICT	2-9
	Section 2-71 Purpose..	2-9
	Section 2-72 Uses and parking space requirements.	2-9
	Section 2-73 District Regulations.	2-9
	Section 2-74 Special Regulations.	2-11
PART 9	“R-MH” HUD-CODE MANUFACTURED HOME DISTRICT.	2-12
	Section 2-81 Purpose..	2-12
	Section 2-82 Uses and parking space requirements.	2-12
	Section 2-83 District Regulations.	2-12
	Section 2-84 Special Regulations.	2-12
PART 10	“R-PUD” RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT.	2-13
	Section 2-91 Purpose..	2-13
	Section 2-92 Uses and parking space requirements.	2-13
	Section 2-93 District Regulations.	2-13
	Section 2-94 Special Regulations.	2-14
	Section 2-95 Procedure.	2-15
PART 11	“C-1” CONVENIENCE AND NEIGHBORHOOD COMMERCIAL DISTRICT.	2-16
	Section 2-101 Purpose..	2-16
	Section 2-102 Uses and parking space requirements.	2-16
	Section 2-103 District Regulations.	2-16
PART 12	“C-2” COMMUNITY AND REGIONAL COMMERCIAL DISTRICT.	2-17
	Section 2-111 Purpose..	2-17
	Section 2-112 Uses and parking space requirements.	2-17
	Section 2-113 District Regulations.	2-17
	Section 2-114 Special Regulations.	2-18

PART 13	“I-PD” INSTITUTIONAL PLANNED DEVELOPMENT DISTRICT.	2-19
	Section 2-121 Purpose..	2-19
	Section 2-122 Uses and parking space requirements.	2-19
	Section 2-123 District Regulations.	2-19
PART 14	“MU-1” Neighborhood Mixed Use District.	2-19
	Section 2-131 Purpose..	2-19
	Section 2-132 Uses and parking space requirements	2-20
	Section 2-133 District Regulations.	2-20
	Section 2-134 Special Regulations.	2-21
PART 15	“MU-2” COMMUNITY AND REGIONAL MIXED USE DISTRICT.	2-21
	Section 2-141 Purpose..	2-21
	Section 2-142 Uses and parking space requirements.	2-21
	Section 2-143 District Regulations.	2-21
PART 16	“MU-3” DOWNTOWN MIXED USE DISTRICT	2-22
	Section 2-151 Purpose..	2-22
	Section 2-152 Uses and parking space requirements.	2-23
	Section 2-153 District Regulations.	2-23
	Section 2-154 Special Regulations.	2-23
PART 17	“MU-4” MIXED USE PLANNED DEVELOPMENT DISTRICT.	2-24
	Section 2-161 Purpose..	2-24
	Section 2-162 Uses and parking space requirements.	2-24
	Section 2-163 District Regulations.	2-24
	Section 2-164 Special Regulations.	2-25
	Section 2-165 Procedure.	2-25
PART 18	“I-1” INDUSTRIAL, TRANSPORTATION AND DISTRIBUTION DISTRICT.	2-27
	Section 2-171 Purpose..	2-27
	Section 2-172 Uses and parking space requirements.	2-27
	Section 2-173 District Regulations.	2-27
PART 19	“I-2” HEAVY INDUSTRIAL DISTRICT.	2-28
	Section 2-181 Purpose..	2-28
	Section 2-182 Uses and parking space requirements	2-28
	Section 2-183 District Regulations.	2-28
ARTICLE 3 GENERAL BUILDING, STRUCTURE AND USE REGULATIONS.		3-1
PART 1	GENERAL.	3-1
	Section 3-1 Application..	3-1
PART 2	PRINCIPAL OR ACCESSORY BUILDINGS.	3-1
	Section 3-11 One Principal Building per Single Family or Two Family Dwelling Lot.	3-1
	Section 3-12 Multiple Principal Buildings on a Lot.	3-1
	Section 3-13 Direction of Principal Building.	3-1
	Section 3-14 Location of Accessory Building..	3-1
	Section 3-15 Construction Materials.	3-2

PART 3	YARD REGULATIONS.	3-2
	Section 3-21 General Yard Regulations.	3-2
	Section 3-22 Ordinance, Approved Site Plan or Recorded Plat More Restrictive.	3-2
	Section 3-23 Special Regulations for Front Yards.	3-2
	Section 3-24 Special Regulation for a Side Yard or Rear Yard that Abuts Water.	3-3
PART 4	PERMITTED STRUCTURES IN YARDS.	3-3
	Section 3-31 Permitted Front Yard Structures.	3-3
	Section 3-32 Permitted Side Yard or Rear Yard Structures.	3-4
PART 5	FENCES OR WALLS.	3-5
	Section 3-41 Height Regulation.	3-5
	Section 3-42 Distance from Lot Line.	3-6
	Section 3-43 Construction Materials.	3-6
PART 6	OFF STREET PARKING.	3-6
	Section 3-51. Off-street Parking Required.	3-6
	Section 3-52 Number of Parking Spaces.	3-6
	Section 3-53 Location of Parking Spaces.	3-7
	Section 3-54. Size of Parking Spaces and Aisles	3-7
	Section 3-55. Parking Space Accessibility.	3-8
	Section 3-56 Parking Spaces for Disabled Persons.	3-8
	Section 3-57 Access Driveway	3-9
	Section 3-58 Construction Standards.	3-9
	Section 3-59 Lighting.	3-10
	Section 3-60 Use of a Parking Lot.	3-10
	Section 3-61 Parking and Storage of Junked or Abandoned Motor Vehicles or Trailers.	3-10
	Section 3-62 Parking and Storage of Recreational Vehicles, Trailers, and Other Recreational Equipment.	3-11
PART 7	OFF STREET LOADING.	3-11
	Section 3-71 Off street Loading Area Required.	3-11
	Section 3-72. Location.	3-11
	Section 3-73. Size	3-11
	Section 3-74 Loading Area Accessibility.	3-12
	Section 3-75 Access Driveway.	3-12
	Section 3-76 Construction Standards	3-12
	Section 3-77 Screening of Loading Area.	3-12
PART 8	SPECIFIC USE REGULATIONS.	3-12
	Section 3-81 Home Occupations.	3-12
	Section 3-82 Sexually Oriented Business.	3-13
	Section 3-83 Radio, Communication, or Television Transmission Tower.	3-13
	Section 3-84 Junk Yard or Salvage Yard.	3-14
	Section 3-85 Public Utility Station.	3-14
	Section 3-86 Veterinary Hospital, Small Animal Clinic or Kennel.	3-14
	Section 3-87 Livestock Auction Barn.	3-15

Section 3-88	Public or Private School	3-15
ARTICLE 4	GENERAL DEVELOPMENT STANDARDS AND MAINTENANCE.	4-1
PART 1	EXCAVATION AND EXTENSION OF UTILITY SERVICES.	4-1
Section 4-1	Purpose.	4-1
Section 4-2	Grading and Excavation.	4-1
Section 4-3	Removal of a Protected Tree or Part Thereof	4-2
Section 4-4	Extension of Utility Services.	4-3
Section 4-5	Underground Utility Lines.	4-3
PART 2	LANDSCAPING.	4-3
Section 4-11	Application of Landscaping Requirements.	4-3
Section 4-12	Landscaping Plan Required for Multiple Family Dwelling and Nonresidential use.	4-3
Section 4-13	Compliance Requirements.	4-4
Section 4-14	General Landscaping Requirements.	4-4
Section 4-15	Single Family Dwelling and Two Family Dwelling Landscaping Requirements.	4-5
Section 4-16	Multiple Family Dwelling and Nonresidential Landscaping Requirements.	4-5
Section 4-17	Interior Parking Lot Landscaping Requirements.	4-5
Section 4-18	Screening of Accessory Structures.	4-6
Section 4-19	Tree or Shrub Preservation.	4-7
PART 3	BUILDING CODES.	4-7
Section 4-31	Building Codes.	4-7
PART 4	BUILDING FINISH STANDARDS AND ARCHITECTURAL DESIGN STANDARDS.	4-7
Section 4-41	Definitions.	4-7
Section 4-42	Application	4-8
Section 4-43	Finish Requirements	4-8
Section 4-44	Prohibited Finishes.	4-9
Section 4-45	Alternative Building Finishes.	4-9
Section 4-46	Architectural Design Standards.	4-9
PART 5	MAINTENANCE AND TEMPORARY STRUCTURES.	4-10
Section 4-51	Maintenance.	4-10
Section 4-52	Temporary Buildings, Signs or Other Structures.	4-10
Section 4-53	Illegal Uses, Nuisances or Disorderly Conduct.	4-11
ARTICLE 5	SIGN REGULATIONS.	5-1
PART 1	APPLICATION AND EXEMPTIONS.	5-1
Section 5-1	Application.	5-1
Section 5-2	Exempt Signs.	5-1
Section 5-3	Conflict.	5-2
PART 2	PROHIBITED SIGNS AND REGULATED SIGNS.	5-2
Section 5-11.	Prohibited Signs.	5-2
Section 5-12	Monument Sign.	5-3

Section 5-13	Attached Sign.....	5-5
Section 5-14	Banner Sign.	5-5
Section 5-15	Awning Sign.	5-6
Section 5-16	Gasoline Canopy Sign.	5-6
Section 5-17	Temporary Signs.	5-6
Section 5-18	Sandwich Board Sign.....	5-7
Section 5-19	Freestanding Pole Sign.....	5-7
ARTICLE 6	RULES OF CONSTRUCTION.....	6-1
Section 6-1	Severability.	6-1
Section 6-2	Repeal of Prior Ordinances.	6-1
Addendum 1	–Uses in Residential Districts.....	7-1
Addendum 2	–Uses in Non-Residential and Mixed Use Districts	7-3
Addendum 3	–Parking Space Requirements.....	7-8

ARTICLE 1 ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

PART 1 GENERAL ADMINISTRATIVE RULES

Section 1-1 Title

The City of Lindale, Texas Zoning Ordinance may be cited as the Lindale Zoning Ordinance.

Section 1-2 Purpose

(a). The provisions of this ordinance are designed to promote the public health, safety, morals and general welfare of the City . §211.001 of the Texas Local Government Code.

(b). This ordinance has been adopted in accordance with a comprehensive plan and is designed to lessen congestion in the streets; secure safety from fire, panic and other dangers; promote health and general welfare; provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of population; and to facilitate adequate provision of transportation, water, sewage, schools, parks and other public requirements. §211.004 of the Texas Local Government Code.

(c). This ordinance has been adopted with reasonable consideration, among other things, for the character of each District and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the City. §211.005 of the Texas Local Government Code.

Section 1-3 Application and Exceptions

The provisions of this ordinance apply to the use of a Lot and the erection, construction, reconstruction, alteration, repair or use of any Building, Sign, or other Structure, within the City, except as follows:

(a). This ordinance shall not apply to a Lot, Building, Sign or other Structure under the control, administration or jurisdiction of a state or federal agency. However, this ordinance shall apply to a privately owned Lot, Building, Sign or other Structure leased to a state agency. §211.013(c) and (d) of the Texas Local Government Code.

(b). If a statute or other City ordinance or regulation imposes higher or different standards than required under this ordinance then the more stringent statute or other City ordinance or regulation controls. If this ordinance imposes higher standards than required under a statute or other City ordinance or regulation, then this ordinance controls. §211.013(a) of the Texas Local Government Code.

(c). If a deed restriction imposes higher standards than required under this ordinance then the deed restriction controls. This Subsection shall not be construed to require the City to enforce a deed restriction.

Section 1-4 Rules of Construction

The following rules of construction shall apply to this ordinance:

(a). In case of any conflict between the text and any caption, illustration, summary table or illustrative

table, the text shall prevail.

- (b). The word "shall" is always mandatory and not discretionary.
- (c). The word "may" is permissive.
- (d). Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- (e). The phrase "used for" includes “arranged for,” “designed for,” “maintained for,” “provided for” or “occupied for.”
- (f). "Person" includes an individual, a corporation, a partnership, an unincorporated association, and any other similar entity.
- (g). Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction “and”, “or” or “either.... or,” the conjunction shall be interpreted as follows:
 - 1. "and" indicates that all the connected items, conditions, provisions or events shall apply;
 - 2. "or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination;
 - 3. “either....or” indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.
- (h). "Includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all instances or circumstances of like kind or character.

Section 1-5 Definitions

In this ordinance, the following terms when capitalized, shall have the following meanings:

“*Abuts*” or “*Abutting*” means to touch or border on or to share a common property line but not overlap.

“*Accessory Building*” means a Building detached from the Principal Building which:

- (a) is subordinate in purpose to the Principal Building or principal use served;
- (b) is smaller in area than the Principal Building; and
- (c) is located on the same lot as the Principal Building or principal use served.

“*Administrative Officer*” means the person appointed by the City Administrator to perform the duties prescribed by the City Council under this and other ordinances. The Administrative Officer shall have the power to delegate duties under this ordinance to one or more employees of the City, who shall serve at the direction of the Administrative Officer.

“*Alley*” means a public service space or roadway which affords a secondary means of access to a Lot, and not intended for general traffic circulation.

“*Alcoholic beverage*” means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

“*Area of the Lot*” means the area located within the Lot Lines, excluding any area located within a Street or Alley.

“*Assisted Living Facility*” means an establishment that is licensed by the state that meets the definition of an Assisted Living Facility under §247.002 of the Texas Health and Safety Code, including any amendment. At the time this ordinance was adopted, Assisted Living Facility was defined by §247.002 of the Texas Health and Safety Code as “an establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and provides (1) assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, (2) the administration of medication by a person licensed to administer medication or the assistance with the supervision of medication, or (3) general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage the person’s personal life, regardless of whether a guardian has been appointed for the person.”

“*Attached Sign*” means a Sign that is attached to, applied on, or supported by any part of a Building, other than an awning or canopy.

“*Automotive Repair*” - See “Major Automotive Repair” and “Minor Automotive Repair”.

“*Automotive Service Station*” means an establishment where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles, other than Tractor Trailer Trucks. Accessory uses include a car wash service including a free-standing automatic car wash, or sale of food or other convenience items.

“*Awning Sign*” means a Sign that is applied to, attached, or painted on an awning or other roof-like cover, projecting from the wall of a Building, typically over a window or door.

“*Banner Sign*” means a Sign applied to a non-rigid plastic, cloth, canvas or other light weight fabric and attached to the wall or facade of a Building on a Lot devoted to a Non-residential use.

“*Bed and Breakfast*” means an owner occupied and managed Building other than a Hotel which provides temporary sleeping accommodations, generally not to exceed fourteen days, for compensation and meals only to registered guests and at no additional cost.

“*Board*” means the Board of Adjustment.

“*Boarding House*” means a Building other than a Hotel or a Bed and Breakfast, containing not more than ten (10) guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation, generally for more than one (1) week.

“*Brick*” means hard fired or kiln fired clay or shale material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick, Severe Weather Grade.

“*Building*” means a Structure that has a roof and is used or built to enclose or shelter a person, an animal, a chattel, a vehicle, goods, merchandise, equipment, materials, or moveable property of any kind. See “Accessory Building” and “Principal Building”.

“*Building Height*” means the vertical distance from the finished grade of the lot abutting the building to the top of the highest roof beam on a flat or shed roof, the deck level on a parapet roof, or the ridge level of the highest gable, hip, gambrel or mansard roof.

“*Child Care Services*” means an establishment, other than a public or private school, licensed by the state that provides, for less than twenty four (24) hours a day, care, training education, custody, treatment or supervision for more than six (6) children that are not related by blood, marriage, or adoption to the owner or operator of the facility.

“*Church or Other House of Worship*” means a Building owned or maintained by an organized religious organization the purpose for which persons regularly assemble for worship.

“*City*” means the City of Lindale, Texas.

“*Commercial*”- See “Community-Scale Commercial”, “Convenience-Scale Commercial”, “Heavy Commercial”, “Light Commercial”, “Neighborhood-Scale Commercial”, “Regional-Scale Commercial” and “Specialty Retail Sales and Services”.

“*Commercial Center*” means a completely planned and designed commercial development providing for the sale of general merchandise, convenience goods or services.

“*Community Commercial Center*” means a completely planned and designed commercial development providing for the sale of general merchandise, convenience goods or services and may include a variety store, discount store or supermarket. Individual Buildings in a Community Commercial Center shall not exceed 100,000 square feet.

“*Community-Scale Commercial*” means moderate to larger scale shopping centers or concentrations of independent businesses serving a broad range of retail shopping, personal or business service needs for multiple residential neighborhoods and the overall community that generate or have the potential to generate large amounts of local and non-local vehicular traffic, and that are typically located along arterial streets or at major street intersections and that are usually anchored by large grocery stores or general merchandise retailers.

“*Comprehensive Plan*” means the Lindale Second Century Comprehensive Plan.

“*Concrete Masonry Unit*” means indented, hammered or split face concrete.

“*Condominium*” means a dwelling unit with kitchen and sleeping facilities designed for occupancy by a single family constructed in a series or group of attached dwelling units on a Lot, in which each dwelling unit is separately owned and the common areas of the Building and Lot are owned in undivided interests by the

dwelling unit owners.

“*Continuing Care Facility*” means an establishment that provides Continuing Care as defined by §246.002 of the Texas Health and Safety Code, including any amendments. (At the time this ordinance was adopted, Continuing Care was defined by §246.002 of the Texas Health and Safety Code as the “furnishing of a living unit, together with personal care services, nursing services, medical services, or other health related services, regardless of whether the services and the living unit are provided at the same location to an individual who is not related within the second degree of consanguinity or affinity, as determined under Chapter 573, Government Code, to the person furnishing the care and under an agreement that requires the payment of an entrance fee by or on behalf of a resident in exchange for the furnishing of continuing care by a provider and that is effective for the life of the resident or more than one year.”)

“*Convalescent or Nursing Home*” means an establishment licensed by the state pursuant to §242.033 of the Texas Health and Safety Code that meets the definition of an “Institution” under §242.002 (10) of the Texas Health and Safety Code, including any amendment. (At the time this ordinance was adopted, an “Institution” was defined by §242.002 (10) of the Texas Health and Safety Code “an establishment that (1) furnishes in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and (2) provides minor treatment under the direction and supervision of a physician licensed by the Texas State Board of Medical Examiners, or other services that meet some need beyond the basic provision of food, shelter, and laundry; or a foster care type residential facility that provides room and board to fewer than five persons who (1) are not related within the second degree of consanguinity or affinity, as determined under Chapter 573, Government Code, to the proprietor and (2) because of their physical or mental limitation, or both, require a level of care and services suitable to their needs that contributes to their health, comfort and welfare.”)

“*Convenience Commercial Center*” means a completely planned and designed commercial development providing for the sale of convenience goods or services in a small cluster of convenience shops or offices. Individual Buildings in a Convenience Commercial Center shall not exceed 10,000 square feet.

“*Convenience-Scale Commercial*” means stand alone convenience markets or small-scale retail centers located at the intersection of major roadways in non-urbanized areas and distant from a residential neighborhood.

“*Corner Lot*” means a Lot that abuts two Streets at their intersection.

“*Depth of the lot*” means the mean horizontal distance between the Front Lot Line and Rear Lot Line of an Interior Lot, the Front Lot Line and opposite Side Lot Line of a Corner Lot, or the Front Lot Lines of a Through Lot.

“*District*” means a section of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

“*Dwelling*” means a Building designed for occupancy by one or more families, other than a Hotel or Motel. See “Multiple Family Dwelling”, “Single Family Dwelling” and “Two Family Dwelling”.

“*Effective Date*” means the date that this ordinance was adopted by the City Council in accordance with §211.006 of the Texas Local Government Code and other state law.

“*Family*” means any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage, or adoption.

“*Farm or Orchard*” means an area which is used for the growing of crops, including but not limited to vegetables, flowers, fruits or fruit trees.

“*Fast Food Restaurant*” means an establishment that sells food already prepared for consumption, packaged in paper, styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.

“*Freestanding Pole Sign*” means a Sign that is not affixed to a Building but is supported by one or more poles.

“*Front Lot Line*” means a Lot Line that divides a Lot from a Street. If the recorded boundary line of a Lot is located in the right of way of a Street then the Front Lot Line is the right of way line of the Street that adjoins the Lot.

“*Front Yard*” means an open space on a Lot running parallel to and abutting a Street, which is not obstructed by a Building or Structure, other than a Structure expressly permitted in a front yard by this ordinance.

“*Gasoline Canopy Sign*” means a Sign that is applied to, attached, or painted on a canopy or other roof like cover intended for the protection of gasoline pumps from the weather or as a decorative embellishment.

“*Heavy Commercial*” means an establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, building contractors, or retail nurseries.

“*Heavy Manufacturing*” means all other types of manufacturing not included in the definitions of Light Manufacturing and Medium Manufacturing.

“*Home Day Care Services*” means a Dwelling which is licensed by the state and utilized by only the residents of that Dwelling to provide care, protection and supervision for not more than six (6) children, exclusive of the natural, foster or adopted children of the residents of the Dwelling, for less than twenty four (24) hours a day.

“*Home Occupation*” means the partial use of a Dwelling unit for commercial or Nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the Dwelling for residential purposes.

“*Hospital*” means an institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

“*Hotel or Motel*” means a Building other than a Boarding house or Bed and Breakfast containing 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 by guests.

“*HUD-code Manufactured Home*” means (A) a structure: (i) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; (ii) built on a permanent chassis; (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; (iv) transportable in one or more sections; and (v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; (B) includes the plumbing, heating, air conditioning, and electrical systems of the home; and (C) does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g). §1201.003(9) *Texas Occupations Code*

“*Industrial or Research Park*” means a tract of land developed according to a master Site Plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to provide a buffer to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

“*Interior Lot*” means a Lot that is not a Corner Lot or a Through Lot.

“*Junk*” means any manufactured good, appliance, furniture, machinery, vehicle or personal property that is discarded and that may also be dismantled, dilapidated, or so worn, deteriorated or in such a condition as to be generally unusable or inoperable.

“*Junk Yard or Salvage Yard*” means the use of a Lot for the outdoor sale, storage, display, dismantling, demolition, abandonment or discarding of Junk.

“*Landscape, Landscaped, or Landscaping*” means the finishing and adornment of unpaved Yards. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs or flowers but also includes the use of natural or artificial stone and rocks, brick masonry, hardwood railroad ties, landscape timbers, fountains, water features or contouring of the earth.

“*Light Commercial*” means an establishment or business that generally has sales, services or offices, which do not generate noise or other impacts considered incompatible with less-intense uses.

“*Light Manufacturing*” means the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed Structure, with no outside storage, serviced by an infrequent volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

“*Loading Area*” means an off-Street space used for the loading or unloading of vehicles.

“*Lot*” means a piece, parcel, tract or plot of land established by Plat or legally exempt from platting, to be owned, used, built upon or developed. See “Area of the Lot”, “Corner Lot”, “Depth of the Lot”, “Interior Lot”, “Lot Coverage”, “Through Lot”, and “Width of the Lot”).

“*Lot Coverage*” means the percentage of the Lot Area occupied by Buildings on the Lot, determined at ground level.

“*Lot Line*” means a recorded boundary line or property line that divides a Lot from another Lot or from a Street or Alley. See “Front Lot Line”, “Rear Lot Line” and “Side Lot Line”.

“*Major Automotive Repair*” means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers or similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed Building.

“*Manufacturing*”- See “Heavy Manufacturing”, “Light Manufacturing” and “Medium Manufacturing”.

“*Masonry*” means Stone Material, Brick, glass block or concrete panel (tilt wall) or Concrete Masonry Units.

“*Medium Manufacturing*” means the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed Structure or in a yard that is screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

“*Minor Automotive Repair*” means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers or similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed Building.

“*Mobile Home*” means (A) a structure: (i) constructed before June 15, 1976; (ii) built on a permanent chassis; (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; (iv) transportable in one or more sections; and (v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and (B) includes the plumbing, heating, air conditioning, and electrical systems of the home. §1201.003(17) *Texas Occupations Code*

“*Monument Sign*” means a Sign connected to the ground that has no clear space for the full width of the sign between the bottom of the sign and the ground.

“*Multiple Family Dwelling*” means a Building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances or other spaces. Individual dwelling units may be owned as Condominiums, Townhouses or offered for rent. Multiple Family Dwelling may include apartments, Townhouses, and Condominiums.

“*Neighborhood Commercial Center*” means a completely planned and designed commercial development providing for the sale of general merchandise, convenience goods or services, typically with a supermarket as the principal tenant. Individual Buildings in a Neighborhood Commercial Center shall not exceed 50,000 square feet.

“*Neighborhood-Scale Commercial*” means a retail center or a clustered group of small to moderately sized business establishments catering to the re-occurring retail shopping and personal service needs of a nearby residential neighborhood, or a small group of neighborhoods, and that may be anchored by a small to moderate sized grocery store.

“*Nonresidential District*” includes Commercial Districts under Section 2-1(c) and Industrial Districts under Section 2-1(e).

“*Nursing Home*” - See “Convalescent or Nursing Home”.

“*Off-premise Sign*” means a Sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the Sign is located. §216.002 Texas Local Government Code.

“*Orchard*” - See “Farm or Orchard”.

“*Parking Lot*” means an area, other than a Street, Alley, or Loading Area, used or designed to be used for the parking of motor vehicles or trailers.

“*Parking Space*” means a space within a Building or on a Parking Lot, used or designed to be used for the parking of a motor vehicle or trailer.

“*Plat*” means a plan of a subdivision of land creating one or more Lots that has been approved by the City as required by law and filed in the records of Smith County, Texas.

“*Portable Sign*” means a Sign that has a principal supporting structure intended, by design, use or construction to rest upon the ground and to be easily moved or relocated or reused. A Portable Sign includes a Sign mounted on a trailer or other mobile structure.

“*Principal Building*” means the Building in which a principal use of a lot is conducted.

“*Protected Tree*” means a living hardwood tree, having a minimum circumference of forty eight (48) inches when measured forty eight (48) inches above ground level.

“*Public Utility Station*” means a facility used to generate, store, distribute, or provide water, sewer, telephone, communication, cable television, natural gas or electric services to the general public.

“*Radio, Communication, or Television Transmission Tower*” means a Structure on which is located one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone or other similar forms of electronic communication. The term includes radio and television transmission towers, microwave towers, common carrier towers and cellular telephone towers.

“*Rear Lot Line*” means a property line that divides a Lot from another Lot or Alley and does not intersect with a Front Lot Line.

“*Rear Yard*” means an open space on a Lot running parallel to and abutting a Rear Lot Line, which is not obstructed by a Building or Structure, other than a Structure expressly permitted in a rear yard by this ordinance.

“*Regional Commercial Center*” means a completely planned and designed commercial development providing for the sale of general merchandise, convenience goods or services, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety.

“*Regional-Scale Commercial*” means large scale retail centers or very large stand-alone merchandisers drawing from a customer market base larger than the community itself. These are usually regional-scale destination centers frequently anchored by one or more national brand-name “big box” retailer or home improvement stores, and that generate, or have the potential to generate large volumes of non-local traffic,

and are typically located at the intersection of high volume arterial streets or near interstate interchanges.

“Regional-Scale Institutional” means large scale institutional centers or very large stand-alone institutions serving an area larger than the community itself that generate or have the potential to generate large volumes of non-local traffic, and are typically located at the intersection of high volume arterial streets or near interstate interchanges.

