



Comprehensive Zoning Ordinance Articles

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EXHIBIT A

CITY OF GLENN HEIGHTS

ZONING ORDINANCE

Adopted by Ordinance No. O-03-09

ARTICLE I GENERAL PROVISIONS

SECTION 1 TITLE

This Ordinance shall be known and cited as the Glenn Heights Zoning Ordinance.

SECTION 2 ENACTING CLAUSE

The Ordinance, as set forth herein, establishes criteria for Zoning Standards and Zoning District Mapping of lands is hereby adopted and approved.

SECTION 3 PURPOSE

The zoning regulations as herein established have been made in accordance with an adopted Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to insure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, circulation, water, sewage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the District, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

SECTION 4 AUTHORITY

The Ordinance is adopted pursuant to the laws of the State of Texas, Local Government Code, Chapter 211 and the appropriate chapters of the City of Glenn Heights Charter which governs the zoning of land.

SECTION 5 JURISDICTION

The Ordinance shall be effective for all areas within the territorial City Limit and corporate boundaries of the City.

SECTION 6 COMPLIANCE

I.6.1 Subject to Article VI of this Ordinance (Nonconforming Conditions), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all the applicable provisions of this Ordinance. Noncompliance of this Ordinance shall be subject to penalties as per Section XX.4.1 (Penalties) of this Zoning Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.

I.6.2 For purposes of this section, the “use” or “occupancy” of a building or land relates to anything and everything that is done to, on, or in that building or land.

I.6.3 No uses shall be allowed which are prohibited by State or Federal law or which operate in excess of State or Federal environmental, pollution or performance standards as determined by the U. S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), Texas Commission on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.

I.6.4 Lots developed under this Zoning Ordinance shall not later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this Ordinance.

I.6.5 No building shall hereafter be erected or altered to have more narrow or smaller front, side or rear yards, or to exceed the maximum height allowed, or to occupy a greater percentage of the lot area, or to accommodate a greater number of families than required by this Zoning Ordinance.

SECTION 7 RELATIONSHIP TO THE COMPREHENSIVE PLAN

It is the intention of the City Council that this Zoning Ordinance implement the planning policies adopted by the City Council for the City as reflected in the Land Use Plan and other planning documents. While the Council reaffirms its commitment that this Zoning Ordinance and any amendment in conformity with adopted planning policies, the Council hereby expresses its intent that neither this Zoning Ordinance nor any amendment may be challenged on the basis of any alleged nonconformity with any