“Research Park” - See “Industrial or Research Park”.

“Residential District” includes a Farmstead and Agricultural District under Section 2-1(a), Residential Districts under Section 2-1(b) and Mixed Use Districts under Section 2-1(d).

“Restaurant” means an establishment that sells prepared food for consumption on or off the premises. See “Fast Food Restaurant”.

“Salvage Yard” - See “Junk Yard or Salvage Yard”.

“Sandwich Board Sign” means a Sign that is constructed in such a manner as to form an “A” or tent like shape, whether hinged or not at the top, with each angular face held at an appropriate distance by a supporting member.

“Sculpted Aluminum Panel” means an aluminum Sign panel with text or graphic depictions cut-out from the panel, typically with a translucent material covering the cut-out from the interior side of the panel.

“Sheltered Care Facility” means a boarding home for the sheltered care of persons with special needs, which in addition to providing rooms and meals, may also provide personal care, social or counseling services or transportation.

“Side Lot Line” means a property line that is not a Front Lot Line or Rear Lot Line.

“Side Yard” means an open space on a Lot running parallel to and abutting a Side Lot Line, which is not part of a Front Yard or Rear Yard and is not obstructed by a Building or Structure, other than a Structure expressly permitted in a side yard by this ordinance.

“Sign” means an outdoor Structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard or other thing that is designed, intended or used to advertise or inform. §216.002 Texas Local Government Code. See “Attached Sign”, “Awning Sign”, “Banner Sign”, “Gasoline Canopy Sign”, “Monument Sign”, “Off-premise Sign”, “Portable Sign”, “Sandwich Board Sign”, “Sculpted Aluminum Panel”, “Sign Face”, and “Steak Sign”.

“Sign Face” means the surface of one side of a sign, excluding the base or supporting structure.

“Single Family Dwelling” means a detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

“Site Plan” means a plan that outlines the use and development of a Lot, that typically shows building envelopes, parking, driveways, sidewalks, public utility easements, and landscaped areas, as may be required

under Article I, Part 3, Section 1-21(c).

“*Specialty Retail Sales and Services*” means an establishment that engages in the sale of a particular type or category of retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within a Building, with the exception of occasional outdoor “sidewalk” promotions.

“*Stone Material*” means hard and durable naturally occurring all weather stone, cut stone, dimensioned stone and manufactured stone products, but does not include Concrete Masonry Units.

“*Street*” means a public highway, boulevard, parkway, street, avenue, road or lane which affords a primary means of access to a Lot, but does not include an Alley or private driveway or easement.

“*Structurally Altered*” means a change in the supporting member of a Building including a bearing wall, column, beam or girder.

“*Structure*” means a man-made object that is constructed or erected with a fixed location on the ground or attached to a man-made object having a fixed location on the ground.

“*Temporary Sign*” means a Sign with one or more supporting structures that are designed or shaped, usually by making one end pointed, so as to be erected and used by pushing, driving or forcing it into the ground to allow quick and easy placement, removal or relocation.

“*Through Lot*” means a Lot that abuts two Streets that do not intersect at the Lot Line of the Lot.

“*Townhouse*” means a dwelling unit with kitchen and sleeping facilities designed for occupancy by a single family constructed in a series or group of attached dwelling units with one or more Lot Lines separating each dwelling unit.

“*Tractor Trailer Truck Service Station*” means an establishment where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of Tractor Trailer Trucks. Accessory uses include coin operated laundry, restaurant, or sale of food or other convenience items.

“*Two Family Dwelling*” means a detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by two families living independently.

“*Width of the Lot*” means the horizontal distance between two Side Lot Lines measured along or parallel to the Front Lot Line of an Interior Lot or a Through Lot or the horizontal distance between a Front Lot Line and a Side Lot Line measured along or parallel to the Front Lot Line of a Corner Lot.

“*Yard*” means an open space between the Principal Building on a Lot and a Lot Line. See “Front Yard”, “Rear Yard” and “Side Yard”.

“*Zoning Map*” means the Official Zoning Map of the City of Lindale designating the Districts in the City including any amendments approved by the City Council.

Section 1-5--1-10. Reserved.

PART 2 ENFORCEMENT AND PENALTY

Section 1-11 Violation and Civil Remedies

(a). A Lot shall not be used and a Building, Sign or other Structure shall not be erected, constructed, reconstructed, altered, repaired, or used in violation of these zoning regulations.

(b). The City may enforce these zoning regulations by civil action. *§54.012 of the Texas Local Government Code.*

(c). In a suit against the owner or the owner's representative with control over the premises, the City may recover a civil penalty if the City proves that:

1. the defendant was actually notified of the provisions of this ordinance; and
2. after the defendant received notice of the provisions of this ordinance, the defendant committed acts in violation of this ordinance or failed to take action necessary to comply with this ordinance. *§54.017 of the Texas Local Government Code.*

(d). On a showing of substantial danger of injury or an adverse health impact to any person or to the property of any person other than the defendant, the City may obtain against the owner or the owner's representative with control over the premises an injunction that:

1. prohibits specific conduct that violates this ordinance; and
2. requires specific conduct that is necessary for compliance with this ordinance. *§54.016 of the Texas Local Government Code.*

(e). If a Building, Sign or other Structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if a Building, Sign or other Structure, or Lot is used in violation of this ordinance or these zoning regulations then the City may, in addition to other remedies, institute an action to—

1. prevent the unlawful erection, construction, reconstruction, alteration, repair, maintenance, or use;
2. restrain, correct, or abate the violation;
3. prevent the occupancy of the Lot, Building, Sign or other Structure; or
4. prevent any illegal act, conduct, business or use on or about the premises. *§211.012(c) of the Texas Local Government Code.*

(f). A civil penalty under subsection (c) of this section shall not exceed \$1,000 a day for a violation of this ordinance. *§54.017(b) of the Texas Local Government Code.*

(g) Nothing contained in this Section shall limit any remedy provided to the City by state law.

Section 1-12 Criminal Offense and Penalty

(a) A person commits an offense if the person:

1. Uses a Lot, Building, Sign or other Structure in violation of any provision or requirement of this ordinance; or

2. Erects, constructs, reconstructs, alters, repairs, or uses a Building, Sign or other Structure in violation of any provision or requirement of this ordinance. *§211.012(b) of the Texas Local Government Code.*

(b) A person who commits an offense under this section is guilty of a misdemeanor, punishable by a fine of not more than \$2,000.00. *§54.001(b) and §211.012(b) of the Texas Local Government Code.*

Section 1-13--1-20. Reserved.

PART 3 SITE PLAN REVIEW, GRADING PERMITS AND BUILDING PERMITS

Section 1-21 Site Plan Review

(a) Except as otherwise provided by this section, an application for a grading permit shall not be accepted for filing under Section 1-23 and an application for a building permit shall not be accepted for filing under Section 1-25 until a Site Plan has been submitted to the Administrative Officer and reviewed in accordance with this Section.

(b) Fees for Site Plan review shall be established from time to time by the City Council. The fee for a Site Plan review shall be submitted to the Administrative Officer at the same time the Site Plan is first submitted.

(c) The Site Plan shall be drawn to scale, showing the dimensions of the Lot and the dimensions and location of the Buildings, Signs or other Structures to be erected, constructed, reconstructed, or Structurally Altered, the existing use and intended use of each Building, Sign or other Structure and such other information as the Administrative Officer may reasonably determine to be necessary. If a Loading Area is required then the Site Plan shall identify the size and location of the proposed Loading Area and the types of delivery vehicles customarily used in connection with the applicant's use of the Lot, in accordance with Section 3-73.

(d) The Administrative Officer shall review the Site Plan to identify any conflicts between the Site Plan and the requirements of this Ordinance with regard to, for example, the following: setback requirements, size and location of Parking Lots, size and number of Parking Spaces, size and location of Loading Areas, and motor vehicle circulation problems at ingress and egress points on the Lot.

(e) The Administrative Officer shall complete the review of a Site Plan within ten working days after the Site Plan has been submitted in accordance with subsection (c) and shall promptly thereafter notify the person submitting the Site Plan, preferably in writing, that the review has been completed. The

Administrative Officer shall make a written notation on the Site Plan of the date it was submitted, the date his or her review is completed, any conflicts between the Site Plan and the requirements of this Ordinance, and the date the conflicts between the Site Plan and the requirements of this Ordinance were discussed with or otherwise provided to the person who submitted the Site Plan.

(f) The failure of the Administrative Officer to identify any conflict between the Site Plan and the requirements of this Ordinance shall not be construed as a waiver of the requirements of this Ordinance or approval of the conflicting elements of the Site plan.

(g) This section shall not apply to a Lot used for Single Family Dwelling or Two Family Dwelling.

Section 1-22 Grading Permit Required

(a) Except as otherwise provided in this ordinance, a person shall not remove a Protected Tree or do any grading or excavation work without first obtaining a grading permit.

(b) A grading permit is not required for grading or excavation work on a Lot used as a Single Family Dwelling, provided the work is not for the purpose of erecting, constructing, reconstructing or Structurally Altering a Building or other Structure.

(c) A grading permit is not required to remove a Protected Tree or part thereof if the provisions of Section 4-3(b) apply.

Section 1-23 Procedure for Obtaining a Grading Permit

(a) An application for a grading permit shall be filed with the Administrative Officer together with the fee as approved and scheduled by the City Council.

(b) The application shall state the name, address and telephone number of each owner of the Lot and the name, address and telephone number of the contractor who is to perform the work, if the work is to be performed by someone other than an owner of the Lot. In addition, the applicant shall describe the grading or excavation work to be performed. If a Protected Tree is to be removed then the Protected Tree shall be identified and the provisions of Section 4-3 shall also apply.

(c) A grading permit shall be issued within ten business days after it is filed with the Administrative Officer, provided the application is submitted in accordance with this section and does not conflict with any other provision of this ordinance.

(d) An application for a grading permit shall expire on the 45th day after the application is filed if:

1. The Administrative Officer provides written notice to the applicant, not later than the 10th business day after an application is filed, specifying any fee or information required by this Section which has not been provided and the date the application will expire if the fee and/or information is not provided; and
2. The applicant fails to provide the fee and/or information within the specified time.
§245.002 Texas Local Government Code.

(e) An application for a grading permit is considered filed on the date it is delivered to the Administrative Officer or deposited with the United States Postal Service by certified mail addressed to the City. *§245.002 Texas Local Government Code.*

(f) If a grading permit has not been issued within the relevant time period set forth in Subsection (c) and notice of a deficiency concerning the application has not been provided by the Administrative Officer within the relevant time period set forth in Subsection (d) then a rebuttable presumption shall arise that the application was submitted in accordance with this Section, that the application does not conflict with any other provision of this ordinance and the grading permit should be issued without further delay.

(g) Neither the City nor the Administrative Officer shall be liable for any actual or consequential damages resulting from the failure of the Administrative Officer to issue a grading permit within the time limits required by this Section.

Section 1-24 Building Permit Required

(a) Except as otherwise provided in this section, no Building, Sign, or other Structure shall be erected, constructed, reconstructed, or Structurally Altered without first obtaining a building permit.

(b) Notwithstanding subsection (a), a building permit is not required to repair a Building, Sign, or other Structure provided that the Building, Sign or other Structure is not Structurally Altered.

(c) A building permit is not required to erect a Temporary Sign on a Lot pursuant to Section 5-17.

Section 1-25 Procedure for Obtaining a Building Permit.

(a) An application for a building permit shall be filed with the Administrative Officer together with the fee as approved and scheduled by the City Council. Each application shall be accompanied by a Site Plan that includes any changes made following the Site Plan Review under Section 1-21 and a complete set of building plans. If a landscaping plan is required under this ordinance then the landscaping plan shall be submitted with the application. If a parking or driveway/access easement is required then it shall be submitted with the application.

(b) If the proposed use of the Lot is a use other than a Single Family Dwelling or Two Family Dwelling then the building plans submitted to the Administrative Officer shall include a schedule of all materials and colors to be used as Exterior Finishes in accordance with Section 4-46. If mechanical equipment is to be located on the roof of the Building then the building elevations shall show how the equipment is to be screened from public view in accordance with Section 4-18(c).

(c) The application, Site Plan, building plans and any other materials submitted to the Administrative Officer shall be reviewed promptly by the Administrative Officer to ensure compliance with this ordinance. If a landscaping plan is required then the Administrative Officer shall review the landscaping plan to ensure that it satisfies the requirements of this ordinance. If the architectural design standards under Sections 4-41 through 4-46 of this ordinance are applicable then the Administrative Officer shall review the building plans to ensure that the architectural design standards under this ordinance have been satisfied.

(d) A building permit shall be issued within ten business days for a Single Family Dwelling or Two Family Dwelling, provided the application is submitted in accordance with this section and does not conflict with any other provision of this ordinance. A building permit shall be issued within twenty business days for all other applications, provided the application is submitted in accordance with this section and does not conflict with any other provision of this ordinance. A record of all building permits issued by the Administrative Officer shall be kept on file in the office of the Administrative Officer.

(e) An application for a building permit shall expire on the 45th day after the application is filed if:

1. The Administrative Officer provides written notice to the applicant, not later than the 10th business day after an application is filed, specifying any fee or information required by this Section which has not been provided and the date the application will expire if the fee and/or information is not provided; and
2. The applicant fails to provide the fee and/or information within the specified time.
§245.002 Texas Local Government Code.

(f) An application for a building permit is considered filed on the date it is delivered to the Administrative Officer or deposited with the United States Postal Service by certified mail addressed to the City. *§245.002 Texas Local Government Code.*

(g) If a building permit has not been issued within the relevant time period set forth in Subsection (d) and notice of a deficiency concerning the application has not been provided by the Administrative Officer within the relevant time period set forth in Subsection (e) then a presumption shall arise that the application was submitted in accordance with this Section, that the application does not conflict with any other provision of this ordinance and the building permit shall be issued without further delay.

(h) Neither the City nor the Administrative Officer shall be liable for any actual or consequential damages resulting from the failure of the Administrative Officer to issue a building permit within the time limits required by this Section, provided the Administrative Officer is acting in good faith.

Section 1-26 Grading Permit or Building Permit that Conflicts with Ordinance

The Administrative Officer shall not issue a grading permit or building permit that conflicts with any provision of this ordinance. The decision of the Administrative Officer to issue a permit or reject an application for a permit may be appealed in accordance with Part 8 of this Article.

Section 1-27 Expiration of a Grading Permit or a Building Permit

(a) A grading permit or a building permit shall expire two years from the date the permit is issued, if no progress has been made toward completion of the project, as defined by § 245.005(c) of the Texas Local Government Code.

(b) Each permit issued by the Administrative Officer shall state the expiration date on the face of the permit.

Section 1-28 Failure to Comply with Grading permit or Building Permit

Failure to comply fully with the terms of a grading permit or a building permit is grounds for cancellation or revocation of the permit.

Section 1-29 Accrual of Rights

(a) If a Site Plan is required under Section 1-21 then the rights to which a permit applicant is entitled under §245.002 of the Texas Local Government Code accrue on the date a Site Plan is filed that conforms with the requirements of Section 1-21(c).

(b) If a Site Plan is filed that conforms with the requirements of Section 1-21(c) and no further progress is made toward completion of the project within five years from the date the Site Plan is filed then the project shall expire five years from the date the Site Plan was filed, in accordance with § 245.005 of the Texas Local Government Code.

(c) If a Site Plan is not required under Section 1-21(g) then the rights to which a permit applicant is entitled under §245.002 of the Texas Local Government Code accrue on the date an application for a grading permit is filed that conforms with the requirements of Section 1-23.

Section 1-30. Reserved

PART 4 CERTIFICATE OF OCCUPANCY AND COMPLIANCE

Section 1-31 Certificate of Occupancy and Compliance Required

No Building, Sign or other Structure erected or Structurally Altered after the Effective Date of this ordinance shall be used, occupied or changed in use and no Lot shall be changed in use until a Certificate of Occupancy and Compliance has been issued by the Administrative Officer stating that the Building, Sign or other Structure or proposed use of the Lot, Building, Sign or other Structure complies with this ordinance.

Section 1-32 Procedure for Obtaining Certificate of Occupancy and Compliance

(a) An application for a Certificate of Occupancy and Compliance shall be filed with the Administrative Officer together with the fee as approved and scheduled by the City Council. The applicant shall certify that to the best of their knowledge, the Building, Sign or other Structure or proposed use of the Lot, Building, Sign or other Structure complies with this ordinance.

(b) A Certificate of Occupancy and Compliance shall be issued within five business days from the date the application is filed with the Administrative Officer, provided the application is submitted in accordance with this section and does not conflict with any other provision of this ordinance or any other City ordinance. A record of all Certificates of Occupancy and Compliance shall be kept on file in the office of the Administrative Officer.

(c) If a Certificate of Occupancy and Compliance has not been issued and the application has not been rejected by the Administrative Officer within the relevant time period set forth in Subsection (b) for a

Certificate of Occupancy and Compliance to be issued then a rebuttable presumption shall arise that the application was submitted in accordance with this Section, that the application does not conflict with any other provision of this ordinance and the Certificate of Occupancy and Compliance should be issued without further delay.

(d) Neither the City nor the Administrative Officer shall be liable for any actual or consequential damages resulting from the failure of the Administrative Officer to issue a Certificate of Occupancy and Compliance within the time limits required by this Section, provided the Administrative Officer is acting in good faith.

Section 1-33 Certificate of Occupancy and Compliance that Conflicts with Ordinance

The Administrative Officer shall not issue a Certificate of Occupancy and Compliance that conflicts with any provision of this ordinance. The decision of the Administrative Officer to issue a Certificate of Occupancy and Compliance or reject an application for a Certificate of Occupancy and Compliance may be appealed in accordance with Part 8 of this Article.

Section 1-34 Failure to Comply with Certificate of Occupancy and Compliance

Failure to comply fully with the terms of any Certificate of Occupancy and Compliance is grounds for cancellation or revocation of the certificate.

Section 1-35–1-40. Reserved.

PART 5 NONCONFORMING USE, LOT, BUILDING, OR STRUCTURE

Section 1-41 Effect of Initial Adoption and Amendment of this Ordinance

(a) Any existing, legal use of a Lot and any existing, legal Building or Structure within the City shall not be made illegal by the initial adoption of this Ordinance or by future amendments to this Ordinance, but instead shall be considered nonconforming Uses, Buildings or Structures. Those Lots, Buildings, Structures and uses of Lots, Buildings and Structures which were lawful before this Ordinance was adopted, but which would be prohibited, regulated or restricted under the terms of this Ordinance shall be subject to the provisions of this Part.

(b) Nothing contained herein shall require any change in plans, construction, or designated use of a Building or Structure legally under construction, or for which a permit for construction has been issued, at the time of passage of this Ordinance or amendments. “Legally under construction” shall mean that, at a minimum, the foundation of such Building or Structure is lawfully under construction at the time of passage of this Ordinance or amendments.

(c) Where a Lot is occupied by an existing, legal Building or Structure, and where the acquisition of right-of-way, by eminent domain, dedication or purchase, by a city, county, state or federal agency creates noncompliance of the Building or Structure with any requirement of this Ordinance, the Building or Structure shall be deemed a lawful Building or Structure. The designation as a lawful Building or Structure shall apply only to a noncompliance that results directly from the acquisition of right-of-way.

Section 1-42 Types of Nonconformity

(a) Land Uses

1. Any use of a Lot which was in existence and nonconforming on the effective date of this Ordinance and has been in regular and continuous use, but which does not conform to the use regulations prescribed by this Ordinance shall be deemed a nonconforming use.
2. Any use of a Lot which was in existence in the City's extraterritorial jurisdiction and was annexed into the City and has since been in regular and continuous use, but which does not conform to the use regulations prescribed by this Ordinance shall be deemed a nonconforming use.
3. Any use of a Lot in the manner that was planned for the Lot before the 90th day before the effective date of the annexation shall be deemed a nonconforming use if:
 - a. One or more licenses, certificates, permits, approvals or other forms of authorization by a governmental entity were required by law for the planned use; and
 - b. A completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted. *Texas Local Government Code §43.002(a)(2)*. Nothing contained in this Section shall prohibit the City from imposing a regulation relating to the location of a sexually oriented business. *Texas Local Government Code §43.002(c)(1)*.

(b) Buildings and Structures. Any Building or Structure which was in existence and lawfully constructed and located on the effective date of this Ordinance and has been in regular and continuous use, but which does not conform to the Front Yard, Side Yard, Rear Yard, Lot Coverage, height, floor area ratio, parking, loading, Building spacing, screening, landscaping, or other regulations as prescribed in this Ordinance shall be deemed a nonconforming Building or Structure, except that any Single Family Dwelling, Two Family Dwelling, and Accessory Building or Structure lawfully existing on the effective date of this Ordinance shall be deemed a lawful Building or Structure.

(c) Lots. Any Lot which was in existence on the effective date of this Ordinance but which does not conform to the Area of the Lot or Lot dimensions as prescribed in this Ordinance shall be deemed a lawful Lot.

Section 1-43 Nonconforming Land Use Standards

(a) A nonconforming use may be continued subsequent to the effective date of this Ordinance provided that such continuance is in accordance with the provisions of this Section and all other applicable ordinances of the City necessary to ensure adequate protection and safety of adjacent property and the users and occupants of such nonconforming use. However, the right to operate a nonconforming use shall cease and such use shall conform to the provisions of this Ordinance under any of the following circumstances:

1. Whenever a nonconforming use is discontinued for six months or more all nonconforming rights shall cease, and any further use of the premises shall be in conformance with this Ordinance and all applicable ordinances of the City. The term "discontinue" shall mean that the Lot, Building

or Structure is vacant and no attempt to market the property is observable on the Lot or from the exterior of any Building or Structure, or that the Lot, Building or Structure is vacant and City taxes owed on the Lot are delinquent. The Board of Adjustment may grant an exception to this provision if and only if the owner shows there was a clear intent not to abandon the use even though the use may have been discontinued for six months or more.

2. Whenever the Building or Structure in which a nonconforming use is housed, operated or maintained is damaged by natural or accidental causes to the extent of more than fifty (50) percent of the value of the Building or Structure on the date of the damage, the right to operate such nonconforming use shall cease, except upon action of the Board of Adjustment to permit reconstruction of such Building or Structure and continuance of the nonconforming use. The action by the Board of Adjustment shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding the Building or Structure, and the conservation, preservation and protection of property.

3. In the event that a Building or Structure in which a nonconforming use is housed, operated or maintained is partially destroyed, where the damage does not exceed fifty (50) percent of the value of the Building or Structure on the date of the damage, the nonconforming use may be allowed to continue, and the Building or Structure may be rebuilt upon issuance of a building permit by the Administrative Officer.

4. A nonconforming use terminates when the Building or Structure housing the nonconforming use is destroyed by the intentional act of the owner or an agent of the owner.

(b) The right to maintain or operate a nonconforming use may be terminated by the Board of Adjustment in accordance with the provisions of this Section. Any appeal of the termination of nonconforming rights under this Section shall be made to District Court within ten (10) days of receipt of written notice of the termination by the Board of Adjustment.

(c) Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not thereafter be changed back to a nonconforming use.

(d) A change of use from one nonconforming use to another nonconforming use may be made, provided that such change is to a use of the same or more restricted classification. In the event that a nonconforming use is changed to a nonconforming use of a more restricted classification, the Building or Structure housing the nonconforming use shall not later be reverted to the former lower or less restricted classification.

(e) A nonconforming use may be expanded or enlarged only upon approval of the Board of Adjustment.

(f) The lawful change of tenant or ownership of a nonconforming use shall not cause the loss of nonconforming rights. Nonconforming rights shall run with the land.

Section 1-44 Nonconforming Buildings and Structures

(a). A nonconforming Building or Structure may be maintained subsequent to the effective date of this Ordinance, provided the Building or Structure complies with the provisions of this Section and all other applicable ordinances of the City necessary to ensure adequate protection and safety of adjacent property and

the users and occupants of such nonconforming Buildings and Structures. The right to maintain a nonconforming Building or Structure shall cease and the Building or Structure shall be made to conform to the provisions of this Ordinance, removed or demolished under any of the following circumstances:

1. Whenever the use of a nonconforming Building or Structure is discontinued for six months or more, all nonconforming rights shall cease and the nonconforming Building or Structure shall be made to conform to this Ordinance and all other applicable ordinances of the City, removed or demolished. The term “discontinue” shall mean that the Lot, Building or Structure is vacant and no attempt to market the property is observable on the Lot or from the exterior of any Building or Structure, or that the Lot, Building or Structure is vacant and City taxes owed on the Lot are delinquent. The Board of Adjustment may grant an exception to this provision if and only if the owner shows there was a clear intent not to abandon the Building or Structure even though it was vacant for six months or more.

2. Whenever a nonconforming Building or Structure is damaged by natural or accidental causes to the extent of more than fifty (50) percent of the value of the Building or Structure on the date of the damage, the right to rebuild and occupy the nonconforming Building or Structure shall cease, except upon action of the Board of Adjustment to permit reconstruction and occupancy of the Building or Structure. The action by the Board of Adjustment shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding the Building or Structure, and the conservation, preservation and protection of property.

3. In the event that a nonconforming Building or Structure is partially destroyed by natural or accidental causes, where the damage does not exceed fifty (50) percent of the value of the Building or Structure on the date of the damage, the Building or Structure may be restored or rebuilt upon the issuance of a building permit and occupied upon issuance of a certificate of occupancy and compliance by the Administrative Officer. The Building or Structure shall not be restored or rebuilt any closer to a Lot Line than the closest point of the Building or Structure prior to the damage or destruction and shall not be located within five (5) feet of a Lot Line unless permitted by the regulations of the zoning district where the Building or Structure is located. A Building or Structure which is restored or reconstructed in violation of this paragraph shall cease to be a nonconforming Building or Structure and shall be made to conform to this Ordinance and all other applicable ordinances of the City.

4. In the event a Single Family Dwelling is damaged or destroyed by natural or accidental causes then the Single family Dwelling may be restored or rebuilt within one year from the date it was damaged or destroyed, regardless of the extent of the damage or destruction. The Single Family Dwelling shall not be restored or rebuilt any closer to a Lot Line than the closest point of the Single Family Dwelling prior to the damage or destruction and shall not be located within five (5) feet of a Lot Line unless permitted by the regulations of the zoning district where the Single family Dwelling is located. A Single Family Dwelling which is restored or reconstructed in violation of this paragraph shall cease to be a nonconforming Building or Structure and shall be made to conform to this Ordinance and all other applicable ordinances of the City.

(b) A nonconforming Building or Structure may be expanded or enlarged up to fifty (50) percent of its size as of the effective date of this Ordinance. The enlarged or expanded portion of the nonconforming

Building or Structure shall not be located any closer to a Lot Line than the closest point of the existing Building or Structure and shall not be located within five (5) feet of a Lot Line unless permitted by the regulations of the zoning district where the Building or Structure is located. The enlarged or expanded portion of the nonconforming Building or Structure shall comply with all other applicable regulations of the zoning district in which the Building or Structure is located.

(c) A nonconforming Building or Structure may be expanded or enlarged in excess of fifty (50) percent of its size as of the effective date of this Ordinance only upon approval of the Board of Adjustment. If the expansion or enlargement is approved by the Board of Adjustment then the enlarged or expanded portion of the nonconforming Building or Structure shall not be located any closer to a Lot Line than the closest point of the existing Building or Structure and shall not be located within five (5) feet of a Lot Line unless permitted by the regulations of the zoning district where the Building or Structure is located. The enlarged or expanded portion of the nonconforming Building or Structure shall comply with all other applicable regulations of the zoning district in which the Building or Structure is located.

(d) The right to maintain a nonconforming Building or Structure may be terminated by the Board of Adjustment in accordance with the provisions of this Section. Any appeal of the termination of nonconforming rights under this Section shall be made to District Court within ten (10) days of receipt of written notice of the termination by the Board of Adjustment.

(e) Nothing contained herein shall be construed to prohibit a nonconforming Building or Structure declared unsafe by the Administrative Officer from being repaired or strengthened, unless the repairs would exceed fifty (50) percent of the replacement cost of the Building or Structure. In the event the repairs would exceed fifty (50) percent of the replacement cost of the Building or Structure, the right to rebuild or strengthen the nonconforming Building or Structure declared unsafe by the Administrative Officer may be terminated by the Board of Adjustment and the nonconforming Building or Structure shall be demolished.

(f) Except as otherwise provided in this Section, a nonconforming Building or Structure shall conform to all City ordinances in effect when the Building or Structure was originally constructed.

(g) The lawful change of tenant or ownership of a nonconforming Building or Structure shall not cause the loss of nonconforming rights. Nonconforming rights shall run with the land.

Section 1-45-1-50. Reserved.

PART 6 ADMINISTRATIVE OFFICER

Section 1-51 Appointment of Administrative Officer

The City Administrator shall appoint an Administrative Officer.

Section 1-52 Duties and Responsibilities of Administrative Officer

The Administrative Officer shall--

(a). keep the Zoning Map and all copies of the Zoning Map current by immediately noting thereon any changes in District boundaries approved by the City Council;

- (b). review Site Plans, applications for grading permits and applications for building permits; give notice of any deficiency regarding an application for a grading permit or building permit; issue permits on applications that comply with the requirements of this ordinance; deny applications that conflict with the provisions of this ordinance; and cancel or revoke a permit if a person fails to fully comply with the terms of the permit;
- (c). enter a Lot, Building or Structure at any reasonable time for the purpose of inspecting the Lot, Building, or Structure to ensure compliance with this ordinance;
- (d). review applications for Certificates of Occupancy and Compliance; issue certificates on applications that comply with the requirements of this ordinance; deny applications that conflict with the provisions of this ordinance; and cancel or revoke a certificate if a person fails to fully comply with the terms of the certificate;
- (e). interpret and apply the provisions of this ordinance;
- (f). submit any issues concerning a non-conforming use, Building or Structure to the Board of Adjustment for determination;
- (g). order the use of a Lot, Building, Sign or other Structure or the erection, construction, reconstruction, or alteration of a Building, Sign or other Structure in violation of this ordinance discontinued;
- (h). receive applications for variances and applications for special uses and submit the applications to the Board of Adjustment;
- (i). appear before the Board of Adjustment on any matter that comes before the Board under this ordinance, including but not limited to appeals;
- (j). receive requests for amendments to this ordinance and submit to the Planning and Zoning Commission for consideration; and
- (k). undertake all other actions authorized by this ordinance.

Section 1-53 Liability of Administrative Officer

- (a) The Administrative Officer, acting in good faith and without malice in the discharge of the duties described in this ordinance, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.
- (b) This ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any Lot, Building, Sign or other Structure for any damages to persons or property caused by defects, nor shall the City be held to assume any such liability by reason of a review of an application or issuance of a permit under this Ordinance.

Section 1-54–1-60. Reserved

PART 7 BOARD OF ADJUSTMENT

Section 1-61 Members and Presiding Officer

(a) The Board shall consist of five members who are residents of the City of Lindale. Members shall be appointed by the City Council and shall serve a term of two years. No member shall serve more than four (4) consecutive terms. Terms shall be staggered so that no more than three members are appointed each year. Members serving on the Board under a prior ordinance are hereby appointed to complete their term.

(b). A member may be removed for cause, as found by the City Council, on a written charge after a public hearing as required by §211.008(b) of the Texas Local Government Code. A vacancy shall be filled by the City Council for the unexpired term.

(c). The Board shall elect a Presiding Officer who shall serve for a period of one year or until a successor is elected by the Board. The Presiding Officer shall preside over meetings and hearings. The Board shall elect a member to act as presiding officer over meetings and hearings in the absence of the Presiding Officer.

Section 1-62 Meetings

Meetings of the Board shall be held at the call of the Presiding Officer and at such other times as determined by the Board. All meetings shall be open to the public as required by §211.008(e) of the Texas Local Government Code.

Section 1-63 Hearings and Rules

(a). All hearings of the Board shall be open to the public. Each case before the Board must be heard by at least four of the five members as required by §211.008(d) of the Texas Local Government Code. The Presiding Officer or acting presiding officer may administer oaths and compel the attendance of witnesses as authorized by §211.008(e) of the Texas Local Government Code.

(b). The Board by majority vote may adopt rules to govern its proceedings that are not inconsistent with this ordinance. The Board shall immediately provide the Administrative Officer with a copy of all rules adopted by the Board.

Section 1-64 Minutes and Records

The Board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The Board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the office of the Board of Adjustment and are public records. *§211.008(f) of the Texas Local Government Code.* The office of the Administrative Officer may serve as the Office of the Board of Adjustment.

Section 1-65 Powers and Duties of the Board of Adjustment

The Board shall hear and decide an appeal that alleges error in an order, requirement, decision or determination made by the Administrative Officer in the enforcement of this ordinance; hear and decide applications for special uses; authorize in specific cases a variance from the terms of this ordinance if the

variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, and so that the spirit of this ordinance is observed and substantial justice is done. *§211.009(a) of the Texas Local Government Code*. The Board shall review the status of non-conforming uses, Buildings or Structures that are brought before the Board and shall hear and determine whether the non-conforming use, Building or Structure should be allowed to continue, to be enlarged or expanded or to be terminated as provided in this ordinance.

Section 1-66–1-70. Reserved.

PART 8 APPEALS

Section 1-71 Standing to Appeal an Order, Requirement, Decision or Determination made by the Administrative Officer

The following persons may appeal an order, requirement, decision or determination made by the Administrative Officer to the Board of Adjustment:

- (a). a person aggrieved by the decision; or
- (b). any officer, department, or board of the City affected by the decision. *§211.010(a) of the Texas Local Government Code*.
- (c). A member of the City Council who also serves on the Board may not bring an appeal. *§211.010(e) of the Texas Local Government Code*.

Section 1-72 Procedure for Filing Appeal

- (a) The appellant must file with the Board and the Administrative Officer a notice of appeal specifying the grounds for the appeal.
- (b) The notice of appeal must be filed within thirty (30) days from the date the order, requirement, decision or determination is made by the Administrative Officer that is the subject of the appeal. If a notice of appeal is not filed in accordance with this section then the decision of the Administrative Officer is final.
- (c) Upon receiving a notice of appeal filed in accordance with this section, the Administrative Officer shall immediately transmit to the Board all the papers constituting the record of the action taken that is appealed. *§211.010(b) of the Texas Local Government Code*.

Section 1-73 Stay of Proceedings Pending Appeal

An appeal stays all proceedings in furtherance of the action that is appealed unless the Administrative Officer certifies in writing to the Board facts supporting the Administrative Officer's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the Administrative Officer, if due cause is shown. *§211.010(c) of the Texas Local Government Code*.

Section 1-74 Hearing Date and Notice

The Board shall hear an appeal within thirty (30) days from the date the Notice of Appeal is filed. The Board shall set a reasonable time for the hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at an appeal hearing in person or by agent or attorney. *§211.010(d) of the Texas Local Government Code*

Section 1-75 Decision

(a) The Board shall decide an appeal within a reasonable time, not to exceed sixty (60) days from the date of the hearing. *§211.010(d) of the Texas Local Government Code.*

(b) The Board may reverse or affirm, in whole or in part, or modify the Administrative Officer's order, requirement, decision or determination from which the appeal is taken and make the correct order, requirement, decision, or determination. *§211.009(b) of the Texas Local Government Code.*

Section 1-76 Vote Required to Reverse Administrative Officer

The concurring vote of four of the five members of the Board is necessary to reverse an order, requirement, decision, or determination of the Administrative Officer. *§211.009(c) of the Texas Local Government Code.*

Section 1-77 Filing and Notice of the Decision

(a) Minutes of the Board's proceedings indicating the vote of each member on each question of the appeal or the fact that a member was absent or failed to vote, records of the Board's examinations, its written decision and any other official action taken in connection with an appeal, shall be filed immediately in the office of the Board of Adjustment.

(b) The Board shall send written notice of its decision to the appellant and the Administrative Officer by First Class U.S. Mail, postage prepaid. If the Board has been provided an email address or fax number by which notice of its decision can be provided electronically to the Appellant then notice of its decision shall also be provided to the Appellant electronically.

Section 1-78-1-80. Reserved.

PART 9 VARIANCE

Section 1-81 Variance Defined

The use of a Lot or Building, Sign or other Structure erected, constructed, reconstructed, altered, or repaired in accordance with a variance approved by the Board under this Part shall not be a violation of this ordinance.

Section 1-82 Procedure for Applying for a Variance

(a) An application for a variance shall be filed by a property owner with the Administrative Officer. If the property is owned by more than one person or entity then the application shall be signed by each

individual or entity that owns an interest in the property.

(b) The application shall state the name, address and telephone number of the applicant, the location of the Lot, Building, Sign or other Structure, the nature of the variance, and an explanation of why the variance would not be contrary to public interest and identifying the special conditions that would cause a literal enforcement of this ordinance to result in unnecessary hardship. The applicant shall provide such other information as is reasonably required by the Administrative Officer or the Board of Adjustment.

(c) The Administrative Officer shall submit the application for a variance to the Board of Adjustment.

Section 1-83 Criteria for Approving Variance

An application for a variance shall not be granted unless the Board determines that:

(a) The variance is not contrary to the public interest;

(b) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and

(c) The spirit of the ordinance is observed and substantial justice is done by allowing the variance. §211.009(a)(3) of the Texas Local Government Code.

(d) Economic or financial hardship shall not be grounds for granting a variance request.

Section 1-84. Regulation, District Boundary or Use shall not be Amended

The Board shall not amend any regulation of this ordinance, change a District boundary or allow a use not otherwise allowed in approving a variance.

Section 1-85. Vote Required to Approve Variance

The concurring vote of four of the five members of the Board is necessary to approve an application for a variance.

Section 1-86–1-90. Reserved.

PART 10. SPECIAL USES

Section 1-91 Special Use not a Violation

The use of a Lot or Building, Sign or other Structure erected, constructed, reconstructed, altered, or repaired in accordance with a special use permit approved in accordance with this Part shall not be a violation of this ordinance.

Section 1-92. Application and Hearing

(a) An application for a special use permit shall be filed with the Administrative Officer together with

the fee as approved and scheduled by the City Council.

(b) The application shall state the name, address and telephone number of the applicant, the location of the Lot, Building, Sign or other Structure, the nature of the proposed use and the Section of this ordinance that authorizes the special use. The applicant shall provide such other information as is reasonably required by the Administrative Officer or Board.

(c) The Administrative Officer shall submit the application for a special use permit to the Board. The Board shall conduct a hearing on the application. The Board, in making its decision, shall consider the impact the proposed use will have on the surrounding community, including traffic, noise and property values; any conditions or restrictions that could mitigate an adverse impact; and any other matters that are relevant to a determination of whether the use would be compatible and appropriate. The Board may obtain a recommendation from the Planning and Zoning Commission concerning the application.

Section 1-93 Criteria and Procedure for Approving Special Uses

(a) The principal objective of this ordinance is to provide for an orderly arrangement of compatible Buildings and land uses, and for the proper location of all types of uses required for the social and economic welfare of the community. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various Districts established by this ordinance. However, in addition to those uses specifically classified and permitted in each District, there are certain additional uses which it may be necessary to allow because of the unusual characteristics of the service they provide the public. These uses permitted by special use require particular considerations as to their proper location to adjacent, established or intended uses, or to the planned growth of the community.

(b) In determining whether an application for a special use should be approved, the Board shall consider:

1. the conditions controlling the location and operation of the particular special use established by the applicable sections of this ordinance;
2. the impact the proposed use will have on the surrounding community, including traffic, noise and property values; any conditions or restrictions that could mitigate an adverse impact; and any other matters that are relevant to a determination of whether the use would be compatible and appropriate; and
3. a recommendation obtained from the Planning and Zoning Commission.

(c) An application for a special use permit shall not be granted unless the Board determines that the proposed use, Lot, Building, Sign or other Structure is authorized by this ordinance.

(d) In order to mitigate any adverse impacts of the proposed use, the Board may impose reasonable conditions or restrictions in approving a special use. The conditions or restrictions shall be stated in the permit approving the special use and shall not conflict with any regulation in this ordinance.

Section 1-94. Regulation or District Boundary shall not be Amended by Special Use

The Board shall not amend any regulation of this ordinance or change a District boundary in approving an

application for a special use.

Section 1-95 Vote Required to Approve Special Use

The concurring vote of four of the five members of the Board is necessary to approve an application for a special use.

Section 1-96–1-100. Reserved.

PART 11 AMENDMENTS

Section 1-101 Zoning Classification Amendment

The following procedures apply to a change in a zoning classification for a lot:

(a) A re-zoning may be initiated by the Administrative Officer, by direction of the Planning and Zoning Commission or City Council, or by the landowner filing an application with the Administrative Officer. The Administrative Officer shall submit the application to the Planning and Zoning Commission.

(b) The Planning and Zoning Commission shall make a preliminary report and hold a public hearing on the preliminary report before submitting a final report to the City Council. Notice of the hearing must be given as required by §211.007(c) of the Texas Local Government Code or other state law to owners of real property located within two hundred (200) feet of the lot on which the change in classification is proposed. After the public hearing, the Planning and Zoning Commission shall send a final report to the City Council recommending denial or approval of the request. The City Council shall not act on the request until it receives the final report of the Planning and Zoning Commission. *§211.007 (b) of the Texas Local Government Code.*

(c) The Planning and Zoning Commission shall send its final report to the City Council under subsection (b) of this Section not later than 60 days after a change in zoning classification is initiated under subsection (a) of this Section. A re-zoning shall be considered initiated as of the date the proposed change is first presented to the Planning and Zoning Commission.

(d) After receiving a final report from the Planning and Zoning Commission the City Council shall hold a public hearing on the re-zoning request. Notice of the time and place of the hearing shall be published in the official newspaper or a newspaper of general circulation in the City at least 15 days prior to the hearing date, or as provided by law. After the close of the public hearing, the City Council may approve or deny the request, return it to the Planning and Zoning Commission for further consideration, or take whatever other action the City Council deems appropriate. The City Council may not adopt a proposed change until after the 30th day after the notice required by Section 1-101(b) of this ordinance is given. *§211.006(a)-(b) of the Texas Local Government Code.*

(e) The affirmative vote of at least four of the five council members of the City Council is required to–

1. overrule the Planning and Zoning Commission’s recommendation that a proposed change to a boundary be denied; or
2. approve a change to a boundary, if the City receives, as provided by §211.006(d) of the

Texas Local Government Code or other state law, a written and signed petition protesting the change from owners of the Lots covered by the proposed change or adjoining the area covered by the proposed change and extending two hundred (200) feet from that area. *§211.006(d)-(f) of the Texas Local Government Code.*

(f) The City council may by ordinance hold a joint public hearing with the Planning and Zoning Commission on a request for a change in zoning classification as provided by state law. In the event of a joint hearing, the City Council shall not act on the request until it receives the final report of the Planning and Zoning Commission. *§211.007 (b) of the Texas Local Government Code.*

(g) An application for a change in a zoning classification that is denied by the City Council, or which is withdrawn by an applicant after the Planning and Zoning Commission makes a report recommending denial, shall not be re-submitted for filing with the Administrative Officer within one (1) year of the original date of filing, except upon consent of the City Council.

Section 1-102 Zoning Text Amendment

(a) An amendment to the text of these regulations may be initiated by the Administrative Officer, Planning and Zoning Commission, or the City Council. The Planning and Zoning Commission must make a recommendation on any proposed amendment to the City Council. Before taking any action on the proposed amendment, the City Council shall hold a public hearing. Notice of the time and place of the public hearing shall be published in the official newspaper or a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing date, or as provided by law. *§211.006(a) of the Texas Local Government Code.*

(b) The affirmative vote of at least four of the five council members of the Council is required to—

1. overrule the Planning and Zoning Commission’s recommendation that a proposed change to a regulation be denied; or
2. approve a change to a regulation, if the City receives, as provided by §211.006(d) or other state law, a written and signed petition protesting the change from owners of the Lots covered by the proposed change or adjoining the area covered by the proposed change and extending two hundred (200) feet from that area. *§211.006(d)-(f) of the Texas Local Government Code.*

ARTICLE 2 DISTRICTS

PART 1 GENERAL

Section 2-1 Establishment of Zoning Districts

Property located within the City is divided into the following zoning Districts:

- (a). “A” Farmstead and Agricultural District

- (b) Residential Districts
 - 1. “R-1A” Single Family Residential Estate District
 - 2. “R-1B” Single Family Residential Restricted District
 - 3. “R-1C” Single Family Residential Standard District
 - 4. “R-1D” Single Family Residential District
 - 5. “R-2” Two Family Residential District
 - 6. “R-3” Multiple Family Residential District
 - 7. “R-MH” HUD- Code Manufactured Home District
 - 8. “R-PUD” Residential Planned Unit Development District

- (c) Commercial
 - 1. “C-1” Convenience and Neighborhood Commercial District
 - 2. “C-2” Community/Regional Commercial District
 - 3. “I-PD” Institutional Planned Development District

- (d) Mixed Use Districts
 - 1. “MU-1” Neighborhood Mixed Use District
 - 2. “MU-2” Community and Regional Mixed Use District
 - 3. “MU-3” Downtown Mixed Use District
 - 4. “MU-4” Mixed Use Planned Development District

- (e) Industrial Districts

1. “I-1” Light Industrial, Transportation and Distribution District
2. “I-2” Heavy Industrial District

Section 2-2 Official Zoning Map

- (a) The boundaries of each District is established as shown on the Zoning Map. The Zoning Map and subsequent amendments approved by the City Council shall be considered as a part of this ordinance for all purposes.
- (b) Changes in District boundaries shall be noted on the Zoning Map immediately after approval by the City Council.
- (c) The Zoning Map shall be kept in the office of the Administrative Officer.

Section 2-3 Interpretation of District boundaries

Where uncertainty exists as to the boundary line of a District, the Administrative Officer shall determine the location of the boundary line using the following rules:

- (a). Where a District boundary is indicated to approximately follow the center line of a Street, the Street center line is construed to be the boundary.
- (b). Where a District boundary is indicated to approximately follow a Lot line, the lot line is construed to be the boundary.
- (c). If a Street, Alley or other public property, not located in a District, is abandoned by the City then the boundary line of the District adjoining each side of the abandoned Street, Alley or other public property is extended to the center of the abandoned Street, Alley or other public property.
- (d) If a Lot is located in two Districts then –
 1. the regulations applicable to the District containing the majority of the area of the Lot shall apply to the entire Lot.
 2. If exactly fifty percent (50%) of the area of the Lot is located in each of two Districts then the regulations of the more restrictive District shall apply to the entire Lot.
- (e) If a physical Street or Alley differs from the Street or Alley shown on the Zoning Map, the physical Street or Alley controls.

Section 2-4 Territory Annexed after the Effective Date of this Ordinance

Territory annexed to the City after the effective date of this ordinance shall be zoned in accordance with this section.

(a) The annexation ordinance may classify the territory in a District that is consistent with the City's comprehensive plan; provided however, the zoning classification of the territory shall not be effective until after notice and public hearing as required by §211.006 of the Texas Local Government Code or other state law.

(b). If the annexation ordinance fails to classify the territory in a District then the territory shall be zoned in the same District as the Lot that it adjoins. If the territory adjoins more than one District then the territory shall be zoned in the adjoining District that has the most restrictive regulations; provided however, the zoning classification of the territory shall not be effective until after notice and public hearing as required by §211.006 of the Texas Local Government Code or other state law.

(Repeals Ordinance Number 98-05)

Section 2-5 Permitted Uses and Special Uses

Except as otherwise provided in this ordinance, a Lot, Building, Sign or other Structure in a zoning District may only be used for the listed uses specified as a permitted use in that District. If a District shows a use is permitted in that District by special use then a Lot, Building, Sign or other Structure in that District may not be devoted to that use unless an application for a special use is granted by the Board as provided in this Ordinance.

Section 2-6 Unlisted or Ambiguous Uses

(a) If the Administrative Officer determines that a proposed use is not a listed use but is similar to a listed use or there is some ambiguity of its proper classification under the listed uses, then the Administrative Officer shall determine whether the proposed use is a permitted use and its proper classification. The Administrative Officer shall make his or her determination based on the compatibility of the proposed use with the other uses listed in the District and the purpose of the District as stated in this ordinance.

(b) If the Administrative Officer makes a determination on a proposed use under subsection (a) of this Section then the Administrative Officer shall promptly report the decision to the Planning and Zoning Commission in writing and the Planning and Zoning Commission shall record it in the minutes of the meeting where it is reported. The Planning and Zoning Commission shall review any new reports submitted under this Section at least annually to determine whether an amendment to this ordinance is appropriate. An amendment to the ordinance shall comply with the requirements of Section 1-102 of this ordinance.

Section 2-7--2-10. Reserved.

PART 2 "A" FARMSTEAD AND AGRICULTURAL DISTRICT

Section 2-11 Purpose

The purpose of this District is to provide for areas situated on the outer edge of urbanized development in which urban uses are generally premature due to a lack of adequate utility services or transportation system. It is likely that areas within this District will be changed to more intense urban districts as utility services and the transportation system can be feasibly extended and the undeveloped areas within existing service limits are used up or become in short supply. However, natural resources located in this District should be protected

and preserved. The types and intensity of uses in this District shall encourage and protect agricultural activities until urbanization is warranted and the appropriate change in classification is determined.

Section 2-12 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “A” Farmstead and Agricultural District are listed in “Addendum 1-- Residential Districts”. Parking space requirements for each use are listed in “Addendum 3--Parking Space Requirements”.

Section 2-13 District Regulations

The following regulations apply in an “A” Farmstead and Agricultural District:

- (a). *Front Yard.* A Front Yard shall be a minimum of twenty five (25) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
- (b). *Side Yard.* A Side Yard shall be a minimum of twenty (20) feet.
- (c). *Rear Yard.* A Rear Yard shall be a minimum of twenty five (25) feet.
- (d). *Area of the Lot.* The minimum Area of the Lot shall be five (5) acres.
- (e). *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be one hundred fifty (150) feet.

Section 2-14--2-20. Reserved.

PART 3 “R-1A” SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT

Section 2-21 Purpose

The intent of this District is to provide for low density, single family detached residential development with a spacious character. The provisions of this District are intended to protect and stabilize the essential characteristics of existing development; to encourage future development on vacant land where the natural characteristics of the land are suitable to this type of development; to provide policies which will encourage low density development to occur where public facilities and services are available which are conducive to such development; and to discourage activities that are not compatible with low density residential development.

Section 2-22 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “R-1A” Single Family Residential Estate District are listed in “Addendum 1-- Residential Districts”. Parking space requirements for each use are listed in “Addendum 3--Parking Space Requirements”.

Section 2-23 District Regulations

The following regulations apply in a R-1A Single Family Residential Estate District:

- (a). *Front Yard.* A Front Yard shall be a minimum of twenty five (25) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
- (b). *Side Yard.* A Side Yard shall be a minimum of fifteen (15) feet.
- (c). *Rear Yard.* A Rear Yard shall be a minimum of twenty five (25) feet.
- (d). *Area of the Lot.* The minimum Area of the Lot shall be 20,000 square feet.
- (e). *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be one hundred twenty five (125) feet.
- (f). *Lot Coverage.* The maximum Lot Coverage shall be thirty five (35%) percent.

Section 2-2-2-30. Reserved.

PART 4 “R-1B” SINGLE FAMILY RESIDENTIAL RESTRICTED DISTRICT

Section 2-31 Purpose

The intent of this District is to provide for low to medium density, single family detached residential development with a moderately spacious character. The provisions of this District are intended to protect and stabilize the essential characteristics of existing development; to encourage future development on vacant land where the natural characteristics of the land are suitable to this type of development; to provide policies which will encourage low to medium density development to occur where public facilities and services are available which are conducive to such development; and to discourage activities that are not compatible with low to medium density residential development.

Section 2-32 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “R-1B” Single Family Residential Restricted District are listed in “Addendum 1-- Residential Districts”. Parking space requirements for each use are listed in “Addendum 3--Parking Space Requirements”.

Section 2-33 District Regulations

The following regulations apply in a R-1B Single Family Residential Restricted District:

- (a). *Front Yard.* A Front Yard shall be a minimum of twenty five (25) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
- (b). *Side Yard.* A Side Yard shall be a minimum of ten (10) feet.

- (c) *Rear Yard.* A Rear Yard shall be a minimum of twenty five (25) feet.
- (d) *Area of the Lot.* The minimum Area of the Lot shall be 12,500 square feet.
- (e). *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be one hundred (100) feet.
- (f) *Lot Coverage .* The maximum Lot Coverage shall be thirty five (35%) percent.

Section 2-34-2-40. Reserved.

PART 5 “R-1C” SINGLE FAMILY RESIDENTIAL STANDARD DISTRICT

Section 2-41 Purpose

The intent of this District is to provide for medium density, single family detached residential development. The provisions of this District are intended to protect and stabilize the essential characteristics of existing development; to encourage future development on vacant land where the natural characteristics of the land are suitable to this type of development; to provide policies which will encourage medium density development to occur where public facilities and services are available which are conducive to such development; and to discourage activities that are not compatible with medium density residential development.

Section 2-42 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “R-1C” Single Family Residential Standard District are listed in “Addendum 1-- Residential Districts”. Parking space requirements for each use are listed in “Addendum 3–Parking Space Requirements.”

Section 2-43 District Regulations

The following regulations apply in a “R-1C” Single Family Residential Standard District:

- (a). *Front Yard.* A Front Yard shall be a minimum of twenty five (25) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
- (b) *Side Yard.* A Side Yard shall be a minimum of ten (10) feet.
- (c) *Rear Yard.* A Rear Yard shall be a minimum of twenty five (25) feet.
- (d) *Area of the Lot.* The minimum Area of the Lot shall be 9,000 square feet.
- (e). *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be eighty (80) feet.

(f) *Lot Coverage* . The maximum Lot Coverage shall be forty (40%) percent.

Section 2-44–2-50. Reserved.

PART 6 “R-1D” SINGLE FAMILY RESIDENTIAL DISTRICT

Section 2-51 Purpose

The intent of this District is to provide for economic medium density, single family detached residential development in the historic residential areas near the “MU-3” Downtown Mixed Use District and in other areas near high density residential development. The provisions of this District are intended to protect and stabilize the essential characteristics of existing development; to encourage new development that is consistent with the essential characteristics of existing development; to encourage future development where the natural characteristics of the land are suitable to this type of development; to provide policies which will encourage development to occur where public facilities and services are available which are conducive to such development; and to discourage activities that are not compatible with economic medium density residential development.

Section 2-52 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “R-1D” Single Family Residential District are listed in “Addendum 1-- Residential Districts”. Parking space requirements for each use are listed in “Addendum 3–Parking Space Requirements.”

Section 2-53 District Regulations

The following regulations apply in a “R-1D” Single Family Residential District:

- (a). *Front Yard*. A Front Yard shall be a minimum of twenty five (25) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
- (b). *Side Yard*. A Side Yard shall be a minimum of ten (10) feet.
- (c). *Rear Yard*. A Rear Yard shall be a minimum of twenty five (25) feet.
- (d). *Area of the Lot*. The minimum Area of the Lot shall be 7,000 square feet.
- (e). *Width of the Lot*. The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be sixty (60) feet.
- (f). *Lot Coverage* . The maximum Lot Coverage shall be forty (40%) percent.

Section 2-54–2-60. Reserved.

PART 7 “R-2” TWO FAMILY RESIDENTIAL DISTRICT

Section 2-61 Purpose

The intent of this District is to provide for areas of two-family residential development that are consistent in design and development patterns with typical single family detached residential development.

Section 2-62 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “R-2” Two Family Residential District are listed in “Addendum 1-- Residential Districts”. Parking space requirements for each use are listed in “Addendum 3--Parking Space Requirements”.

Section 2-63 District Regulations

(a) The following regulations apply to a Single Family Dwelling in a “R-2” Two Family Residential District:

1. *Front Yard.* A Front Yard shall be a minimum of twenty five (25) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
2. *Side Yard.* A Side Yard shall be a minimum of ten (10) feet.
3. *Rear Yard.* A Rear Yard shall be a minimum of twenty five (25) feet.
4. *Area of the Lot.* The minimum Area of the Lot shall be 9,000 square feet.
5. *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be eighty (80) feet.
6. *Lot Coverage .* The maximum Lot Coverage shall be forty (40%) percent.

(b) The following regulations apply to all uses other than a Single Family Dwelling in a “R-2” Two Family Residential District:

1. *Front Yard.* A Front Yard shall be a minimum of twenty five (25) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
2. *Side Yard.* A Side Yard shall be a minimum of ten (10) feet.
3. *Rear Yard.* A Rear Yard shall be a minimum of twenty five (25) feet.
4. *Area of the Lot.* The minimum Area of the Lot shall be 10,000 square feet.
5. *Width of the Lot.* The minimum Width of the Lot when measured at the required

Front Yard set back line (established by this ordinance or recorded Plat) shall be one hundred (100) feet.

6. *Lot Coverage*. The maximum Lot Coverage shall be thirty-five (35%) percent.

Section 2-64-2-70. Reserved.

PART 8 “R-3” MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 2-71 Purpose

The intent of this District is to provide for high density residential development consisting of six or more dwelling units per acre. The provisions of this District are intended to provide transition between the less intensive residential districts and more intensive non-residential districts; to encourage future development on vacant land where the natural characteristics of the land are suitable to this type of development; to provide policies which will encourage high density residential development to occur where public facilities and services are available which are conducive to such development; and to discourage activities that are not compatible with high density residential development.

Section 2-72 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “R-3” Multiple Family Residential District are listed in “Addendum 1-- Residential Districts”. Parking space requirements for each use are listed in “Addendum 3--Parking Space Requirements”.

Section 2-73 District Regulations

- (a) The following regulations apply to a Single Family Dwelling in a “R-3” Multiple Family Residential District:

1. *Front Yard*. A Front Yard shall be a minimum of twenty five (25) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
2. *Side Yard*. A Side Yard shall be a minimum of ten (10) feet.
3. *Rear Yard*. A Rear Yard shall be a minimum of twenty five (25) feet.
4. *Area of the Lot*. The minimum Area of the Lot shall be 9,000 square feet.
5. *Width of the Lot*. The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be eighty (80) feet.
6. *Lot Coverage*. The maximum Lot Coverage shall be forty (40%) percent.

- (b) The following regulations apply to a Two Family Dwelling in a “R-3” Multiple Family Residential District:

1. *Front Yard.* A Front Yard shall be a minimum of twenty five (25) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
2. *Side Yard.* A Side Yard shall be a minimum of ten (10) feet.
3. *Rear Yard.* A Rear Yard shall be a minimum of twenty five (25) feet.
4. *Area of the Lot.* The minimum Area of the Lot shall be 10,000 square feet.
5. *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be one hundred (100) feet.
6. *Lot Coverage .* The maximum Lot Coverage shall be thirty-five (35%) percent.

(c) The following regulations apply to a Townhouse in an “R-3” Multiple Family Residential District:

1. *Front Yard.* A Front Yard shall be a minimum of ten (10) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
2. *Side Yard.* If a townhouse is attached on two sides then there is no minimum Side Yard. If a townhouse is attached on one side and the other Side Yard is open then the open Side Yard shall be a minimum of five (5) feet.
3. *Rear Yard.* A Rear Yard shall be a minimum of fifteen (15) feet.
4. *Area of the Lot.* The minimum Area of the Lot shall be 2,800 square feet.
5. *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be thirty five (35) feet.
6. *Depth of the Lot.* The minimum Depth of the Lot shall be eighty (80) feet.
7. *Lot Coverage .* There is no maximum Lot Coverage.
8. *Parking Lot setback.* Deleted
9. *Parking of Motor Vehicles.* No motor vehicle shall be parked in the Front Yard or Side Yard.
10. *Separation of Buildings:* A minimum separation of twenty (20) feet shall be required between Buildings on the same Lot.

(d) The following regulations apply to all uses other than a Single Family, Two Family Dwelling or Townhouse in an “R-3” Multiple Family Residential District:

1. *Front Yard.* A Front Yard shall be a minimum of thirty (30) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
2. *Side Yard.* A Side Yard shall be a minimum of fifteen (15) feet.
3. *Rear Yard.* A Rear Yard shall be a minimum of twenty (20) feet.
4. *Area of the Lot.* The minimum Area of the Lot shall be one (1) acre.
5. *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be one hundred twenty five (125) feet.
6. *Depth of the Lot.* The minimum Depth of the Lot shall be one hundred twenty (120) feet.
7. *Lot Coverage .* The maximum Lot Coverage shall be forty (40%) percent.
8. *Parking Lot setback. Deleted*
9. *Parking of Motor Vehicles.* No motor vehicle shall be parked on a Lot within thirty (30) feet of a Front Lot Line.
10. *Separation of Buildings:* A minimum separation of twenty (20) feet shall be required between Buildings on the same Lot.

Section 2-74 Special Regulations

(a) *Multiple Family Dwelling Units:* Each dwelling unit on a Lot used for a multi-family residential use shall have a minimum floor area of 750 square feet. The maximum number of dwelling units per acre shall be thirty (30).

(b) *Minimum Open Space:* Each Lot used for a multi-family residential use shall provide on the same Lot a minimum of 300 square feet of useable open space per dwelling unit. Useable Open Space means an area that is designed for outdoor living, including associated recreation facilities and landscaping. Pools, tennis courts, walkways, patios and similar amenities may be located within areas designated as Useable Open Space. Useable Open Space shall be accessible to and useable by all residents residing on the Lot. Areas within enclosed buildings, street and alley right-of -ways, driveways, parking areas and drainage channels shall not be counted in determining the amount of Useable Open Space. The minimum dimensions for an area designated as Useable Open Space shall be ten feet by ten feet.

Section 2-75–2-80. Reserved.

PART 9 “R-MH” HUD-CODE MANUFACTURED HOME DISTRICT

Section 2-81 Purpose

The intent of this district is to provide for the development of HUD-Code Manufactured Homes on individually platted lots or within Manufactured Home subdivisions, for the purpose of providing adequate housing in a coordinated well designed urban setting.

Section 2-82 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “R-MH” HUD Code Manufactured Home District are listed in “Addendum 1-- Residential Districts”. Parking space requirements for each use are listed in “Addendum 3–Parking Space Requirements”.

Section 2-83 District Regulations

The following regulations apply in a “R-MH” HUD-Code Manufactured Home District:

- (a). *Front Yard.* A Front Yard shall be a minimum of twenty five (25) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
- (b). *Side Yard.* A Side Yard shall be a minimum of ten (10) feet.
- (c). *Rear Yard.* A Rear Yard shall be a minimum of twenty five (25) feet.
- (d). *Area of the Lot.* The minimum Area of the Lot shall be 9,000 square feet.
- (e). *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be eighty (80) feet.
- (f). *Lot Coverage .* The maximum Lot Coverage shall be thirty five (35)%.

Section 2-84 Special Regulations

(a) An application to install a HUD-Code Manufactured Home for use as a dwelling shall be filed with the Administrative Officer not less than 45 days prior to the date the HUD-Code Manufactured Home is to be installed. An application to install a HUD-Code Manufactured Home for use as a dwelling is considered granted unless the Administrative Officer in writing denies the application and states the reason for the denial not later than the 45th day after the application is received. §1201.008(b) *Texas Occupations Code.*

(b) No permit, fee, bond or insurance is required for the installation of a HUD-Code Manufactured Home. §1201.008(d) *Texas Occupations Code.*

(c) A Mobile Home shall not be installed for use as a dwelling in this or any other District in the City. If a Mobile Home is replaced by a HUD-Code Manufactured Home then the City shall grant a permit for use of the HUD-Code Manufactured Home as a dwelling. §1201.008(a) *Texas Occupations Code.*

Section 2-85–2-90. Reserved.

PART 10 “R-PUD” RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT

Section 2-91 Purpose

The intent of this district is to provide for medium to high density development of unique and innovative forms of family housing. A Residential Planned Unit Development utilizes the total space within a development by creating common open spaces, scenic and recreational areas and other spaces which compensate for the reduction of land area dedicated to the residential structures. A Residential Planned Unit Development is not a convenience to circumvent regulations set forth in other residential districts or as a mass variance without provision for common areas.

Section 2-92 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “R-PUD” Residential Planned Unit Development District are listed in “Addendum 1-- Residential Districts”. Parking space requirements for each use are listed in “Addendum 3–Parking Space Requirements”.

Section 2-93 District Regulations

(a) The following regulations apply to a Single Family Dwelling in a “R-PUD” Residential Planned Unit Development District:

1. *Front Yard.* A Front Yard shall be a minimum of fifteen (15) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
2. *Side Yard.* A Side Yard shall be a minimum of five (5) feet.
3. *Rear Yard.* A Rear Yard shall be a minimum of five (5) feet.
4. *Area of the Lot.* The minimum Area of the Lot shall be 4,400 square feet.
5. *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be fifty five (55) feet.
6. *Depth of the Lot.* The minimum Depth of the Lot shall be eighty (80) feet.

(b) The following regulations apply to a Two Family Dwelling in a “R-PUD” Residential Planned Unit Development District:

1. *Front Yard.* A Front Yard shall be a minimum of fifteen (15) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
2. *Side Yard.* A Side Yard shall be a minimum of five (5) feet.

3. *Rear Yard.* A Rear Yard shall be a minimum of five (5) feet.
4. *Area of the Lot.* The minimum Area of the Lot shall be 10,000 square feet.
5. *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be one hundred (100) feet.
6. *Depth of the Lot.* The minimum Depth of the Lot shall be one hundred (100) feet.

(c) The following regulations apply to a Townhouse and Condominium in an "R-PUD" Residential Planned Unit Development District:

1. *Front Yard.* A Front Yard shall be a minimum of ten (10) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
2. *Side Yard.*
 - a. Townhouse. If a Townhouse is attached on two sides then there is no minimum Side Yard. If a Townhouse is attached on one side and the other Side Yard is open then the open Side Yard shall be a minimum of five (5) feet.
 - b. Condominiums. A side yard shall be a minimum of five (5) feet.
3. *Rear Yard.* A Rear Yard shall be a minimum of fifteen (15) feet.
4. *Area of the Lot.* The minimum Area of the Lot shall be 2,800 square feet.
5. *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be thirty five (35) feet.
6. *Depth of the Lot.* The minimum Depth of the Lot shall be eighty (80) feet.
7. *Lot Coverage .* There is no maximum Lot Coverage.
8. *Parking Lot setback. Deleted.*
9. *Parking of Motor Vehicles.* No motor vehicle shall be parked in the Front Yard or Side Yard.

Section 2-94 Special Regulations

- (a) A tract to be developed as a Residential Planned Unit Development shall have a minimum of ten (10) acres.
- (b) Dwelling units shall be grouped into clusters, allowing an appreciable amount of land for open space.

(c) Areas exhibiting environmentally significant natural features shall be preserved or enhanced.

(d) Common open space shall comprise not less than ten (10%) percent of the total area to be developed as a Residential Planned Unit Development. Common open space shall include land area accessible to and permanently reserved for the common use and enjoyment of the occupants of the Residential Planned Unit Development for leisure and recreational purposes, Parks and other open green-belt areas. Common open space shall not include areas reserved for the exclusive use and benefit of an individual Lot owner, dedicated Streets, Alleys or public right of ways and driveways. Common open space may include a sidewalk or a hiking or bicycle trail across property connecting the Residential Planned Unit Development to an existing Park if approved by the Planning and Zoning Commission and City Council.

(e) Street right-of-ways shall be not less than sixty (60) feet. All Streets shall be constructed according to the City of Lindale Subdivision Ordinance. Combined curb and gutters shall be constructed on each side of the Street. Street widths including curbs shall be a minimum of thirty (30) feet. Curbs shall be either conventional curbs or roll-up curbs.

(f) All Streets in the District shall have a sidewalk on each side of the Street with handicap ramps at the intersections of sidewalks and Streets. The sidewalks shall in all other respects comply with the City of Lindale Subdivision Ordinance.

(g) No boat, motor home, camper, trailer, or motor vehicle shall be parked on any Street in the District except for an emergency or law enforcement vehicle responding to a call or emergency.

Section 2-95 Procedure

(a) Zoning Application. An application for a Residential Planned Unit Development District shall be made and processed in accordance with the requirements for a Zoning Classification Amendment under Section 1-101 of this ordinance.

(b) Development Plan.

1. An application for a Residential Planned Unit Development District shall be accompanied by a Development Plan.

2. The Development Plan shall include all of the information required for a preliminary subdivision plat under Section 1-22(b)(1)-(10) of the Lindale Subdivision Ordinance and shall be submitted in accordance with Section 1-22(c) of the Lindale Subdivision Ordinance.

3. The Development Plan shall be clearly marked as a "Development Plan" and shall not be considered the submission of a preliminary plat under the Lindale Subdivision Ordinance.

(c) Ordinance Creating the Residential Planned Unit Development District.

1. An ordinance is required to create a Residential Planned Unit Development District.

2. The Development Plan, if approved, shall become a part of the ordinance establishing the Residential Planned Unit Development District and shall be referenced on the Official Zoning Map.

3. If the common open space required by Section 2-94(d) includes a sidewalk or a hiking or bicycle trail across property connecting the Residential Planned Unit Development to an existing Park then the Ordinance creating the Residential Planned Unit Development District shall be conditioned on the developer obtaining easements granting the right to construct a sidewalk or a hiking or bicycle trail across the property connecting the Residential Planned Unit Development to an existing Park.

(d) An amendment to the ordinance establishing the Residential Planned Unit Development District or Development Plan, shall be filed and processed in the same manner as required for approval of the Residential Planned Unit Development District.

(e) A preliminary subdivision plat on a proposed Planned Unit Development shall not be accepted by the Planning and Zoning Commission or City Council until the tract has been zoned as a Residential Planned Unit Development District in accordance with this ordinance.

Section 2-96–2-100. Reserved.

PART 11 “C-1” CONVENIENCE AND NEIGHBORHOOD COMMERCIAL DISTRICT

Section 2-101 Purpose

The purpose of this district is to provide areas for Light Commercial development primarily to serve nearby residential neighborhoods. The provisions of this District are intended to encourage Convenience-Scale Commercial and Neighborhood-Scale Commercial development that is designed to be integrated with the residential neighborhood where it is located. Businesses within this district include those that conduct sales and storage entirely within a Building, with the exception of occasional outdoor “sidewalk” promotions.

Section 2-102 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “C-1” Convenience and Neighborhood Commercial District are listed in “Addendum 2-- Non-Residential and Mixed Use Districts”. Parking space requirements for each use are listed in “Addendum 3–Parking Space Requirements”.

Section 2-103 District Regulations

The following regulations apply in a “C-1 Convenience and Neighborhood Commercial District:

- (a). *Front Yard.* A Front Yard shall be a minimum of thirty (30) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
- (b). *Side Yard.* A Side Yard shall be a minimum of fifteen (15) feet.
- (c). *Rear Yard.* A Rear Yard shall be a minimum of twenty five (25) feet.
- (d). *Area of the Lot.* The minimum Area of the Lot shall be 9,000 square feet.
- (e). *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard

set back line (established by this ordinance or recorded Plat) shall be ninety (90) feet.

- (f) *Depth of the Lot.* The minimum Depth of the Lot shall be one hundred (100) feet.
- (g). *Lot Coverage .* The maximum Building size shall be 50,000 square feet.
- (h). *Parking Lot setback.* The minimum distance from a Front Lot Line to the Parking Lot shall be fifteen (15) feet.

Sections 2-104–2-110 Reserved.

PART 12 “C-2” COMMUNITY AND REGIONAL COMMERCIAL DISTRICT

Section 2-111 Purpose

The Community and Regional Commercial District is primarily intended for the “I-20 North Parallel Corridor and I-20 and Highway 69 Gateway”. The “I-20 North Parallel Corridor and I-20 and Highway 69 Gateway” are the City’s principal access routes. This District is intended to create a complementary mixture of highway-oriented commercial uses with an attractive and integrated design.

The purpose for this district is also to provide areas for Light Commercial and Heavy Commercial development to serve not only the City but also the surrounding region. The provisions of this district are intended to encourage general commercial and retail development including Community-Scale Commercial and Regional-Scale Commercial development along Arterial Boulevards and Arterial Streets where public facilities and services are conducive to such development.

The Community and Regional Commercial District is intended to implement the Community Design Guidelines of the Comprehensive Plan. (See Chapter 5 of the Comprehensive Plan).

Section 2-112 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in a “C-2” Community and Regional Commercial District are listed in “Addendum 2-- Non-Residential and Mixed Use Districts”. Parking space requirements for each use are listed in “Addendum 3–Parking Space Requirements”

Section 2-113 District Regulations

The following regulations apply in a “C-2” Community and Regional Commercial District:

- (a). *Front Yard.* A Front Yard shall be a minimum of fifty (50) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
- (b) *Side Yard.*
 - 1. If a Side Lot Line in a “C-2” District adjoins a non-residential district then no Side Yard is required on the Lot Line adjoining the non-residential district.

2. If a Side Lot Line in a "C-2" District adjoins a Residential District then the Side Yard adjoining the Residential District shall be not less than thirty (30) feet.

(c) *Rear Yard.*

1. If a Rear Lot Line in a "C-2" District adjoins a non-residential district then no Rear Yard is required.

2. If a Rear Lot Line in a "C-2" District adjoins a Residential District then the Rear Yard shall be not less than thirty (30) feet.

(d) *Area of the Lot.* There is no minimum Area of the Lot.

(e). *Width of the Lot.* There is no minimum Width of the Lot.

(f) *Depth of the Lot.* There is no minimum Depth of the Lot.

(g). *Lot Coverage .* The minimum size of a Principal Building shall be 2,000 square feet.

(h) *Parking Lot setback.* The minimum distance from a Front Lot Line to the Parking Lot shall be fifteen (15) feet.

Section 2-114 Special Regulations

(a) Driveway Access

1. In order to reduce congestion and ensure safe and efficient movement of traffic along major public highways through the City, driveway access from a Lot in a "C-2" Community and Regional Commercial District directly onto a state regulated highway shall conform to the most recent edition of the TxDOT Access Management Manual.

2. The City may require the dedication and use of joint ingress and egress easements where, in the opinion of the City Engineer, public health, safety or welfare would be significantly impacted by the use of separate access points for adjacent Lots.

3. An access driveway shall intersect a Street at ninety (90°) degrees or as close to ninety (90°) degrees as the land conditions permit.

(b) Landscaping

In addition to the landscaping requirements contained in Article 4, Part 2 of this ordinance, effect lighting shall be included for landscaping features and signs along U.S. Highway 69 and for Principal Buildings that are oriented toward U.S. Highway 69 on a Lot in a "C-2" Community and Regional Commercial District with road frontage on U. S. Highway 69.

(c) Finish Requirements

No more than 30% of the Exterior Finish of a Building on a Lot in the C-2 Community and Regional Commercial District shall be Concrete Masonry Units.

Section 2-115–2-120. Reserved.

PART 13 “I-PD” INSTITUTIONAL PLANNED DEVELOPMENT DISTRICT

Section 2-121 Purpose

The purpose for this district is to provide for planned institutional and commercial facilities that are designed and developed as a unit. The provisions of this district are intended to encourage Regional-Scale Institutional development and associated Community-Scale Commercial development in areas which will accommodate this type of unified development on a single tract of land.

Section 2-122 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “I-PD” Institutional Planned Development District are listed in “Addendum 2-- Non-Residential and Mixed Use Districts”. Parking space requirements for each use are listed in “Addendum 3–Parking Space Requirements”

Section 2-123 District Regulations

The following regulations apply in an “I-PD” Institutional Planned Development District:

- (a). *Front Yard.* A Front Yard shall be a minimum of fifty (50) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
- (b). *Side Yard.* A Side Yard shall be a minimum of thirty (30) feet.
- (c). *Rear Yard.* A Rear Yard shall be a minimum of thirty (30) feet.
- (d). *Area of the Lot.* There is no minimum Area of the Lot.
- (e). *Width of the Lot.* The minimum Width of the Lot shall be one hundred fifty (150) feet.
- (f). *Depth of the Lot.* The minimum Depth of the Lot shall be one hundred twenty (120) feet.
- (g). *Lot Coverage .* The maximum Lot Coverage shall be 30%.
- (h). *Parking Lot setback.* The minimum distance from a Front Lot Line to the Parking Lot shall be fifty (50) feet.

Section 2-124–2-130. Reserved.

PART 14 “MU-1” Neighborhood Mixed Use District

Section 2-131 Purpose

The Neighborhood Mixed Use District is to provide guidelines for the development of the U.S. Highway 69 corridor between the I-20/U.S. Highway 69 Gateway and downtown Lindale. The District is intended to encourage the creation of a complimentary mixture of Neighborhood-Scale commercial and institutional uses while maintaining and expanding the opportunities for high density residential development along the Highway 69 corridor.

The District is intended to preserve the natural vistas and sense of openness by requiring large front yards. The Neighborhood Mixed Use District is intended to implement the Community Design Guidelines of the Comprehensive Plan for the Highway 69 corridor. (See Chapter 5 of the Comprehensive Plan).

Section 2-132 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “MU-1” Neighborhood Mixed Use District are listed in “Addendum 2-- Non-Residential and Mixed Use Districts”. Parking space requirements for each use are listed in “Addendum 3–Parking Space Requirements”

Section 2-133 District Regulations

The following regulations apply in a “MU-1” Neighborhood Mixed Use District:

(a). *Front Yard.*

1. If a Front Yard in a “MU-1” District abuts U.S. Highway 69 then the Front Yard shall be a minimum of thirty five (35) feet
2. If a Front Yard in a “MU-1” District abuts a street other than U.S. Highway 69 then the Front Yard shall be a minimum of twenty five (25) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.

(b). *Side Yard.*

1. If a Side Lot Line in a “MU-1” District adjoins a non-residential district then the Side Yard adjoining the non-residential district shall be not less than fifteen (15) feet.
2. If a Side Lot Line in a” MU-1” District adjoins a Residential District then the Side Yard adjoining the Residential District shall be not less than thirty (30) feet.

(c). *Rear Yard.*

1. If a Rear Lot Line in a “MU-1” District adjoins a non-residential district then the Rear Yard adjoining the non-residential district shall be not less than fifteen (15) feet.
2. If a Rear Lot Line in a “MU-1” District adjoins a Residential District then the Rear Yard shall be not less than thirty (30) feet.

(d). *Area of the Lot.* The minimum Area of the Lot shall be 9,000 square feet.

- (e). *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be ninety (90) feet.
- (f). *Depth of the Lot.* The minimum Depth of the Lot shall be one hundred (100) feet.
- (g). *Lot Coverage .* The maximum Building size shall be 50,000 square feet.
- (h). *Parking Lot setback.* The minimum distance from a Front Lot Line to the Parking Lot shall be fifteen (15) feet.

Section 2-134 Special Regulations

- (a) In order to reduce congestion and ensure safe and efficient movement of traffic along major public highways through the City, driveway access from a Lot in a “MU-1” Neighborhood Mixed Use District directly onto a state regulated highway shall conform to the most recent edition of the TxDOT Access Management Manual.
- (b) The City may require the dedication and use of joint ingress and egress easements where, in the opinion of the City Engineer, public health, safety or welfare would be significantly impacted by the use of separate access points for adjacent Lots.
- (c) An access driveway shall intersect a Street at ninety (90°) degrees or as close to ninety (90°) degrees as the land conditions permit.

Section 2-135–2-140. Reserved

PART 15 “MU-2” COMMUNITY AND REGIONAL MIXED USE DISTRICT

Section 2-141 Purpose

The Community and Regional Mixed Use District is to provide guidelines for the development of the I-20 interchanges at U.S. Highway 69 and State Highway 849. These intersections serve as important entry ways into the City. This District is intended to encourage individual developments that have an integrated use and design creating an attractive appearance.

These intersections are also conducive to large scale commercial, retail, and institutional development capable of serving not only the City but also the surrounding region. Community-Scale Commercial and Regional-Scale Commercial development is encouraged in these areas where public facilities and services are available to support such development.

Section 2-142 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “MU-2” Community and Regional Mixed Use District are listed in “Addendum 2-- Non-Residential and Mixed Use Districts”. Parking space requirements for each use are listed in “Addendum 3–Parking Space Requirements”

Section 2-143 District Regulations

The following regulations apply in a “MU-2” Community and Regional Mixed Use District:

- (a). *Front Yard.* A Front Yard shall be a minimum of fifty (50) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
- (b). *Side Yard.*
 - 1. If a Side Lot Line in a “MU-2” District adjoins a Non-residential district then no Side Yard is required on the Lot Line adjoining the non-residential district.
 - 2. If a Side Lot Line in a “MU-2” District adjoins a Residential District then the Side Yard adjoining the Residential District shall be not less than thirty (30) feet.
- (c). *Rear Yard.*
 - 1. If a Rear Lot Line in a “MU-2” District adjoins a Non-residential district then no Rear Yard is required..
 - 2. If a Rear Lot Line in a “MU-2” District adjoins a Residential District then the Rear Yard shall be not less than thirty (30) feet.
- (d). *Area of the Lot.* There is no minimum Area of the Lot.
- (e). *Width of the Lot.* There is no minimum Width of the Lot.
- (f). *Depth of the Lot.* There is no minimum Depth of the Lot.
- (g). *Lot Coverage .* The minimum size of a Principal Building shall be 2,000 square feet.
- (h). *Parking Lot setback.* The minimum distance from a Front Lot Line to the Parking Lot shall be fifteen (15) feet.

Section 2-144–2-150. Reserved.

PART 16 “MU-3” DOWNTOWN MIXED USE DISTRICT

Section 2-151 Purpose

The purpose for this district is to provide guidelines for the development and redevelopment of the downtown area in order to enhance the economic, cultural and historic significance of downtown Lindale. The Downtown Mixed Use District encompasses an area of approximately 300 acres at the intersection of U.S. Highway 69 and State Highway 16. The Downtown Mixed Use District is intended to preserve the role of the downtown area as the heart of the community by maintaining government functions in the District, expanding residential opportunities, creating a complimentary mixture of commercial and retail uses that are unique to the downtown area and by linking educational, cultural and recreational functions.

The creation of a pedestrian-oriented mixed use environment is accomplished by promoting an efficient land

use pattern and encouraging development on a compact scale. This is accomplished by permitting buildings with common walls and no front or rear yard setback requirements. The District is made more accessible to pedestrians through the use of central and shared parking, new and improved sidewalks, lighting, landscaping and other pedestrian amenities such as street furniture.

The Downtown Mixed Use District is intended to implement the Community Design Guidelines of the Comprehensive Plan for Downtown Lindale in Chapter 5 of the Comprehensive Plan.

Section 2-152 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “MU-3” Downtown Mixed Use District are listed in “Addendum 2-- Non-Residential and Mixed Use Districts”. Parking space requirements for each use are listed in “Addendum 3–Parking Space Requirements”

Section 2-153 District Regulations

The following regulations apply in a “MU-3” Downtown Mixed Use District:

- (a). *Front Yard.* No Front Yard is required.
- (b). *Side Yard.* No Side Yard is required.
- (c). *Rear Yard.* No Rear Yard is required.
- (d). *Area of the Lot.* The minimum Area of the Lot is 4,500 square feet.
- (e). *Width of the Lot.* The minimum Width of the Lot when measured at the required Front Yard set back line (established by this ordinance or recorded Plat) shall be forty five feet (45) feet, unless the Lot was of record prior to the adoption of this district.
- (f). *Depth of the Lot.* The minimum Depth of the Lot shall be one hundred (100) feet unless the Lot was of record prior to the adoption of this district.
- (g). *Lot Coverage .* There is no maximum Lot Coverage.
- (h). *Parking Lot setback.* There is no minimum distance from a Front Lot Line to the Parking Lot. However, the Parking Lot should be located behind the Principal Building with signs directing access to the parking lot.

Section 2-154 Special Regulations

- (a) Sidewalks

In order to preserve the pedestrian nature of the downtown area, sidewalks with a minimum width of eight (8) feet shall be provided along the Front Lot Line of each Lot. The sidewalks shall be constructed in accordance with the standards set forth in the Lindale Subdivision Ordinance.

(b) Shared Parking Lots. All of the Parking Spaces required by this ordinance for a nonresidential Lot located in the Downtown Mixed Use District may be provided and used jointly if located in the Downtown Mixed Use District. If the parking space provided includes the use of a shared parking space then the requirements of **Section 3-63(e)** of this ordinance must be satisfied.

Section 2-155–2-160. Reserved.

PART 17 "MU-4" MIXED USE PLANNED DEVELOPMENT DISTRICT

Section 2-161 Purpose

The Mixed Use Planned Development District allows for the development of large tracts of land in a manner that will allow more flexibility than traditional zoning districts in terms of density, placement of buildings and structures, and mix of uses. The purpose of the District is to encourage unified design and development of large tracts of land incorporating a variety of uses including residential, commercial and institutional; to provide for and protect the public health, safety, and general welfare of the City by assuring quality development in accordance with the City's Comprehensive Plan; to minimize the negative impacts of developments, including those related to drainage, traffic, and public services and related facilities; to protect and enhance the aesthetic and visual qualities of development; to promote economic development and minimize urban sprawl.

This District is not designed solely for residential, commercial or institutional development but is specifically for mixed use developments containing some combination of residential, commercial and/or institutional development. A Mixed Use Planned Development District may not be used for the primary purpose of circumventing the zoning regulations applicable to other zoning districts. The District includes thorough and orderly planning and review procedures designed to result in quality urban development

A planned development should be adjacent to or near major transportation arteries. Prior to approval of a planned development, the developer must demonstrate that adequate public services and infrastructure capacity exists to support the proposed planned development. A planned development should provide for the integrity and maintenance of drainage ways, wetlands, and other natural features and preserve useable open space and landscape features.

Section 2-162 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an "MU-4" Mixed Use Planned Development District are listed in "Addendum 2-- Non-Residential and Mixed Use Districts". Parking space requirements for each use are listed in "Addendum 3--Parking Space Requirements"

Section 2-163 District Regulations

The following regulations apply in a "MU-4" Mixed Use Planned Development District:

- (a). *Front Yard.* Minimum Front Yard requirements shall be designated in the Development Plan or Zoning Ordinance creating the Mixed Use Planned Development District . If the plan and ordinance fail to designate the minimum Front Yard requirements

then a Front Yard shall be a minimum of fifty (50) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.

- (b) *Side Yard.* Minimum Side Yard requirements shall be designated in the Development Plan or Zoning Ordinance creating the Mixed Use Planned Development District . If the plan and ordinance fail to designate the minimum Side Yard requirements then a Side Yard shall be a minimum of thirty (30) feet.
- (c) *Rear Yard.* Minimum Rear Yard requirements shall be designated in the Development Plan or Zoning Ordinance creating the Mixed Use Planned Development District . If the plan and ordinance fail to designate the minimum Rear Yard requirements then a Rear Yard shall be a minimum of thirty (30) feet.
- (d) *Area of a Lot.* The minimum Area of a Lot, if any, shall be designated in the Development Plan or Zoning Ordinance creating the Mixed Use Planned Development District .
- (e). *Width of the Lot.* The minimum Width of a Lot, if any, shall be designated in the Development Plan or Zoning Ordinance creating the Mixed Use Planned Development District .
- (f) *Depth of the Lot.* The minimum Depth of a Lot, if any, shall be designated in the Development Plan or Zoning Ordinance creating the Mixed Use Planned Development District .
- (g). *Lot Coverage.* The maximum Lot Coverage shall be designated in the Development Plan or Zoning Ordinance creating the Mixed Use Planned Development District . If the plan and ordinance fail to designate the maximum Lot Coverage then the maximum Lot Coverage shall be 30%.

Section 2-164 Special Regulations

- (a) A tract to be developed as a Mixed Use Planned Development shall have a minimum of twenty (20) acres.
- (b) Dwelling units shall be grouped into clusters, allowing an appreciable amount of land for open space around the dwelling units.
- (c) Areas exhibiting environmentally significant natural features shall be preserved or enhanced.
- (d) Common open space shall comprise not less than ten (10%) percent of the total area to be developed as a Mixed Use Planned Development. Common open space shall include land area accessible to and permanently reserved for leisure and recreational purposes, Parks and other open green-belt areas. Common open space shall not include areas reserved for the exclusive use and benefit of an individual Lot owner, dedicated Streets, Alleys or public right of ways and driveways.

Section 2-165 Procedure

(a) Zoning Application. An application for a Mixed Use Planned Development District shall be made and processed in accordance with the requirements for a Zoning Classification Amendment under Section 1-101 of this ordinance.

(b) Development Plan.

1. An application for a Mixed Use Planned Development District shall be accompanied by a Development Plan.

2. The Development Plan shall include all of the information for a preliminary subdivision plat under Section 1-22(b)(1)-(10) of the Lindale Subdivision Ordinance and shall be submitted in accordance with Section 1-22(c) of the Lindale Subdivision Ordinance.

3. The Development Plan shall also include:

- a. a list of proposed land uses and acreage devoted to each type of use;
- b. the location of all buildings, parking lots, off-street loading areas, major signs and other significant structures;
- c. set back requirements from all boundaries;
- d. maximum densities for residential uses and maximum floor area for non-residential uses;
- e. pedestrian circulation plan;
- f. landscape plan;
- g. information relating to the transition and buffering between the different land uses within the District and with adjoining districts; and
- h. specific regulations that will apply to the District.

4. The Development Plan shall be clearly marked as a “Development Plan” and shall not be considered the submission of a preliminary plat under the Lindale Subdivision Ordinance.

(c) Ordinance Creating the Mixed Use Planned Development District.

1. An ordinance is required to create a Mixed Use Planned Development District.

2. The Development Plan, if approved, shall become a part of the ordinance creating the Mixed Use Planned Development District and shall be referenced on the Official Zoning Map.

3. Regulations for the District not otherwise provided in Section 2-153 shall be stated in the ordinance creating or amending the Mixed Use Planned Development District.

- (d) Amendment to the Development Plan or Ordinance Creating the Mixed Use Planned Development District.

An amendment to the ordinance establishing the Mixed Use Planned Development District or Development Plan, shall be filed and processed in the same manner as required for approval of the Mixed Use Planned Development District.

- (e) A preliminary subdivision plat on a proposed Mixed Use Planned Development shall not be accepted by the Planning and Zoning Commission or City Council until the tract has been zoned as a Mixed Use Planned Development District in accordance with this ordinance.

Section 2-166–2-170. Reserved.

PART 18 “I-1” INDUSTRIAL, TRANSPORTATION AND DISTRIBUTION DISTRICT

Section 2-171 Purpose

The purpose for this district is to provide for the location and development of low to medium impact industries and supporting commercial and public uses which generate relatively low to moderate levels of noise, odor, smoke, dust or intense light. The provisions of this district are intended to accommodate enterprises with functions requiring access to major transportation facilities for the reception and distribution of goods and services and to require appropriate buffering around development within this district to maintain its compatibility with surrounding land uses.

Section 2-172 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an “I-1” Industrial, Transportation and Distribution District are listed in “Addendum 2-- Non-Residential and Mixed Use Districts”. Parking space requirements for each use are listed in “Addendum 3–Parking Space Requirements”

Section 2-173 District Regulations

The following regulations apply in a “I-1” Industrial, Transportation and Distribution District:

- (a). *Front Yard.* A Front Yard shall be a minimum of fifty (50) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.
- (b). *Side Yard.*
 - 1. If a Side Lot Line in an “I-1” District adjoins a Non-residential district then a Side Yard adjoining the Non-residential district shall be a minimum of fifteen (15) feet.
 - 2. If a Side Lot Line in a” I-1” District adjoins a Residential District then the Side Yard adjoining the Residential District shall be not less than thirty (30) feet.
- (c). *Rear Yard.*

1. If a Rear Lot Line in a "I-1" District adjoins a Non-residential district then a Rear Yard adjoining the Non-residential district shall be a minimum of fifteen (15) feet.

2. If a Rear Lot Line in a "I-1" District adjoins a Residential District then the Rear Yard shall be not less than thirty (30) feet.

(d) *Area of the Lot.* The minimum Area of the Lot shall be two (2) acres.

(e) *Width of the Lot.* There is no minimum Width of the Lot.

(f) *Depth of the Lot.* There is no minimum Depth of the Lot.

(g) *Lot Coverage.* The maximum impervious coverage of a Lot (buildings and all paved areas) shall be 90%. The minimum size of a Principal Building shall be 3,000 square feet.

(h) *Parking Lot setback.* The minimum distance from a Front Lot Line to the Parking Lot shall be thirty five (35) feet.

Section 2-174–2-180. Reserved.

PART 19 "I-2" HEAVY INDUSTRIAL DISTRICT

Section 2-181 Purpose

The purpose for this district is to accommodate heavy impact industries and supporting commercial and public uses which generate relatively high levels of noise, odor, smoke, dust or intense light. The provisions of this district are intended to accommodate enterprises with functions requiring access to major transportation facilities for the reception and distribution of goods and services and to require appropriate buffering around development within this district to maintain its compatibility with surrounding land uses.

Section 2-182 Uses and parking space requirements

Uses permitted by right and uses permitted by special use in an "I-2" Heavy Industrial District are listed in "Addendum 2-- Non-Residential and Mixed Use Districts". Parking space requirements for each use are listed in "Addendum 3–Parking Space Requirements"

Section 2-183 District Regulations

The following regulations apply in a "I-2" Heavy Industrial District:

(a) *Front Yard.* A Front Yard shall be a minimum of fifty (50) feet. If the Lot abuts two Streets then the required Front Yard shall be provided on both Streets.

(b) *Side Yard.* A Side Yard shall be a minimum of fifteen (15) feet.

(c) *Rear Yard.* A Rear Yard shall be a minimum of fifteen (15) feet.

(d) *Area of the Lot.* The minimum Area of the Lot shall be 10 acres.

- (e). *Width of the Lot.* There is no minimum Width of the Lot.
- (f). *Depth of the Lot.* There is no minimum Depth of the Lot.
- (g). *Lot Coverage.* The maximum impervious coverage of a Lot (buildings and all paved areas) shall be 90%. The minimum size of a Principal Building shall be 3,000 square feet.
- (h). *Parking Lot setback.* The minimum distance from a Front Lot Line to the Parking Lot shall be thirty five (35) feet.

Section 2-174–2-180. Reserved.

ARTICLE 3 GENERAL BUILDING, STRUCTURE AND USE REGULATIONS

PART 1 GENERAL

Section 3-1 Application

The regulations in this Article are in addition to all other regulations on the same subject matter contained in this ordinance. The regulations in this Article apply to all Districts unless otherwise indicated.

Section 3-2--3-10. Reserved.

PART 2 PRINCIPAL OR ACCESSORY BUILDINGS

Section 3-11 One Principal Building per Single Family or Two Family Dwelling Lot

Only one Principal Building shall be located on a Lot used or zoned as a Single Family Dwelling or Two Family Dwelling. The location of the Principal Building must comply with Yard, Parking and other regulations of this Ordinance.

Section 3-12 Multiple Principal Buildings on a Lot

(a) A Lot that is used for Farmstead or Agriculture, excluding a Single Family Dwelling, Multiple Family Dwelling, Commercial, Institutional or Industrial purposes may have more than one Principal Building located on the Lot. Provided however, the location of the Principal Buildings must comply with the Yard, Parking and other regulations of this ordinance.

(b) If more than one Principal Building is located on a Lot then each Principal Building shall be a minimum of twenty (20) feet from any other Principal Building.

Section 3-13 Direction of Principal Building

Except as otherwise provided in this Section, the front of a Principal Building shall be directed toward a Street that adjoins the Lot on which the Principal Building is located. The front of the Principal Buildings in a Commercial Center or Industrial or Research Park may be directed toward a Street that adjoins the Lot or a Parking Lot on the Lot where the Commercial Center or Industrial or Research Park is located.

Section 3-14 Location of Accessory Building

(a) Except as otherwise provided in this ordinance, an Accessory Building shall be a minimum of ten (10) feet from a Principal Building.

(b) An Accessory Building used for farming or agricultural purposes or for the storage of chemicals, gasoline, diesel, fertilizer, hay or other highly combustible material shall be a minimum of thirty (30) feet from a Single Family Dwelling.

(c) An Accessory Building shall not be located in a Front Yard or Side Yard.

(d) An Accessory Building shall be located in a Rear yard and shall be a minimum of five (5) feet, excluding any overhang, from a Side Lot Line or Rear Lot Line.

Section 3-15 Construction Materials

(a) An Accessory Building shall be constructed in a manner and from materials that are consistent with the color and character of the Principal Building on the Lot.

(b) An Accessory Building shall not be repaired, enlarged or reconstructed unless the repair, enlargement or reconstruction is done in a manner consistent with the color and character of the existing Accessory Building.

Section 3-16--3-20. Reserved.

PART 3 YARD REGULATIONS

Section 3-21 General Yard Regulations

(a) Except as otherwise provided in this ordinance, a Building, Sign or other Structure shall not be erected, constructed, reconstructed, or altered so as to be located in a required Front Yard, Side Yard or Rear Yard.

(b) If more than one Principal Building is located on a Lot, the required Front Yard, Side Yard and Rear Yard must be maintained around the group of Principal Buildings.

(c) Notwithstanding anything to the contrary in this ordinance, a Building, Sign or other Structure shall not be erected, constructed, reconstructed, or altered so as to interfere with visibility and the safe movement of motor vehicles or pedestrians.

Section 3-22 Ordinance, Approved Site Plan or Recorded Plat More Restrictive

(a). If an ordinance or an approved Site Plan establishes a Yard that is larger than required by this ordinance then no Building shall be erected in the Yard established by the ordinance or Site Plan.

(b). If a Plat establishes a Yard that is larger than required by this ordinance then no Building shall be erected in the Yard established by the Plat.

Section 3-23 Special Regulations for Front Yards

(a) If a single block has more than one zoning District so that differing depths apply to the required Front Yard, the requirement that imposes the greatest depth in that block shall apply to all Front Yards within that block.

(b) In all Farmstead and Agriculture Districts and Residential Districts, if twenty five percent (25%) or more of the Lots on the same side of a Street between intersecting Streets are occupied by a Principal Building having Front Yards with greater depths than required by this ordinance, then all other Lots on the same side of the Street between the intersecting Streets must be developed with a Front Yard that is equal to or greater

than the depth of the Front Yard of the developed Lots.

Section 3-24 Special Regulation for a Side Yard or Rear Yard that Abuts Water

If a Side Yard or Rear Yard abuts a lake or waterway or abuts a common area that adjoins a lake or waterway, the Principal Building Shall be a minimum of twenty five (25) feet from the edge of the ten year high water mark..

Section 3-25-3-30. Reserved

PART 4 PERMITTED STRUCTURES IN YARDS

Section 3-31 Permitted Front Yard Structures

(a) The following projections from a Principal Building are permitted in a Front Yard:

1. Eaves, gutters, attached chimneys, or air conditioning window or wall units, projecting not more than two (2) feet from a Principal Building.
2. Sills, belt courses, cornices, or ornamental features of a Principal Building projecting not more than 12 inches from the Building.
3. Awnings and canopies attached to a Principal Building and projecting not more than five (5) feet from the front of the Building and located at least eight (8) feet above adjoining walkways or driveways.
4. Open entrances, stoops or porches, when not covered, projecting a maximum of ten (10) feet from a Principal Building and a maximum of four (4) feet above ground level of the graded Lot.
5. Signs as permitted by this Ordinance.

(b) Except as otherwise provided by this ordinance, the following Structures are permitted in a Front Yard if located and constructed in compliance with this ordinance:

1. Steps, a maximum of four (4) feet above ground level of the graded Lot, which are necessary for access to a Principal Building or for access to a Lot from a Street or public way;
2. Sidewalks or access ramps for the disabled;
3. Access driveway as permitted by this ordinance;
4. Signs as permitted by this ordinance;
5. Fences and walls as permitted by this ordinance;
6. Living plant material, Landscaping, fountains, sculptures, planter boxes, lighting fixtures, flagpoles, or mailboxes;

7. Overhead service lines or poles for utilities in districts where they are not prohibited by this ordinance;
8. Off street Parking Spaces as permitted by this ordinance; or
9. Architectural entrance structures on a Lot provided the Area of the Lot is not less than one acre or at entrance Streets into subdivisions containing fifty (50) or more Lots.
10. Gasoline pumps and associated overhead covering.
11. Automatic teller machine on a Lot used for financial services including a commercial bank, credit union, savings institution, security broker or similar use.

Section 3-32 Permitted Side Yard or Rear Yard Structures

(a) The following projections from a Principal Building are permitted in a Side Yard or Rear Yard:

1. Eaves, gutters, attached chimneys, or air conditioning window or wall units, projecting not more than two (2) feet from the Building.
2. Sills, belt courses, cornices, or ornamental features projecting not more than twelve (12) inches from the Building.
3. Awnings and canopies attached to the Building and projecting not more than five (5) feet from the side of the Building and located at least eight feet above adjoining walkways or driveways.
4. Open entrances, stoops or porches, when not covered, projecting a maximum of ten (10) feet from the Building and a maximum of four (4) feet above the ground level of the graded Lot.
5. Balconies projecting not more than four (4) feet from the Building.
6. Signs as permitted by this ordinance.

(b) Except as otherwise provided by this ordinance, the following Structures are permitted in a Side Yard or Rear Yard if located and constructed in compliance with this ordinance:

1. Steps, a maximum of four (4) feet above the ground level of the graded Lot, which are necessary for access to a Principal Building or for access to a Lot;
2. Sidewalks or access ramps for the disabled;
3. Access driveway as permitted by this ordinance;
4. Signs as permitted by this ordinance;
5. Fences or walls as permitted by this ordinance;

6. Living plant material, Landscaping, fountains, sculptures, planter boxes, lighting fixtures, flagpoles, or mailboxes;
7. Overhead service lines or poles for utilities in districts where they are not prohibited by this ordinance;
8. Central air conditioning units, heat pumps or solar collecting equipment, located not more than four (4) feet from the Principal Building; provided however, the central air conditioning unit, heat pump or solar collecting equipment shall be located in the Rear Yard if possible;
9. Off street Parking Spaces or Loading Areas as permitted by this ordinance;
10. Arbors, trellises, playground equipment, tennis court, basketball goal, or clotheslines;
11. Swimming pools located a minimum of ten (10) feet from a Side Lot Line or Rear Lot Line;
12. Commercial trash receptacles or refuse containers. If a trash receptacle or refuse container that is three cubic yards or larger is located on a Lot that adjoins a Lot used as a Single Family Dwelling then the trash receptacle or refuse container shall be located a minimum of fifty (50) feet from the Side Lot Line or Rear Lot Line that adjoins the Lot used as a Single Family Dwelling;
13. Gasoline pumps and associated Structure providing overhead covering; or
14. Automatic teller machine on a Lot used for financial services including a commercial bank, credit union, savings institution, security broker or similar use.

Section 3-33---3-40. Reserved.

PART 5 FENCES OR WALLS

Section 3-41 Height Regulation

(a) *Front Yard.*

1. Except as otherwise provided in this ordinance, a fence or wall in a Front Yard shall not exceed a height of four (4) feet.
2. If the fence or wall is located on a Corner Lot serving as an entryway to a subdivision then the fence or wall shall not exceed a height of eight (8) feet.

(b) *Side or Rear Yard.*

1. Except as otherwise provided in this ordinance, a fence or wall in a Side Yard or in a Rear Yard shall not exceed a height of eight (8) feet.
2. A swimming pool shall be enclosed by a fence or wall with a minimum height of six (6) feet and maximum height of eight (8) feet.

Section 3-42 Distance from Lot Line

(a) *Front Yard.* Except as otherwise provided in this ordinance, a fence or wall in a Front Yard may be erected along a Front Lot Line. Provided however, a fence or wall with a height of more than three feet and located in a Front Yard of a Corner Lot serving as an entryway to a subdivision shall be a minimum of fifteen (15) feet from each Front Lot Line.

(b) *Side Yard or Rear Yard.* A fence or wall in a Side Yard may be erected along a Side Lot Line and a fence or wall in a Rear Yard may be erected along a Rear Lot Line.

Section 3-43 Construction Materials

(a) Except as otherwise provided in this Section, a fence or wall in a Front Yard may be constructed of vinyl, wrought iron, Stone Material, Brick, Masonry, stucco, concrete, chain link, wooden pickets, or wood in combination with Stone Material, Brick or Masonry.

(b) Except as otherwise provided in this Section, a fence or wall in a Side Yard or Rear Yard may be constructed of vinyl, wrought iron, Stone Material, Brick, Masonry, stucco, concrete, wood or chain link fencing.

(c) An existing fence shall not be repaired, extended or reconstructed unless the repair, extension or reconstruction is done in a manner consistent with the color, material and character of the existing fence or wall.

(d) A masonry fence or wall shall be constructed with expansion and contraction joints at a minimum of every sixty (60) feet of linear fence or wall.

Section 3-44--3-50. Reserved.

PART 6 OFF STREET PARKING

Section 3-51. Off-street Parking Required

Except as otherwise provided in this ordinance, no Principal Building shall be erected, constructed, reconstructed, or altered, without providing at the time the Building is erected, constructed, reconstructed or altered, minimum off-street parking with adequate provision for ingress and egress by passenger vehicles in accordance with the requirements of this ordinance.

Section 3-52 Number of Parking Spaces

(a) Except as otherwise provided in this ordinance, the minimum number of off-street Parking Spaces required on a Lot for each use permitted by right or allowed by special use in a District is the ratio specified in Addendum 3. If fractional Parking Spaces result then the Parking Spaces required shall be construed to be the next highest whole number.

(b) Where there is a combination of uses on a Lot, the required number of Parking Spaces shall be the sum of that found for each use.

(c) The Parking Space requirement for a use not specifically listed will be determined by the Administrative Officer based on the most comparable use in that District.

(d) If a Building or a use is changed so that there is an increase in Floor Area, number of employees, number of dwelling units, seating capacity of a Building or similar change, additional Parking Spaces shall be provided based on the enlargement or change.

(e) If a Building or use that existed prior to the Effective Date of this ordinance is changed so that there is an increase of more than 25% in the number of additional Parking Spaces required compared to the number of Parking Spaces that existed prior to the Effective Date of this ordinance, the Building or use shall comply with the Parking Space requirements of this ordinance.

Section 3-53 Location of Parking Spaces

(a) Except as otherwise provided in this section, the Parking Spaces required by this ordinance shall be located on the same Lot as the Principal Building or use served by the Parking Spaces. Parking Spaces may be located on an adjoining Lot or a Lot separated by a Street or Alley if the use of the Parking Spaces is exclusive.

(b) Except as otherwise provided in this Section, a maximum of 50% of the Parking Spaces required for an Entertainment Center or Restaurant, and a maximum of 80% of the Parking Spaces required for a Church or Other House of Worship, or a Public or Private School may be provided and used jointly if located on a nonresidential Lot within three hundred (300) feet of the Building or use served.

(c) All of the Parking Spaces required by this ordinance for a nonresidential Lot located in the Downtown Mixed Use District may be provided and used jointly if located in the Downtown Mixed Use District.

(d) If a Building or use is changed so that there is an increase in the number of Parking Spaces required, the required Parking Spaces may be located on a nonresidential Lot within three hundred (300) feet of the Building or use served.

(e) If the required Parking Spaces are not located on the Lot with the Building or use served or the Parking Spaces are provided and used jointly then a written parking easement for a perpetual term and executed by the owners of the property must be filed in the Official Records of Smith County, Texas and approved by the city attorney. The parking easement shall be submitted with the application for a building permit.

Section 3-54. Size of Parking Spaces and Aisles

(a) *Ninety degree angle parking.* Each Parking Space shall be not less than nine (9) feet wide nor less than eighteen (18) feet in length. The width of the aisle adjacent to the Parking Space shall be not less than twenty four (24) feet. See Addendum 4.

(b) *Sixty degree angle parking.* Each Parking Space shall be not less than nine (9) feet wide nor less than seventeen (17) feet in length when measured at right angles to the Building or parking line. The width of the aisle adjacent to the Parking Space shall be not less than twenty (20) feet for one way traffic nor less than twenty four (24) feet for two way traffic. See Addendum 5.

(c) *Forty five degree angle parking* Each Parking Space shall be not less than nine (9) feet wide nor less than sixteen (16) feet in length when measured at right angles to the Building or parking line. The width of the aisle adjacent to the Parking Space shall be not less than eighteen (18) feet for one way traffic nor less than twenty four (24) feet for two way traffic. See Addendum 6.

Section 3-55. Parking Space Accessibility.

(a) Except as otherwise provided in this Section, each required Parking Space shall be individually and easily accessible. No automobile shall be required to back onto any public Street or sidewalk to leave any Parking Space unless the Parking Space serves a Lot with a Single Family Dwelling or Two Family Dwelling. All portions of a public Parking Lot or garage shall be accessible to other portions of the Parking Lot or garage without requiring the use of a public Street.

(b) This Section does not apply to a Lot located in a “MU-3” Downtown Mixed Use District.

Section 3-56 Parking Spaces for Disabled Persons

(a) Parking Lots and Parking Spaces shall conform to all state and federal laws and regulations regarding parking for disabled persons.

(b) Unless otherwise required by state or federal law, Parking Spaces with a slope of not more than two (2%) percent for use by persons with disabilities shall be designated on a Parking Lot as follows:

Total Parking Spaces	Minimum number of spaces for use by persons with disabilities
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	Two (2) percent of the Total Parking Spaces
More than 1,000	20 plus 1 for each 100 over 1,000

(c) Unless otherwise provided by state or federal law, the required Parking Spaces shall be marked and

designated in compliance with the standards and specifications adopted by the Commissioner of licensing and regulation of the Texas Department of Transportation under Section 5, article 9102, Revised Statutes, relating to the identification and dimensions of Parking Spaces for persons with disabilities, as amended.

(d) Unless otherwise required by state or federal law, one in every eight Parking Spaces for disabled persons, but not less than one, shall be served by an access aisle not less than ninety six (96) inches wide, designated “van accessible.”

(e) Unless otherwise required by state or federal law, Parking Spaces for persons with disabilities shall be located in close proximity to the entrances of the Building or use served.

Section 3-57 Access Driveway

(a) Except as otherwise provided in this ordinance, every Parking Lot shall be connected to a Street or Alley by an access driveway with a minimum width of—

(1) Twelve (12) feet for a private driveway to a Single Family Dwelling, Two Family Dwelling, Multiple Family Dwelling, Agricultural, Commercial or Industrial driveway with a one-way entrance or exit.

(2) Twenty-four (24) feet for a Multiple Family Dwelling, Agricultural, Commercial or Industrial driveway with a two-way entrance and exit.

(b) The maximum width of an access driveway shall be thirty (30) feet.

(c) The maximum slope of an access driveway shall not exceed 10 percent. Transition slopes in an access driveway shall be provided in accordance with the standards set by the City’s engineer.

(d) An access driveway serving a Single Family Dwelling or Two Family Dwelling shall not be located within five (5) feet of an adjoining Lot Line unless it is a shared driveway serving two Lots. If an access driveway is shared then the owners of the Lots shall execute and file in the Official Records of Smith County, Texas an easement permitting the shared use of the driveway.

(e) An access driveway serving a Single Family Dwelling or Two Family Dwelling shall not be located on another Lot unless it is a shared driveway serving two Lots. An access driveway shall not pass through a Lot to serve another Lot that does not adjoin a Street.

Section 3-58 Construction Standards

(a) The Parking Spaces, adjacent aisles and access driveways shall be covered with an asphalt, concrete or similar impervious surface.

(b) All required Parking Spaces shall be striped unless it is a private garage or Parking Space for the exclusive use of a Single Family Dwelling or Two Family Dwelling.

Section 3-59 Lighting.

- (a) Illumination of Parking Lots is required for all Parking Lots with more than eight (8) parking spaces. Illumination may be provided through light fixtures on either a pole or a Building.
- (b) All lights illuminating a Parking Lot shall be designed and located so as to reflect away from any Street and adjacent Lot.
- (c) The minimum amount of maintained illumination for a Parking Lot is as follows:

Use	Foot Candles/Square Foot	Uniformity Ratio
Low activity: local merchant shopping (less than 15 acres), industrial employee parking, and similar uses	0.5	4:1
Medium activity: fast food restaurants, area shopping centers (more than 15 acres), hospitals, residential complexes, and similar uses	1.0	3:1
High activity: athletic and major cultural or civic events, regional commercial centers and similar uses	2.0	3:1

Section 3-60 Use of a Parking Lot

A Parking Lot shall be used to park motor vehicles or trailers. A Parking Lot shall not be used to sell or dismantle a motor vehicle or trailer.

Section 3-61 Parking and Storage of Junked or Abandoned Motor Vehicles or Trailers or Towed Motor Vehicles

- (a) Except as otherwise provided in this Section, a motor vehicle that has been towed to a Lot, or a motor vehicle or trailer that does not operate or is not capable of being used in its current condition shall not be parked or stored on a Lot unless:
 - 1. The motor vehicle or trailer is contained within an enclosed garage or other Accessory Building; or
 - 2. The motor vehicle or trailer is not visible from any Street.
- (b) This Section shall not apply to a Junk Yard or Salvage Yard that otherwise complies with this ordinance.

Section 3-62 Parking and Storage of Recreational Vehicles, Trailers, and Other Recreational Equipment

(a) Except as otherwise provided in this Section, a motor home, travel trailer, utility trailer, boat or boat trailer, or jet ski shall not be parked or stored on a Lot used as a Dwelling unless:

1. The motor home, travel trailer, utility trailer, boat or boat trailer, or jet ski is contained within an enclosed garage or other Accessory Building; or
2. The motor home, travel trailer, utility trailer, boat or boat trailer, or jet ski is parked in a Side Yard or Rear Yard, but not in a Front Yard.

(b) A motor home or travel trailer may be parked in the Front Yard of a Lot used as a Dwelling for a period not to exceed forty eight (48) hours for the purpose of loading or unloading the motor home or travel trailer.

(c) Except as provided in this Subsection a motor home or travel trailer shall not be used for living or sleeping purposes when parked on a Lot used as a Dwelling. A motor home or travel trailer may be used by out of town guests for living or sleeping purposes for no more than thirty (30) days during any twelve (12) month period.

Section 3-63-3-70 Reserved

PART 7 OFF STREET LOADING

Section 3-71 Off street Loading Area Required

Except as otherwise provided in this Part, no Building shall be erected, constructed, reconstructed, or Structurally Altered, for a retail, commercial or industrial use that receives or distributes materials or goods by means other than a passenger vehicle, without providing at the time the Building is erected, constructed, reconstructed, or Structurally Altered, a minimum off-street Loading Area with adequate provision for ingress and egress by delivery vehicles, in accordance with the requirements of this Part.

Section 3-72. Location

The off-street Loading Area required by this Part shall be located on the same Lot as the Principal Building or use served and shall be directly accessible from an entrance to the Building. The Loading Area shall be located in a Side Yard or Rear Yard but shall not be located in a Front Yard.

Section 3-73. Size

The off-street Loading Area required by this section shall be sufficient to accommodate the largest delivery vehicle customarily used in connection with the principal use of the Lot. A site plan shall be submitted with the application for a building permit identifying the size and location of the proposed Loading Area and the types of delivery vehicles customarily used in connection with the applicant's use of the Lot.

Section 3-74 Loading Area Accessibility.

A Loading Area shall be individually and easily accessible. No delivery vehicle shall be required to stop or back onto any Street or sidewalk or otherwise obstruct the flow of traffic to enter or leave the Loading Area.

Section 3-75 Access Driveway

A Loading Area shall be connected to a Street or Alley by an access driveway with a minimum width of eighteen (18) feet.

Section 3-76 Construction Standards

The Loading Area and access driveway shall be covered with an asphalt, concrete or similar impervious surface.

Section 3-77 Screening of Loading Area

A Loading Area intended for use by tractor/semi-trailers shall be screened from public view by an opaque fence or wall of a height not less than ten (10) feet. For purposes of this section, *screened from public view* means not visible at eye level from any point on a Street.

Section 3-78--3-80. Reserved.

PART 8 SPECIFIC USE REGULATIONS

Section 3-81 Home Occupations

- (a) A special use is required for all Home Occupations.
- (b) A Home Occupation is only permitted as an Accessory use in a Dwelling if it meets the following conditions:
 - (1) It is conducted wholly within the Principal Building;
 - (2) It is not conducted within a garage, whether attached or detached;
 - (3) It does not depend on the employment of a person who does not reside in the Dwelling unit;
 - (4) A separate entrance is not provided for the conduct of the occupation;
 - (5) An alteration is not made in the Dwelling unit that changes its character as a Dwelling unit;
 - (6) It does not use outdoor storage;
 - (7) It does not involve more than 300 square feet of the area of the Dwelling unit;

- (8) A Sign advertising the home occupation is not located on the Lot, or on a Building or Structure on the Lot;
- (9). It does not require the delivery or shipment of merchandise, goods or equipment by other than passenger motor vehicles, three quarter ton step-up van or similar sized trucks;
- (10). It does not create or cause any perceptible noise, odor, smoke, electrical interference or vibrations to emanate from the premises; and
- (11). It is conducted so that it does not create parking or traffic congestion or otherwise place an undue burden on the abutting or adjoining neighbors or the immediate neighborhood.

Section 3-82 Sexually Oriented Business

- (a) A special use is required for all Sexually Oriented Businesses, as defined by Section 1-3 (33) of the Lindale Sexually Oriented Business Ordinance.
- (b) A Sexually Oriented Business shall be located only in an Industrial, Transportation and Distribution District or Heavy Industrial District.
- (c) The requirements for a Sexually Oriented Business under this ordinance are in addition to the requirements under the Lindale Sexually Oriented Business Ordinance. Notwithstanding Section 6-2, if there is a conflict between this ordinance and the Lindale Sexually Oriented Business Ordinance then the terms of the Lindale Sexually Oriented Business Ordinance shall control.

Section 3-83 Radio, Communication, or Television Transmission Tower

- (a) This Section does not apply to a receive-only home television antenna, a satellite dish antenna that is a permitted accessory use or a tower less than fifty (50) feet in height that is used as an amateur radio station.
- (b) A special use is required to erect, construct, reconstruct, or alter a Radio, Communication, or Television Transmission Tower (“Tower”) after the Effective Date of this ordinance.
- (c) A Tower shall be located only in a Farmstead and Agricultural District.
- (d) The Tower shall be centrally located on the Lot so as to provide a minimum distance equal to one and one-half (1 ½) times the height of the Tower from all Lot Lines. Tower supports and anchors shall be located on the Lot where the Tower is located and shall not be located in a required Yard. More than one Tower may be located on a Lot. However, the Towers must be located and constructed so that a failure of one Tower will not lead to the failure of any other Tower.
- (e) Fence or wall
 - 1. An opaque fence or wall shall be erected around the base of the Tower of a uniform height of not less than six (6) feet nor more than eight (8) feet that screens the view of the base of the Tower from an adjoining Lot, Street or Alley. No part of the opaque fence or wall shall be made of a wire-

type fencing material. No fence or wall shall be required if the Tower is affixed to a Building.

2. Either an opaque fence or wall, or black wire type fence shall be erected around each tower anchor to a uniform height of not less than six (6) feet not more than eight (8) feet.

(f) Equipment not used in direct support of a Tower shall not be stored or parked on the Lot where the Tower is located unless repairs are being made to the Tower.

(g) No Sign or illumination shall be placed on a Tower unless required by the FCC, FAA or other state or federal agency. No advertising is permitted on a Tower.

(h) A new Tower shall not be erected or constructed if there is a technically suitable space available on an existing Tower that was erected, constructed, reconstructed or altered after the Effective Date of this ordinance. The wilful failure of a Tower owner to allow the shared use of a Tower where the person seeking the use agrees to pay reasonable, pro rata charges for sharing, including all charges necessary to accommodate the shared use and to observe whatever technical requirements are necessary to allow shared use without creating interference, is grounds to revoke the special use granted for the Tower and to refuse approval of a new Tower for the Tower owner.

Section 3-84 Junk Yard or Salvage Yard

(a) A special use is required to establish a Junk Yard or Salvage Yard after the Effective Date of this ordinance.

(b) A Junk Yard or Salvage Yard shall be located only in a Heavy Industrial District.

(c) A Lot used as a Junk Yard or Salvage Yard shall have an opaque fence or wall of a uniform height of not less than six (6) feet nor more than twelve (12) feet that screens the view of the Junk from an adjoining Lot, Street or Alley. No part of the opaque fence or wall shall be made of a wire-type fencing material.

Section 3-85 Public Utility Station

(a) A special use is required to erect, construct, reconstruct, or Structurally Alter a Public Utility Station in a Farmstead and Agriculture District or a Residential District after the Effective Date of this ordinance.

(b) An opaque fence or wall shall be erected around the base of the Public Utility Station of a uniform height of not less than six (6) feet nor more than eight (8) feet that screens the view of the base of the Public Utility Station from an adjoining Lot, Street or Alley. No part of the opaque fence or wall shall be made of a wire-type fencing material.

(c) Equipment not used in direct support of a Public Utility Station shall not be stored or parked on the Lot where the Public Utility Station is located unless repairs are being made to the Public Utility Station.

Section 3-86 Veterinary Hospital, Small Animal Clinic or Kennel

(a) A special use is required to erect, construct, reconstruct, or Structurally Alter a Veterinary Hospital, Small Animal Clinic or Kennel after the Effective Date of this ordinance.

(b) A Building used as a Veterinary Hospital, Small Animal Clinic or Kennel shall be sound proof so as to prevent any noise from being heard outside the Building at the nearest Lot Line.

(c) An outside cage or animal pen used as an accessory structure to a Veterinary Hospital, Small Animal Clinic or Kennel shall not be located in a Mixed Use District or Commercial District. An outside cage or pen used as an accessory structure to a Veterinary Hospital, Small Animal Clinic or Kennel in a Farmstead and Agricultural District shall not be located within one hundred fifty (150) feet of a Lot Line or within two hundred fifty (250) feet of a Dwelling.

Section 3-87 Livestock Auction Barn

(a) A special use is required to erect, construct, reconstruct, or Structurally Alter a livestock auction Barn after the Effective Date of this ordinance.

(b) A livestock auction barn shall be located only in a Heavy Industrial District.

(c) A livestock auction barn shall not be located in an area that does not have adequate Streets to accommodate the traffic that will result from the livestock auction barn.

Section 3-88 Public or Private School

(a) A special use is required to erect, construct, reconstruct, or Structurally Alter a Public or Private School in a district other than in an Institutional Planned Development District after the Effective Date of this ordinance.

(b) A Public or Private School shall not be located in an area that does not have adequate Streets to accommodate the traffic that will result from the Public or Private School.

Section 3-89 Sale of Alcoholic Beverages

(a) A special use is required for the sale of alcoholic beverages by a dealer.

(b) Except as otherwise provided herein, the sale of alcoholic beverages by a dealer is prohibited if the place of business is within 300 feet of a Church, public school or public hospital.

(c) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be:

1. in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or
2. if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located. Texas

Alcoholic Beverage Code §109.33.

(d) The sale of beer is prohibited in a residential area. Texas Alcoholic Beverage Code §109.32.

(e) Nothing contained in this section shall authorize the sale of alcoholic beverages where the sale is prohibited by other law.

Section 3-90--3-100 Reserved.

ARTICLE 4 GENERAL DEVELOPMENT STANDARDS AND MAINTENANCE

PART 1 EXCAVATION AND EXTENSION OF UTILITY SERVICES

Section 4-1 Purpose

This section is intended to provide the community with fair and equitable grading and excavation practices and shall not supersede but shall supplement the requirements of any other ordinance. This section is also intended to protect the City's character and natural environment by prohibiting the indiscriminate clearing of Protected Trees and controlling the manner in which Protected Trees are removed.

Section 4-2 Grading and Excavation

(a) If a grading permit is required by Section 1-22 then no grading or excavation work shall be performed on a Lot, residential subdivision or commercial subdivision prior to the issuance of a grading permit. Furthermore, the Administrative Officer shall be notified at least 24 hours prior to the start of grading or excavation operations.

(b) Public utilities and services shall be protected from damage due to grading and excavation operations. Water, sewer and other utility lines shall be clearly marked before any grading or excavation work is performed.

(c) An adjoining Lot, Street or Alley shall be protected from damage due to grading or excavation operations. No person shall grade or excavate on a Lot sufficiently close to a Lot Line so as to endanger any adjoining Lot, Street, or Alley without supporting and protecting the Lot, Street or Alley from any damage that might result.

(d) Precautionary measures necessary to protect an adjoining Lot, Street or Alley from damage by water erosion, flooding or deposition of mud or debris originating from the site shall be put in effect. Precautionary measures shall include properly designed sediment control facilities so that a downstream Lot, Street or Alley is not affected by upstream erosion.

(e) Graded areas shall be protected from erosion to the extent practical by mechanical methods and by planting grass, ground cover, plants or trees. The plants shall provide for rapid, short-term coverage of the slopes as well as long-term permanent coverage.

(f) Signs, barricades or other safety devices shall be provided to ensure adequate safety when working in or near a Street.

(g) Whenever any existing excavation, embankment or fill has become a hazard to life or limb, endangers a Building or Structure, or adversely affects the safe use or stability of a Street or Alley, such excavation, embankment or fill shall be eliminated.

(h) Adequate cleaning of motor vehicles, trailers and equipment shall be provided to prevent the tracking of dirt and debris onto Streets during construction on a Lot. In the event dirt or debris is tracked onto a Street during construction, the owner of the Lot shall be responsible for the cost of removing the dirt or debris from the Street.

Section 4-3 Removal of a Protected Tree or Part Thereof

(a) Except as otherwise allowed by this ordinance, a person shall not remove a Protected Tree or part thereof.

(b) A Protected Tree or part thereof may be removed under the following circumstances, without a grading permit:

1. By a property owner, if the Protected Tree or part thereof is in an unsafe condition, is a threat to a Building or other Structure, or is infected with any injurious fungus, insect or other pest;

2. By the City, if the Protected Tree is located on a Lot owned by the City or within an easement or public right-of-way and if the Protected Tree in an unsafe condition, is a threat to a Building or other Structure, is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, is infected with any injurious fungus, insect or other pest, or interferes with construction or maintenance activity within a public easement or public right-of-way; and

3. By a public utility company, if the Protected Tree or part thereof, is in an unsafe condition, is a threat to a utility line or other utility Structure in an easement or public right-of-way, or is infected with any injurious fungus, insect or other pest, or interferes with construction or maintenance activity within an easement or public right-of-way.

(c) A Protected Tree or part thereof may be removed under the following circumstances, with a grading permit:

1. A Protected Tree may be removed from a Lot used for commercial or industrial purposes. If a Building is to be erected, constructed, reconstructed or Structurally Altered on a Lot used for a commercial or industrial purpose and a Protected Tree is removed from the area in or within ten (10) feet of the Building, a required Parking Lot, a required loading area or Access Driveway then no replacement trees are required. However, if a Protected Tree is removed under this subsection from an area more than (10) feet from the Building, a required Parking Lot, a required loading area or Access Driveway then two replacement trees shall be planted for each Protected Tree removed. The replacement trees are in addition to any other trees required under this ordinance.

2. A Protected Tree may be removed from a Lot used for residential purposes, provided the Protected Tree is located in or within ten (10) feet of the Building, a required Parking Lot, or Access Driveway that is to be erected, constructed, reconstructed or Structurally Altered. If a Protected Tree is removed under this Subsection, then two replacement trees shall be planted for each Protected Tree removed. The replacement trees are in addition to any other trees required under this ordinance.

3. Areas dedicated for use as a public improvement including but not limited to streets in a residential subdivision or commercial subdivision shall be designed and located whenever possible to preserve Protected Trees. However, if Protected Trees are located in an area dedicated for use as a public improvement in a residential subdivision or commercial subdivision, then the Protected Trees may be removed. If a Protected Tree is removed under this Subsection, then two replacement trees shall be planted for each Protected Tree removed. The replacement trees are in addition to any other trees required under this ordinance.

4. Protected Trees may be removed as a part of agricultural timbering provided an average of not less than five Protected Trees per acre are left undisturbed.

Section 4-4 Extension of Utility Services

Except as otherwise provided by this ordinance or by State law, if the use of a Lot or the erection, construction, reconstruction, alteration or use of a Building or Structure on a Lot requires the extension of a City water or sewer line then the extension of the water or sewer line shall be at the expense of the Lot owner or developer. If the City determines in its sole discretion that in order to accommodate future growth a water or sewer line should be installed that is larger or longer than needed for the individual Lot or subdivision to be served by the extension, then the City may participate in the cost of the water or sewer line extension. If the City chooses to participate in the over-sizing, the City shall pay the difference between the cost of the line needed for the individual Lot or subdivision to be served and the larger line or longer line needed for future growth. If the City elects not to participate in the cost of installing an oversized line then the owner or developer shall not be required to install an oversized line. Any extension of a water or sewer line shall be designed and installed according to City standards and specifications and shall be approved by the City Engineer.

Section 4-5 Underground Utility Lines

All utilities in a residential Subdivision for which a Final Plat was approved after the Effective Date of this Ordinance shall be underground.

Section 4-6--4-10. Reserved.

PART 2 LANDSCAPING

Section 4-11 Application of Landscaping Requirements

- (a) Except as otherwise provided in this Section, the Landscaping requirements in this Part shall apply to a Lot for which a building permit is required under this ordinance.
- (b) The Landscaping requirements shall not apply when a building permit is obtained solely for the alteration of the interior of a Building or the facade of a Building that does not change the location of an exterior wall.

Section 4-12 Landscaping Plan Required for Multiple Family Dwelling and Nonresidential use

- (a) A Landscaping plan shall be submitted to the Administrative Officer at the time an application for a building permit is filed if the Lot is used or will be used as a Multiple Family Dwelling or for a Nonresidential use. The plan shall be drawn to scale and show the location of existing and proposed Buildings, driveways, Parking Lots, Loading Areas, fences, walls, berms, trees, shrubs, vines, and grass or ground cover. The plan shall show the location of any Protected Trees which are not to be removed.
- (b) The Administrative Officer may allow or require minor deviations from the requirements of this Part if a literal application of a requirement would, because of unusual circumstances not common to other lots in the area, not achieve the intent of the regulation or cause an absurd result.

(c) Where improvements are proposed to a developed lot that was developed prior to the Effective Date of this ordinance and does not meet the requirements of this ordinance, the Board of Adjustment may approve as a special use a Landscaping plan with deviations from the requirements of this Part or impose alternative requirements that serve the purpose and intent of this Part, if the requirements of this Part cannot be reasonably complied with because of the existing developed conditions.

Section 4-13 Compliance Requirements

(a) Except as otherwise provided in this ordinance, all Landscaping requirements of this Part, including the requirements of an approved Landscaping plan, shall be satisfied before a Certificate of Occupancy and Compliance is issued. If weather conditions, scheduling delays or similar conditions delay compliance then the Administrative Officer may grant a temporary Certificate of Occupancy and Compliance for a period not to exceed one hundred and eighty (180) days if the owner of the Lot enters into an agreement with the City to comply with the Landscaping requirements within a specified time not to exceed one hundred and eighty (180) days.

(b) All required vegetation shall be maintained in good condition. If the required vegetation becomes diseased, deteriorated or dies, the vegetation shall be replaced within ninety (90) days of written notice from the Administrative Officer.

(c) All fences and walls shall be maintained in accordance with Section 4-51 of this ordinance.

Section 4-14 General Landscaping Requirements

(a) A Landscaped area shall have a minimum dimension of four feet; and

(b) Each required tree shall be planted in a Landscaped area of at least 36 square feet with a minimum dimension of six feet.

(c) Trees that are required by this Ordinance shall have a minimum caliper size of one and one-half (1½) inches when measured six (6) inches above ground level immediately after planting and shall have an average mature crown spread of at least fifteen (15) feet in diameter.

(d) Shrubs shall be a minimum of one (1) foot in height when measured immediately after planting. When used for screening purposes, the shrubs must form a continuous solid visual screen when mature.

(e) Solid sod or seed-blankets must be used to provide coverage and soil stabilization in any area subject to erosion. In areas not subject to erosion, if grass seed is used, then annual rye grass seed shall be sown for immediate effect and protection until coverage is achieved.

(f) Indigenous and drought resistant plant material should be used, but if not used, an irrigation system shall be installed or a watering source made available within one hundred (100) feet of a Landscaped area.

(g) If a fence or wall is constructed as a part of the landscaping then the fence or wall shall be constructed in accordance with the requirements of Sections 3-41 to 3-43 of this ordinance.

(h) A retaining wall with a height of four (4) feet or more shall be terraced with at least one landscaped

area for each four (4) feet or part thereof in height. Each landscaped area between the vertical planes of the retaining wall shall be a minimum of two (2) feet wide. A retaining wall may be constructed out of natural stone, hardwood railroad ties, landscape timbers or brick masonry.

Section 4-15 Single Family Dwelling and Two Family Dwelling Landscaping Requirements

If a Lot is used for Single Family Dwelling or Two Family Dwelling then all portions of the ground which are not covered by a Building, driveway, Parking Lot, or other permanent improvement shall be Landscaped.

Section 4-16 Multiple Family Dwelling and Nonresidential Landscaping Requirements

The following Landscape requirements apply to a Lot that is used or will be used as a Multiple Family Dwelling or for a Nonresidential use:

(a) All portions of the ground which are not covered by a Building, driveway, Parking Lot, Loading Area or other permanent improvement shall be Landscaped.

(b) The Landscaped area in the Front Yard shall contain at least one tree for each forty (40) linear feet of width or part thereof, measured along the Front Lot Line. The trees may be grouped.

(c) A Front Yard shall have a minimum fifteen (15) foot wide Landscaped area between all portions of any Parking Lot and the Street. The Landscaped area shall have a continuous hedge, fence, wall or berm of a height between three (3) feet and four (4) feet to screen the Parking Lot from the Street. If a fence or wall is used to provide the screening, then at least one shrub or vine shall be planted on the Street side of the fence or wall for each ten (10) linear feet of width or part thereof, measured along the Front Lot Line. The plants should not be spaced evenly apart.

(d) A Side Yard or Rear Yard that abuts a Lot in a Farmstead and Agricultural District or Residential District shall have a minimum ten (10) foot wide Landscaped area between all portions of any Parking Lot or Loading Area and the Side Lot Line or Rear Lot Line that abuts a Lot in a Farmstead and Agricultural District or Residential District. The Landscaped area shall have a continuous hedge, fence, wall or berm of a height between four (4) feet and eight (8) feet to screen the Parking Lot or Loading Area from the abutting Lot in the Farmstead and Agricultural District or Residential District. If a fence or wall is used to provide the screening, at least one shrub or vine shall be planted on the side of the fence or wall closest to the Lot Line for each ten (10) linear feet or part thereof, measured along the Lot Line. The plants should not be spaced evenly apart. The hedge, fence, wall or berm is not required if a comparable hedge, fence, wall or berm already exists on the adjoining Farmstead and Agricultural District Lot or Residential District Lot.

Section 4-17 Interior Parking Lot Landscaping Requirements

(a) There is no requirement for interior landscaping in a Parking Lot that has less than twenty (20) Parking Spaces.

(b) A Parking Lot with twenty (20) to forty (40) Parking Spaces shall include at least one Landscaped area.

(c) A Parking Lot with more than forty (40) Parking Spaces shall include at least one additional

Landscaped area for each twenty Parking Spaces or fraction thereof in excess of the first forty (40) Parking Spaces.

(d) Each Landscaped area required by this Section shall be protected from vehicle intrusion by a curb. Two feet of the Landscaped area may be counted as part of the required depth of an abutting Parking Space.

(e) Each Landscaped area required by this Section shall contain not less than 162 square feet and shall have a minimum width of six feet when measured from the back of the curb. At least one shade tree shall be planted in each Landscaped area. The remaining plants in the Landscaped area shall not exceed three feet in height when mature.

Section 4-18 Screening of Accessory Structures

The following Landscape requirements apply to a Lot used for Multiple Family Dwelling or a Nonresidential use:

(a) An area used to hold a trash receptacle or refuse container with a capacity of more than thirty five (35) gallons shall be located in a Side Yard or Rear Yard but not in a Front Yard and shall be Screened from Public View by an opaque fence or wall of a uniform height of not less than six (6) feet nor more than eight (8) feet. Except as otherwise provided in this Subsection, the opaque fence or wall shall be constructed in accordance with the requirements of Section 3-41 to 3-43 of this ordinance. No part of the opaque fence or wall shall be made out of a wire type fencing material.

(b) Ground mounted or building mounted equipment to serve a Building, including mechanical equipment, utility meter banks, or heating and cooling equipment shall be Screened from Public View by Landscaping or an architectural treatment compatible with the Building architecture.

(c) All rooftop equipment shall be Screened from Public View with an architectural treatment compatible with the Building architecture. The methods used to screen rooftop equipment may include the use of a pitched, parapet or mansard roof system.

(d) Materials, products or equipment stored outside an enclosed Building, other than goods or merchandise on display for sale to the public, shall be Screened from Public View by an opaque fence or wall of a uniform height of not less than six (6) feet nor more than eight (8) feet. Except as otherwise provided in this Subsection, the opaque fence or wall shall be constructed in accordance with the requirements of Section 3-41 to 3-43 of this ordinance. No part of the opaque fence or wall shall be made out of a wire type fencing material.

(e) For purposes of this section, *screened from public view* means not visible at eye level from any point on a Street or the Side Lot Line of an abutting Lot.

Section 4-19 Tree or Shrub Preservation

If existing trees or shrubs provide an effective and desirable screen or buffer then the Administrative Officer may require that the trees or shrubs be preserved, provided the preservation can be accomplished

without undue interference with the development of the Lot. For each tree or shrub preserved, other than a Protected Tree, the owner shall receive a credit for a tree or shrub that is otherwise required to be planted under this ordinance if the preserved tree or shrub substantially serves the purpose of the requirement.

Section 4-20--4-30. Reserved.

PART 3 BUILDING CODES

Section 4-31 Building Codes

(a) The City of Lindale has adopted the International Building Code, International Residential Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Fire Code, International Energy Conservation Code, International Existing Building Code, International Electrical Code Administrative Provisions and the National Electrical Code as currently published by the International Code Council, Inc. and National Fire Protection Association, Inc. including but not limited to the enforcement and penalty provisions, with certain amendments as set forth in Ordinance No. 24-2004. The Ordinance also requires registration of contractors and establishes fees including fees for building permits, electrical permits, plumbing permits, mechanical permits, and contractor registration.

(b) Notwithstanding Section 6-3 of this ordinance, if there is a conflict between any provision in this ordinance and Ordinance No. 24-2004 then Ordinance No. 24-2004 shall control to the extent of the conflict.

Section 4-32--4-40. Reserved.

PART 4 BUILDING FINISH STANDARDS AND ARCHITECTURAL DESIGN STANDARDS

Section 4-41 Definitions

In this Part:

(a) *Brick* means hard fired or kiln fired clay or shale material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick, Severe Weather Grade.

(b) *Concrete Masonry Unit* means a decorative concrete block that has a rough stone like texture created by splitting the block during production and which meets the latest version of ASTM C90, standard specifications for Load Bearing Concrete Masonry Units or ASTM C129, standard specifications for Non-Load Bearing Concrete Masonry Units.

(c) *Exterior Finish* means the material or product that is visible or used as the exterior surface of an Exterior Wall.

(d) *Exterior wall* means a Building's wall that is the outermost wall surface, including doors and windows.

(e) *Masonry* means Stone Material, Brick, glass block, concrete panel (tilt wall) or Concrete Masonry Units.

(f) *Pitched roof* means a roof system having one or more slopes and excluding visible flat or built-up roofs.

(g) *Primary Finish* means an Exterior Finish consisting of Masonry, glass, fiber reinforced cement exterior siding (hardy board), or stucco.

(h) *Secondary Finish* means an Exterior Finish consisting of Exterior Insulated Finish Systems (E.I.F.S.) or wood materials.

(i) *Stone Material* means hard and durable naturally occurring all weather stone, cut stone, dimensioned stone and manufactured stone products.

(j) *Thin Brick* means hard fired or kiln fired clay or shale material that is at least ½ inch thick and meets the latest version of ASTM standard C-1088, Thin Veneer Brick Units, Exterior Grade.

Section 4-42 Application

(a) Except as otherwise provided in this Section, this Part applies to:

1. The erection, construction or reconstruction of a Building, including screen walls, wing walls, columns or other extensions or supports attached to the Building after the Effective Date of this ordinance; and
2. The alteration of a Building that involves more than 50% of the Exterior Walls of the Building, after the Effective Date of this ordinance.

(b) This Part does not apply to a Single Family Dwelling or Two Family Dwelling or Accessory Building used in connection with a Single Family Dwelling or Two Family Dwelling.

Section 4-43 Finish Requirements

(a) Except as otherwise provided in this Section, a minimum of 70% of the Exterior Finish of a Building shall be of a Primary Finish. The remaining portion of the Exterior Finish may be constructed of a Secondary Finish. Provided however, an Exterior Insulated Finish System (E.I.F.S.) shall not be used within four (4) feet of the finished grade of a Lot. Notwithstanding anything to the contrary herein, no more than 30% of the Exterior Finish of a Building on a Lot in the C-2 Community and Regional Commercial District shall be Concrete Masonry Units.

(b) Except as otherwise provided in this Section, exposed structural support columns of a Building shall be of a Primary Finish material.

(c) Except as otherwise provided in this Section, a maximum of eight (8) adjoining courses of Concrete Masonry Units not to exceed twenty percent (20%) of the height of an Exterior Wall may be used over the length of the Exterior Wall.

(d) Except as otherwise provided in this Section, Concrete finish or pre-cast concrete panels must be profiled, sculptured, fluted, exposed aggregate or other architectural concrete finish.

(e) Stucco or plaster shall be applied using a three (3) step process over diamond metal lath mesh to a minimum thickness of 7/8th of an inch, or by any other process that produces a finish with equal or greater strength and durability. Synthetic products shall be installed according to the manufacturer's standards and specifications and shall be subject to inspection throughout the construction process.

(f) The City has determined that corporations and other businesses spend considerable time and resources to establish recognizable images, franchise logos, and color schemes, some of which do not comply with the finish requirements of this Section. However, these types of commercial developments are nonetheless desirable additions to the City. The Exterior Finish of a Building or Structure may be constructed in accordance with a recognized trademark or signature structure, established corporate image structure, corporate proprietary design structure or one of many prototypes used by a corporation, notwithstanding that the Building or Structure does not comply with the finish requirements of this Section.

Section 4-44 Prohibited Finishes

(a) Except as otherwise provided in this Section, the following construction materials may not be used as an Exterior Finish on a Building:

1. Corrugated or ribbed metal, plastic or fiberglass panels;
2. Galvanized, aluminum coated, zinc aluminum coated or unpainted exterior metal finishes;
3. Unfired or under-fired clay, sand or shale brick.

(b) The construction materials listed under subsection (a) of this Section may be used as an Exterior Finish on a Building in a Farmstead and Agricultural District, Industrial Transportation and Distribution District, or Heavy Industrial District.

Section 4-45 Alternative Building Finishes

The Administrative Officer may approve an alternative building finish that is not specified in this Part as a prohibited finish, if the Administrative Officer determines that the alternative finish is substantially equal to or better than a specified Primary Finish or Secondary Finish in quality, durability and appearance.

Section 4-46 Architectural Design Standards

(a) Facade Articulation. The following articulations shall be observed on all Principal Building facades which are visible from a Street:

1. Horizontal Articulation: No facade of a Principal Building shall extend greater than three (3) times the wall's height, without having a minimum off-set of 10% of the wall's height and such off-set shall continue for a minimum distance equal to at least 25% of the maximum length of either adjacent plane. See Addendum 7.

2. Vertical Articulation: No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of 10% of the wall's height, and such height change shall continue for a minimum distance equal to at least 25% of the maximum length of either adjacent plane. See Addendum 8.

(b) Roof Design. A Building with a footprint of 6,000 square feet or less shall be designed and constructed with a Pitched Roof. A Building with a footprint of more than 6,000 square feet shall be designed and constructed with either a pitched, parapet or mansard roof enclosed on all sides. A standing seam metal roof shall be constructed of a factory-treated, non-metallic, matte finish. Metal roofs with lapped-seam construction, bituminous built-up roofs, and flat, membrane-type roofs that are visible from a Street are prohibited.

(c) The materials proposed for use as Exterior Finishes shall be selected so as to convey an impression of permanence and durability. In addition, the materials and colors shall be chosen so as to create an attractive and coordinated appearance taking into consideration the architectural style of the proposed Building, any significant architectural features in surrounding Buildings or Structures and the natural conditions of the Lot where the Building is to be located.

(d) A schedule of Exterior Finishes shall be included in the building plans submitted to the Administrative Officer pursuant to Section 1-25 of this ordinance.

Section 4-47--4-50. Reserved.

PART 5 MAINTENANCE AND TEMPORARY STRUCTURES

Section 4-51 Maintenance.

(a) A Lot, Building, Sign or other Structure shall be maintained. The owner of a Lot, Building, Sign or other Structure or the owner's representative shall be responsible for the maintenance of a Lot, Building, Sign or other Structure.

(b) All fences and walls shall be maintained by the owner of the Lot in good condition so that there are no damaged or missing boards or parts, all structural supports are sound and sufficient to maintain the fence or wall in its original upright position and any surface treatment is substantially maintained in its original appearance so that there is no noticeable cracking or discoloration.

Section 4-52 Temporary Buildings, Signs or Other Structures

Temporary Buildings, Signs or other Structures, such as sheds, fences or walls used for the protection of the public, may be erected and used for a limited period of time, provided a permit is obtained from the Administrative Officer. Temporary Buildings, Signs or other Structures shall be completely removed upon the expiration of the time limit stated in the permit.

Section 4-53 Illegal Uses, Nuisances or Disorderly Conduct

Uses that were illegally established prior to the adoption of this ordinance shall remain illegal. Nothing contained in this ordinance shall limit the authority of the City to abate a nuisance in accordance with

§217.001 and §217.002 of the Texas Local Government Code. Nothing contained in this ordinance shall limit the authority of the City to prevent disorderly conduct in accordance with §217.003 of the Texas Local Government Code.

Section 4-54--4-60. Reserved.

ARTICLE 5 SIGN REGULATIONS

PART 1 APPLICATION AND EXEMPTIONS

Section 5-1 Application

This Article applies to a Sign that is erected, constructed, reconstructed, structurally altered, or placed on a Lot, Building or other Structure after the Effective Date of this ordinance.

Section 5-2 Exempt Signs

The following Signs are exempt from the requirements of this ordinance:

- (a) *Government Sign.* A Sign erected or maintained pursuant to a government function, required by law, ordinance or government regulation or located on property owned, leased or under the control of the United States, the State of Texas, Smith County, the City, Lindale Independent School District, or an agency thereof.
- (b) *Private Traffic Control.* A Sign on private property containing no advertising that directs the movement of traffic, warns of obstacles or overhead clearances, or controls parking, including an entrance and exit sign.
- (c) *Sign Not Visible from a Street.* A Sign not visible from a Street.
- (d) *Utility or Hazard Sign.* A Sign marking utility or underground communication or transmission lines or hazards.
- (e) *Plaque.* An historical or commemorative plaque of a recognized historical society or organization.
- (f) *Mailbox.* Names and addresses located on mailboxes.
- (g) *Vehicle sign.* Signs displayed or used on vehicles and trailers, unless the vehicle or trailer is permanently stationed or regularly used at a fixed location to serve the same or a similar purpose of a permanent or Portable Sign. A Sign displayed or used on a vehicle or trailer that is not registered shall be presumed to be permanently stationed and therefore not exempt from the requirements of this ordinance.
- (h) *Sign on Outdoor Machines, Devices or Equipment.* A Sign located on an outdoor machine, device or equipment which displays the trademark, trade name, manufacturer, cost, or operating or service instructions or similar information but does not advertise the business where located. This exemption includes a sign on a coin-operated vending machine, fuel dispensing pump, telephone facility, automatic teller machine, automotive vacuum cleaner, amusement ride or similar machine, device or equipment.
- (i) *National or State Flag.* A national or state flag on a Lot that does not exceed the Sign Face regulations applicable to a Monument Sign for that Lot.
- (j) *Athletic Field.* Signs located on the field side of a scoreboard or fence of an athletic field.

(k) *Holiday Sign or Lights.* A temporary Sign including Christmas lights containing only holiday messages and no commercial advertising.

(l) *Sign on a Person or Animal.* A hand held sign on a person or animal.

(m) *Unused Sign.* A Sign being manufactured or transported and not used for advertising.

(n) *Window and Door Sign.* A Sign painted on or placed on and supported by the glass surface of a window or door, if not illuminated with the intent of being viewed from a Street.

(o) *Non-Conforming Sign.* A Non-conforming Sign as provided in Sections 1-41 through 1-44 of this ordinance.

(p) *Community Betterment Sign.* A temporary sign to advertise an event for a non-profit organization for a period not to exceed 14 days.

Section 5-3 Conflict.

A regulation under any other Article of this ordinance governs over any conflicting provision contained in this Article.

Section 5-4--5-10. Reserved.

PART 2 PROHIBITED SIGNS AND REGULATED SIGNS

Section 5-11. Prohibited Signs

The following Signs shall not be erected, constructed, reconstructed, or placed on a Lot, Building or Structure for advertising purposes:

(a) A Portable Sign, other than a Sandwich Board Sign.

(b) A Sign located on a tree or shrub.

(c) A Sign located on the roof of a Building.

(d) A Sign that is deteriorated, dilapidated, or unsafe.

(e) A Sign located or attached to a Street light, utility pole, hydrant, bridge, traffic control device, Street sign or other city owned Building, facility, Structure or equipment without the approval of the City Administrator or his designee.

(f) A Sign located in the right-of-way of a Street.

(g) A Sign located or illuminated so that it interferes with an official traffic sign, signal or device, or obstructs or interferes with the view of approaching, emerging, or intersecting traffic, or prevents a driver of a vehicle from having a clear view of approaching vehicles.

- (h) A Sign illuminated with such intensity or without proper shielding so as to constitute a hazard to the operation of a vehicle on a Street or interfere with the reasonable enjoyment of a Residential Lot;
- (i) A Sign emanating light greater than .2 footcandles when measured at the Lot Line;
- (j). An Off-premise Sign.
- (k) Balloons or streamers unless displayed as part of a Sale, promotion or community event for no more than twenty (20) days in any calendar year.
- (l) A Sign that flashes or has an image that changes unless the image is a static image that does not change more than once every three (3) seconds.
- (m) A Sign that is not authorized by this Article or that does not conform to the requirements of this Article.

Section 5-12 Monument Sign

(a) A Monument Sign on each side of the street shall be permitted at each street entrance into a Residential Subdivision subject to the following requirements:

- 1. The maximum height of a Monument Sign under this subsection, shall be eight (8) feet, including the base and supporting Structure, when measured from ground level at the center of the base or supporting Structure to the highest point of the sign, base or supporting Structure. The maximum height of the Sign Face of a Monument Sign under this subsection shall be four (4) feet, excluding the base and supporting Structure. The maximum width of the Sign Face of a Monument Sign under this subsection shall be twelve (12) feet, excluding the base and supporting Structure.
- 2. The maximum area of a Monument Sign under this subsection shall be 96 square feet per Sign, with a maximum area per Sign Face of forty eight (48) square feet.

(b) A Monument Sign shall be permitted on a Lot in a commercial District, mixed use District or Industrial District to identify a business located on the Lot other than a Home Occupation, subject to the following requirements:

- 1. The maximum height of a Monument Sign under this subsection, including the base and supporting Structure shall be eight (8) feet, when measured from ground level at the center of the base or supporting Structure to the highest point of the sign, base or supporting Structure. The maximum width of a Monument Sign under this subsection, including the base and supporting Structure shall be eight (8) feet. The maximum height of the Sign Face of a Monument Sign shall be six (6) feet, excluding the base and supporting Structure. The maximum width of the Sign Face of a Monument Sign shall be six (6) feet, excluding the base and supporting Structure.
- 2. The maximum area of a Monument Sign under this subsection shall be 72 square feet per Sign, with a maximum area per Sign Face of 36 square feet.

(c) A Monument Sign shall be permitted on a Lot in a commercial District, mixed use District or

Industrial District to identify more than one business located on the Lot other than a Home Occupation, subject to the following requirements:

1. The maximum height of a Monument Sign under this subsection, including the base and supporting Structure shall be twelve (12) feet, when measured from ground level at the center of the base or supporting Structure to the highest point of the sign, base or supporting Structure. The maximum width of a Monument Sign under this subsection, including the base and supporting Structure shall be ten (10) feet. The maximum height of the Sign Face of a Monument Sign shall be ten (10) feet, excluding the base and supporting Structure. The maximum width of the Sign Face of a Monument Sign shall be eight (8) feet, excluding the base and supporting Structure.
2. The maximum area of a Monument Sign under this subsection shall be 160 square feet per Sign, with a maximum area per Sign Face of 80 square feet.
3. The maximum number of sign panels shall be eight per Sign Face.

(d) A Monument Sign shall be permitted on a Lot used for Multiple Family Dwelling subject to the following requirements:

1. The maximum height of a Monument Sign under this subsection, including the base and supporting Structure shall be eight (8) feet, when measured from ground level at the center of the base or supporting Structure to the highest point of the sign, base or supporting Structure. The maximum width of a Monument Sign under this subsection, including the base and supporting Structure shall be eight (8) feet. The maximum height of the Sign Face of a Monument Sign shall be six (6) feet, excluding the base and supporting Structure. The maximum width of the Sign Face of a Monument Sign shall be six (6) feet, excluding the base and supporting Structure.
2. The maximum area of a Monument Sign under this subsection shall be 72 square feet per Sign, with a maximum area per Sign Face of 36 square feet.

(e) A Monument Sign shall be located a minimum of five (5) feet from any Lot Line and shall not be placed in a public easement or right of way.

(f) No more than one Monument Sign shall be allowed in the Front Yard of a Lot. If the Lot abuts more than one Street then no more than one Monument Sign shall be located in each Front Yard. A Monument Sign shall not be located within one hundred twenty five (125) feet of another Monument Sign on the same Lot unless the Monument Sign displays a menu or pricing for food services in connection with a drive-through lane or drive-up facility at a Fast Food Restaurant.

(g) A Monument Sign shall not be located within fifty (50) feet of another Monument Sign on another Lot.

(h) The base and Structure of a Monument Sign shall be constructed of Brick or Stone Material and shall be made of the same material as the Principal Building or Buildings located on the Lot. For purposes of this Section, Brick and Stone Material are defined in accordance with Section 4-41 of this ordinance. Sculpted aluminum sign panels may be used on a Monument Sign. Wood panels shall not be used on a Monument Sign.

(i) A Monument Sign may be illuminated by a light source located on the ground if the light source and supporting structure for the light are not visible from a Street. A Monument Sign may be illuminated by internal lighting if sculpted aluminum sign panels are used.

Section 5-13 Attached Sign

(a) An Attached Sign shall be permitted as long as it complies with the following requirements:

1. The Sign Face of an Attached Sign located on a Principal Building devoted to a Residential use may not exceed one percent of the area of the wall or facade upon which it is located.

2. The Sign Face of an Attached Sign located on a Principal Building devoted to a Nonresidential use may not exceed fifteen (15) percent of the area of the wall or facade upon which it is located, or four hundred (400) square feet, whichever is less.

3. The Sign Face of an Attached Sign located on an Accessory Building serving a Nonresidential use may not exceed five (5) percent of the area of the wall or facade upon which it is located, or one hundred (100) square feet, whichever is less.

4. An Attached Sign shall not extend beyond the perimeter of any part of the wall to which it is attached.

5. Except as otherwise provided in this Section, an Attached Sign shall not extend above the wall or facade to which it is attached. A Sign may be attached to a continuous plane fascia provided the sign does not extend above or below the projection of the fascia.

6. If a Building is leased to more than one tenant then not more than one Attached Sign per lease space shall be attached to a wall or facade that faces a Street.

(b) An Attached Sign may only be illuminated by internal lighting. Exterior letters with exposed neon lighting shall not be used.

Section 5-14 Banner Sign

A Banner Sign attached to a wall or facade shall be permitted as long as it complies with the following requirements:

(a) A Banner Sign may be placed on a Principal Building that is devoted to a Non-residential use for a period of not more than seven (7) days in any ninety (90) day period.

(b) A Banner Sign may be placed on a Principal Building to advertise the opening of a new business for a period of not more than thirty (30) days from the date of the issuance of a Certificate of Occupancy.

(c) A Banner Sign may be placed on a Principal Building used as a temporary facility by a religious or civic organization provided the banner is placed on the Building no earlier than two hours before the worship service or meeting and removed no later than two hours after the worship service or meeting.

(d) All four corners of a Banner Sign shall be securely attached to the wall or facade of the Principal Building.

Section 5-15 Awning Sign

(a) An Awning Sign shall be permitted as long as it complies with the following requirements:

1. The Sign Face of an Awning Sign located on a Principal Building devoted to a Residential use may not exceed two (2) percent of the area of the awning upon which it is located.

2. The Sign Face of an Awning Sign located on a Principal Building devoted to a Nonresidential use may not exceed thirty (30) percent of the area of the awning upon which it is located, or four hundred (400) square feet, whichever is less.

3. The Sign Face of an Awning Sign located on an Accessory Building serving a Nonresidential use may not exceed five (5) percent of the area of the awning upon which it is located, or one hundred (100) square feet, whichever is less.

4. An Awning Sign shall not extend above, below or beyond the perimeter of the face of the awning to which it is attached.

(b) A Building shall not have both an Awning Sign and an Attached Sign on the same side of the Building. No more than one Sign shall be located on an awning.

Section 5-16 Gasoline Canopy Sign

(a) A Gasoline Canopy Sign shall be permitted on a Lot used as an establishment where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into fuel tanks as long as it complies with the following requirements:

1. The Sign Face of a Gasoline Canopy Sign shall not exceed fifteen (15) square feet.

2. A Gasoline Canopy Sign shall not extend above, below or beyond the perimeter of the face of the canopy to which it is attached.

(b) A Gasoline Canopy Sign may only be illuminated by internal lighting. Exterior letters with exposed neon lighting shall not be used.

Section 5-17 Temporary Signs

(a) Except as otherwise provided in this Section, a Temporary Sign shall be permitted on a Lot in any District, as long as it complies with the following requirements:

1. A real estate sign may be placed in the Front Yard of a Lot, advertising the property for sale, lease or rent. The maximum height of the real estate sign shall be eight (8) feet and the maximum width of the real estate sign shall be four (4) feet. If the Lot abuts more than one Street then a real estate sign may be placed in each Front Yard.

2. A construction sign may be placed in the Front Yard of a Lot, identifying the job site and announcing the construction or remodeling of a Building or Structure on the Lot. The maximum height of the construction sign shall be eight (8) feet and the maximum width of the construction sign shall be four (4) feet. If the Lot abuts more than one Street then a construction sign may be placed in each Front Yard. Upon completion of construction, the construction sign shall be removed.

3. A development sign may be placed on property that is being developed, identifying the development. The maximum height of the development sign shall be eight (8) feet and the maximum width of the development sign shall be six (6) feet. If the development exceeds thirty acres then one additional development sign may be placed on the property being developed, for each thirty acres or part thereof. Upon completion of the development, all development signs shall be removed.

4. One or more non-illuminated political signs may be placed on a Lot with the property owner's permission. One or more non-illuminated political signs may be placed on any Lot that is used as a polling place in the area designated by the Election Officer in accordance with state law and federal law, beginning on the 18th day prior to an election date and continuing to the end of the day following the election. The maximum height of the political sign shall be eight (8) feet and the maximum width of the political sign shall be four (4) feet. Except as otherwise provided in this subsection, the political sign shall be removed within ten (10) days after the date of the primary election, run-off election, general election or referendum it concerns, unless the candidate remains a viable candidate for the office sought and there are subsequent elections within the same election period.

(b) A Temporary Sign shall be located a minimum of five (5) feet from any Lot Line.

(c) A Temporary Sign shall not be placed in a public easement or right of way.

(d) A building permit is not required to place a Temporary Sign on a Lot in accordance with this Section.

Section 5-18 Sandwich Board Sign

A Sandwich Board Sign shall be permitted as long as it complies with the following requirements:

(a) The Maximum height of a Sandwich Board Sign shall be four (4) feet.

(b) The maximum width of a Sandwich Board Sign shall be three (3) feet.

(c) The maximum area of a Sandwich Board Sign shall be twenty four (24) square feet per Sign, with a maximum area per Sign Face of twelve (12) square feet.

(d) A Sandwich Board Sign shall be located a minimum of five feet from any Lot Line.

(e) A Sandwich Board Sign shall not be placed in a public easement or right-of-way or on a sidewalk so as to obstruct any part of the sidewalk in violation of the Americans With Disabilities Act.

Section 5-19 Freestanding Pole Sign

(a) A Freestanding Pole Sign shall be permitted on a Lot in a "C-2" Community and Regional

Commercial District, "MU-2 Community and Regional Mixed Use District, "MU-4" Mixed Use Planned Development District with road frontage on Interstate 20 or Highway 69, and Industrial Districts, to identify one or more businesses other than a Home Occupation, subject to the following requirements:

1. The maximum height of a Freestanding Pole Sign under this subsection, shall be one hundred fifty (150) feet, including the pole, when measured from ground level at the center of the pole to the highest point of the Sign. The maximum height of the Sign Face of a Freestanding Pole Sign under this subsection shall be twenty (20) feet, excluding the pole. The maximum width of the Sign Face of a Freestanding Pole Sign under this subsection shall be twenty (20) feet, excluding the pole.
 2. The maximum area of a Freestanding Pole Sign under this subsection shall be eight hundred (800) square feet per Sign, with a maximum area per Sign Face of four hundred (400) square feet.
 3. The maximum number of sign panels shall be eight per Sign Face.
- (b) A Freestanding Pole Sign shall not extend into a public easement or right of way.
- (c) No more than one Freestanding Pole Sign or Monument Sign shall be allowed in the Front Yard of a Lot. If the Lot abuts more than one Street then no more than one Freestanding Pole Sign or Monument Sign shall be located in each Front Yard. A Freestanding Pole Sign shall not be located within one hundred twenty five (125) feet of another Freestanding Pole Sign or Monument Sign on the same Lot unless the Monument Sign displays a menu or pricing for food services in connection with a drive-through lane or drive-up facility at a Fast Food Restaurant.
- (d) A Freestanding Pole Sign shall not be located within fifty (50) feet of another Freestanding Pole Sign or Monument Sign on another Lot.
- (e) Sculpted aluminum sign panels may be used on a Freestanding Pole Sign. Wood panels shall not be used on a Freestanding Pole Sign.
- (f) A Freestanding Pole Sign may be illuminated by internal lighting. Letters or a logos with exposed neon lighting shall not be used.

Section 5-20--5-30. Reserved.

ARTICLE 6 RULES OF CONSTRUCTION

Section 6-1 Severability

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

Section 6-2 Repeal of Prior Ordinances

Ordinance No. 83-07, Ordinance No. 84-07B, Ordinance No. 98-05 and Ordinance No. 01-2002 are hereby repealed. Except as otherwise provided in this ordinance, all other ordinances in conflict with this ordinance are, to the extent of the conflict, hereby repealed. If there is a conflict between this ordinance and the Subdivision Ordinance then the Subdivision Ordinance shall apply to the extent of the conflict.

APPROVED THIS ___ DAY OF _____, 2008 BY THE CITY COUNCIL OF THE CITY OF LINDALE.

MAYOR, CITY OF LINDALE

SECRETARY, CITY OF LINDALE

Addendum 1–Uses in Residential Districts

	A	R-1A	R-1B	R-1C	R-2	R-3	R-MH	R-PUD
Single Family Dwelling	●	●	●	●	●	●		●
Two Family Dwelling				■	●	●		●
Multiple Family Dwelling				■		●		□
HUD-Code Manufactured Home							●	
Leasing or renting of rooms, not to exceed 2 tenants		●	●	●	●	●	●	●
Farm or Orchard (excluding farm animals or livestock)	●	●	●	●	●	●	●	
Raising farm animals, livestock or beekeeping	●							
Dairy farm	●							
Forestry	●							
Nursery	●							
Church or Other House of Worship	●	●	●	●	●	●	●	
Boarding House						●		
Home Day Care Services	●	●	●	●	●	●	●	
Public or Private School	■	■	■	■	■	■	■	
Veterinary Hospital, Small Animal Clinic or Kennel	■							
Civic or Social Organizations	■	■	■	■	■	■	■	
Park	■	■	■	■	■	■	■	■
Golf Course	■	■	■	■	■	■		
Public Utility Station	■	■	■	■	■	■	■	■

	A	R-1A	R-1B	R-1C	R-2	R-3	R-MH	R-PUD
Police, Fire or Emergency Medical Services Station		■	■	■	■	■	■	■
Child Care Services	■	■	■	■	■	■	■	
Bed and Breakfast	■	■	■	■	■	■		
Home Occupation	■	■	■	■	■	■	■	■
Radio, Communication, or Television Transmission Tower	■							
Convalescent or Nursing Home						■		
Assisted Living Facility						■		
Continuing Care Facility						■		
Sheltered Care Facility						■		
Convenience scale commercial use if located on an Arterial Boulevard or Arterial Street where no existing commercial use exists within one mile		■	■	■	■	■	■	

● Permitted uses

■ Uses permitted by special exception

☐ Townhouses and condominiums are permitted, but not other multiple family dwellings.

Addendum 2–Uses in Non-Residential and Mixed Use Districts

	C-1	C-2	I-PD	MU-1	MU-2	MU-3	MU-4	I-1	I-2
Single Family Dwelling				■		●	●		
Two Family Dwelling				■		●	●		
Multiple Family Dwelling				■	■	●	●		
Leasing or renting of rooms						●	●		
Convalescent or Nursing Home	■			■	■				
Assisted Living Facility	■			■	■				
Continuing Care Facility	■			■	■				
Sheltered Care Facility	■			■	■				
Home Day Care Services				■		■			
Child Care Services	■			■	■	■			
Home Occupation				■		■			
Convenience Commercial Center	●	●		●	●		●		
Neighborhood Commercial Center	●	●		●	●		●		
Community Commercial Center		●			●				
Regional Commercial Center		●			●				
Business Services	●	●		●	●	●	●		
Financial Services	●	●		●	●	●	●		
Motor Bank	●	●		●	●	●			
Pawn Shop	●	●		●	●				

	C-1	C-2	I-PD	MU-1	MU-2	MU-3	MU-4	I-1	I-2
Health Care Services	●	●	●	●	●		●		
Health or Medical Facility		●	●		●				
Insurance or Real Estate Services	●	●		●	●	●	●		
Personal Services	●	●		●	●	●	●		
Professional Services	●	●		●	●	●	●		
Food Stores	●	●		●	●	●	●		
Specialty Retail Sales or Services	●	●		●	●	●	●		
Furniture or Home Furnishings	●	●		●	●		●		
General Merchandise Store	●	●		●	●		●		
Minor Automotive Repair	●	●		●	●			●	●
Major Automotive Repair		■		■	●			●	●
Automotive Service Station	●	●		●	●			●	●
Tractor Trailer Truck Service Station		■			●			●	●
Office Building	●	●	●	●	●	●	●		
Recreation Services	●	●		●	●	●	●		
Sports or Recreation Club	●	●		●	●	●	●		
Physical Fitness Center	●	●		●	●	●	●		
Entertainment Center		●		●	●	●	●		
Convention Center		●	●	●	●	●	●		
Cultural Institutions		●	●	●	●	●	●		

	C-1	C-2	I-PD	MU-1	MU-2	MU-3	MU-4	I-1	I-2
Restaurant		●		●	●	●	●	●	●
Hotel or Motel		●		●	●		●	●	●
Boarding House		●		●	●				
Bed and Breakfast				●		●	●		
Light or Medium Manufacturing						■		●	●
Heavy Manufacturing									●
Research or Testing Laboratory								●	●
Industrial or Research Park								●	●
Product Distribution Center								●	●
Warehouse								●	●
Storage Yard								●	●
Contractor Office								●	●
Bus, Cab or Truck terminal								●	●
Storage Lot for Boats or Recreational Vehicles								●	●
Commercial Printing								●	●
Commercial Bakery								●	●
Church or Other House of Worship	●	●	●	●	●	●	●		
Civic or Social Organizations	●	●		●	●	●	●		
Public or Private School	■		●	■	■	■			
School or College			●					●	●
Research Park			●						

	C-1	C-2	I-PD	MU-1	MU-2	MU-3	MU-4	I-1	I-2
Public Library	●	●		●	●	●	●		
Government Building or Services	●	●		●	●	●	●		
Postal Service	●	●		●	●	●	●	●	●
Public Utility Station	■	●		■	■	■		●	●
Police, Fire or Emergency Medical Services Station	■	●		■	■	■	●	●	●
Lumber Yard		■		■	●			●	●
Feed or Fertilizer Plant									●
Concrete or Asphalt Plant									●
Petroleum or Petroleum Products Refining									■
Food Processing Plant									■
Junk Yard or Salvage Yard									■
Retail Nursery				■				●	
New or Used Automobile or Truck Dealer		■		■	●			●	●
New or Used Motorcycle Dealer		■		■	●			●	●
New or Used Boat Dealer		■		■	●			●	●
New or Used Utility Trailer or Recreational Vehicle Dealer		■		■	●			●	●
New or Used Farm or Heavy Equipment Dealer		■		■	●			●	●

	C-1	C-2	I-PD	MU-1	MU-2	MU-3	MU-4	I-1	I-2
HUD-Code Manufactured Home Dealer								■	■
Veterinary Hospital, Small Animal Clinic or Kennel		■		■				■	■
Livestock Auction Barn								■	
Private Club		■		■					
Sexually Oriented Business								■	■
Park	■	■		■	■	■	●		
Golf Course	■			■	■		●		
Mortuary or Funeral Home	■	■		■	■				
Outdoor Farmer's Market						●			

● Permitted uses

■ Uses permitted by special exception

Addendum 3-Parking Space Requirements

Single Family Dwelling	2 per dwelling excluding in garage parking
Two Family Dwelling	2 per dwelling unit
Two Family Dwelling and Multiple Family Dwelling with less than six dwelling units per acre if located on a Arterial Boulevard or Arterial Street	Two Family Dwelling: 2 per dwelling unit Multiple Family Dwelling: 1 per 500 square feet of dwelling unit floor space
Multiple Family Dwelling	Townhouses: 2 per dwelling unit; All others: 1 per 500 square feet of dwelling unit floor space
Multiple Family Dwelling with less than six dwelling units per acre if located on a Arterial Boulevard or Arterial Street	1 per 500 square feet of dwelling unit floor space
Townhouses	2 per dwelling unit
Condominiums	2 per dwelling unit
HUD-Code Manufactured Home	2 per dwelling unit
Leasing or renting of rooms, not to exceed two tenants	1 per tenant (in addition to the 2 for the dwelling unit)
Boarding House	The greater of 1 per bed or sleeping room
Bed and Breakfast	2 plus 1 per guest room
Home Occupation	None
Convalescent or Nursing Home	Greater of 1 per 3 beds or 1 per sleeping room
Assisted Living Facility	Greater of 1 per 3 beds or 1 per sleeping room
Continuing Care Facility	Greater of 1 per 3 beds or 1 per sleeping room
Sheltered Care Facility	Greater of 1 per 3 beds or 1 per sleeping room
Mortuary or Funeral Home	1 per 2 seats in chapel area
Farm or Orchard	None

Raising farm animals, livestock or beekeeping but not swine or poultry unless the swine or poultry are raised on School property as part of an educational program.	None
Dairy farm	None
Veterinary Hospital, Small Animal Clinic or Kennel	1 per 300 square feet
Forestry	None
Nursery	1 per 1,000 square feet of sales area
Church or Other House of Worship	1 per 3 seats in the main sanctuary
Public or Private School	Elementary and middle schools: 1 per classroom plus 1 per 4 seats in the largest place of assembly High Schools: 1 per classroom plus 1 per 3 students
School or college including commercial, vocational or trade school	1 per classroom plus 1 per 2 students
Research Park	1per 500 square feet
Public library	1 per 200 square feet
Civic or Social Organizations	1 per 200 square feet
Public Utility Station	None
Police, Fire or Emergency Medical Services Station	1 per police, fire or EMS vehicle plus 1 per 300 square feet
Government Building or Services	1 per 250 square feet
Postal Service	1 per 200 square feet
Park	5 per playground area, 2 per tennis court, 5 per basketball court, 15 per soccer field and 15 per baseball field
Golf Course	4 per hole
Radio, Communication, or Television Transmission Tower	None
Convenience-Scale Commercial use if located on a Arterial Boulevard or Arterial Street where no existing commercial use exists within one mile	Retail stores or shops: 1 per 200 square feet. For mixed uses the parking space requirements shall be based on the space allocated for the various uses and shall use the parking requirements for those uses.

Community-Scale Commercial uses which are associated with a permitted use	Appropriate to the particular commercial use
Convenience Commercial Center (retail sales or services only)	Retail stores or shops: 1 per 200 square feet. For mixed uses the parking space requirements shall be based on the space allocated for the various uses and shall use the parking requirements for those uses.
Neighborhood Commercial Center (retail sales or services only)	Retail stores or shops: 1 per 200 square feet. For mixed uses the parking space requirements shall be based on the space allocated for the various uses and shall use the parking requirements for those uses.
Community Commercial Center (retail sales or services only)	Retail stores or shops: 1 per 200 square feet. For mixed uses the parking space requirements shall be based on the space allocated for the various uses and shall use the parking requirements for those uses.
Regional Commercial Center (retail sales or services only)	Retail stores or shops: 1 per 200 square feet. For mixed uses the parking space requirements shall be based on the space allocated for the various uses and shall use the parking requirements for those uses.
Business Services including Cable Television Services, Computer or Internet Services, Travel Agency or similar use	1 per 300 square feet
Financial Services including a Commercial Bank, Credit Union, Savings Institution, Security Broker or similar use	8 for the first 1000 sq. ft. and 1 per 300 square feet thereafter
Motor Bank	1 per employee
Pawn Shop	1 per 300 square feet
Health Care Services including an Office or Clinic for a Dentist, Medical Doctor, Physician, or Home Health Care or similar use	8 for the first 1000 sq. ft. and 1 per 150 square feet thereafter

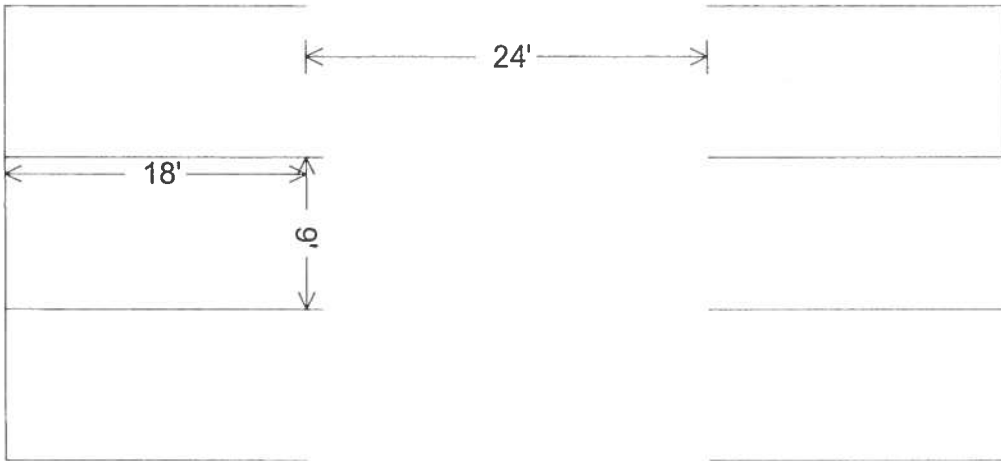
Health or Medical Facility including a Hospital	1 per 150 square feet.
Insurance or Real Estate Services including an Insurance Agency, Real Estate Agency, Title Company or similar use	1 per 300 square feet
Personal Services including Barber Shop, Beauty Shop, Dry Cleaner, Coin Operated Laundromat, Photography Studio, Shoe Repair or similar use	1 per 200 square feet
Professional services including Accounting, Architectural, Engineering, Legal, Surveying, Business Consulting or similar use	1 per 300 square feet
Food Stores including a Grocery Store, Meat and Fish Market, Fruit and Vegetable Market, Candy Store, Dairy Product Store, Retail Bakery or similar use	1 per 200 square feet
Specialty Retail Sales or Services including Gift Shop or Card Shop, Drug Store or Pharmacy, Florist, Computer or Electronic Repair, Book Store, Video Tape Rental (excluding sexually oriented business), Apparel Stores including a Clothing or Accessory Store, Shoe Store, Jewelry Store or similar use	1 per 200 square feet
Furniture or Home Furnishing Store including, Furniture or Appliance Store, Computer or Electronic Store or similar use	1 per 500 square feet
General Merchandise Store including Hardware Store, Department Store, Variety Store, Sporting Goods Store, Toy Store, Paint, Glass or Wallpaper Store, or similar	1 per 200 square feet
Minor Automotive Repair	1 per 500 square feet of service area
Major Automotive Repair	1 per 1,000 square feet of service area
Automotive Service Station	1 per 200 square feet of service area
Tractor Trailer Truck Service Station	1 per 200 square feet
Office Building	1 per 300 square feet
Offices associated with a permitted use.	1 per 300 square feet
Recreation Services including Dance Studio, Gymnastics Studio, Martial Arts or similar use	1 per 200 square feet
Sports or Recreation Club	1 per 200 square feet
Physical Fitness Center	1 per 300 square feet

Hotel or Motel	1 per guest room plus 1 per 200 square feet of common area or facilities
Private club including a tavern or cocktail lounge (excluding sexually oriented business).	1 per 200 square feet
Restaurant or other eating establishment	Restaurant without drive-in facility: Greater of 1 per 3 seats or 1 per 100 square feet Restaurant with drive-in facility: 12 plus 1 per 50 square feet
Entertainment Center including an Indoor Theater, Bowling Alley, Golf Driving Range, Miniature Golf Course, Ice or Skating Rink, or Pool or Billiard Hall	Theater: 1 per 3 seats; Bowling alley: 6 per lane; All other: 1 per 100 square feet
Convention Center	Area with seats: 1 per 3 seats Area without seats: 1 per 100 square feet
Cultural Institutions including Museum, Art Gallery, or Concert or Assembly Hall	Area with seats: 1 per 3 seats Area without seats: 1 per 100 square feet
Lumber Yard and Building Materials or Retail Nursery .	1 per 200 square feet of floor space plus 1 per 600 square feet of outdoor sales area
Tractor Trailer Truck Service Station	1 per 200 square feet
New or Used Automobile or Truck Dealer (Sales or Rental), New or Used Motorcycle Dealer (Sales or Rental), New or Used Boat Dealer (Sales or Rental), New or Used Utility Trailer or Recreational Vehicle Dealer (Sales or Rental), or New or Used Farm or Heavy Equipment Dealer (Sales or Rental).	1 per 200 square feet of floor space plus 1 per 600 square feet of outdoor sales area
HUD- Code Manufactured Home Dealer	1 per 200 square feet of floor space plus 1 per 600 square feet of outdoor sales area
Storage Lot for Boats or Recreational Vehicles	1 per 5,000 square feet of storage area
Outdoor Farmers Market	1 per 200 square feet of sales area
Light Manufacturing	1per 500 square feet
Medium Manufacturing	1per 500 square feet
Heavy Manufacturing of Goods or Equipment	1 per 500 square feet

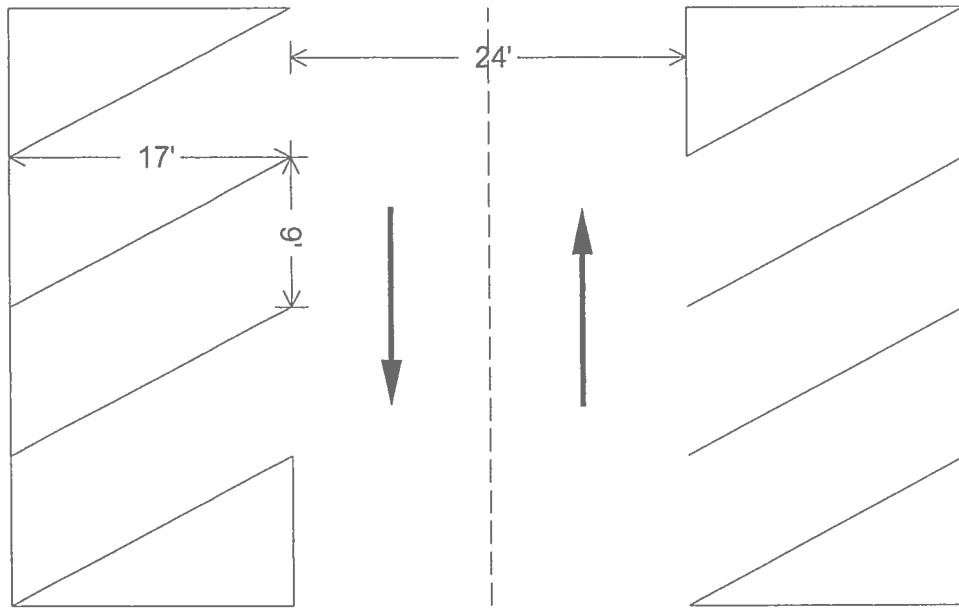
Feed or Fertilizer Plant	1 per 1,000 square feet of industrial area under roof plus 1 per 300 square feet of office space
Concrete or Asphalt Plant	1 per 1,000 square feet of industrial area under roof plus 1 per 300 square feet of office space
Research or Testing Laboratory	1per 500 square feet
Industrial or Research Park (excluding Heavy Manufacturing)	1per 500 square feet
Product Distribution Center	1per 500 square feet
Warehouse including Self Storage Warehouses	Warehouse: 1 per 500 square feet Self Storage: 1 per warehouse
Junk Yard or Salvage Yard	5 per acre
Storage Yard including Lumber or Building Materials, Equipment, Machinery, Inventory, or Other Goods	1 per 1,000 square feet of storage area
Contractor Office	1 per 300 square feet
Bus, Cab or Truck Terminal	1 per 1,000 square feet
Commercial Printing or Publishing	1 per 500 square feet
Commercial Bakery	1 per 1,000 square feet
Food Processing Plant including Canned or Frozen Products, or Meat or Dairy Products	1 per 1,000 square feet of the area used for processing
Livestock Auction Barn	1 per 1,000 square feet of sales area
Sexually Oriented Business	1 per 200 square feet
Petroleum or Petroleum Products Refining	1 per 1000 square feet of the area used for refining

Addendum 4

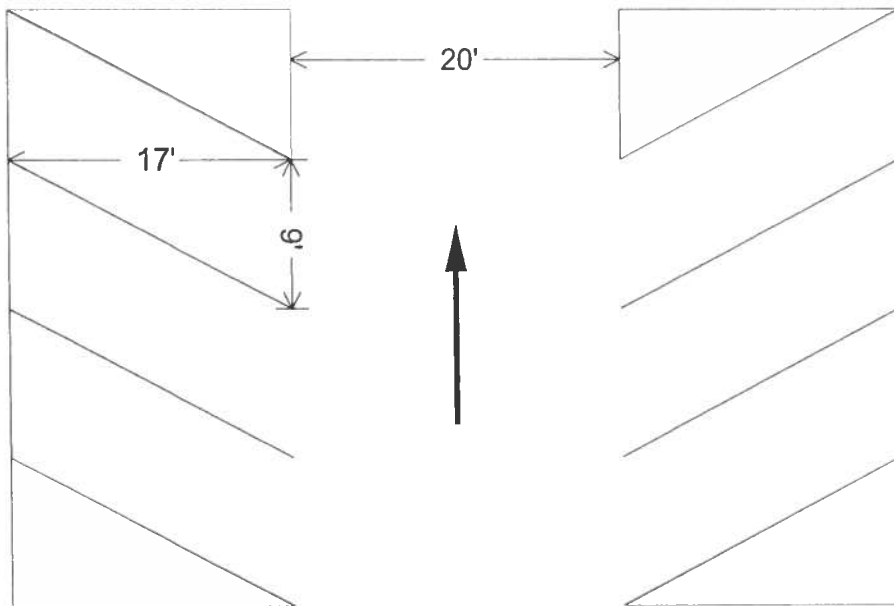
90 Degree (Straight-in Parking)



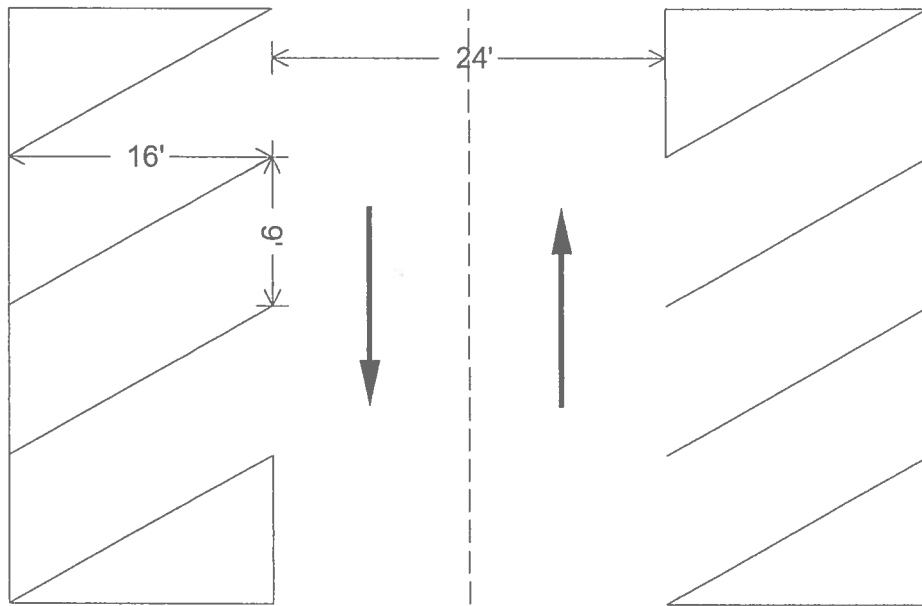
Addendum 5
60 Degree Parking
Two-Way Traffic Flow



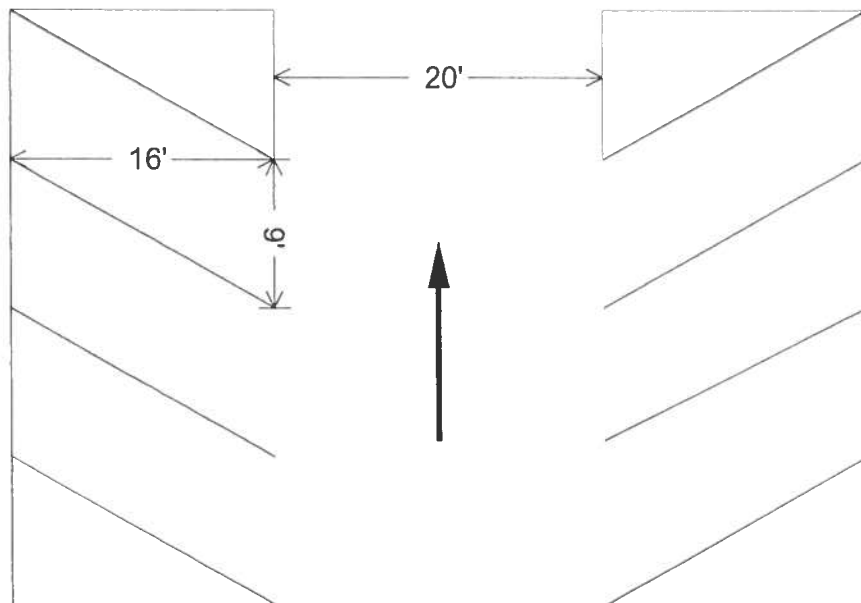
60 Degree Parking
One-Way Traffic Flow



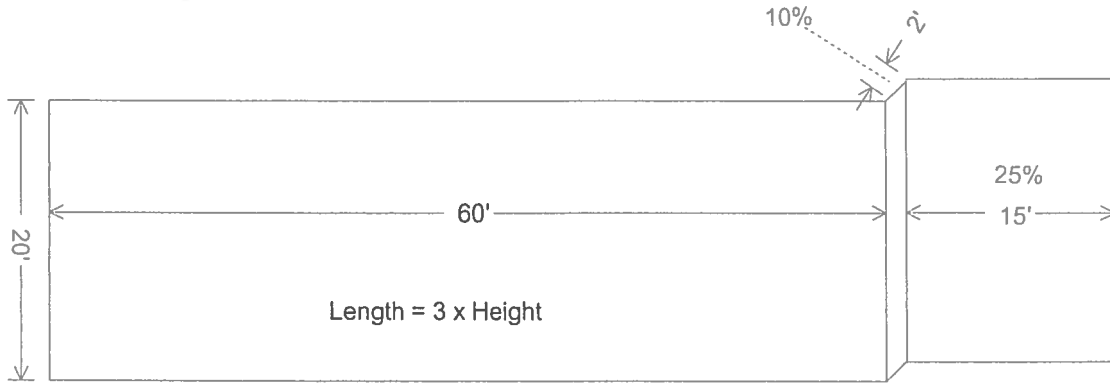
Addendum 6
45 Degree Parking
Two-Way Traffic Flow



45 Degree Parking
One-Way Traffic Flow



Addendum 7
Horizontal Articulation



Addendum 8
Vertical Articulation

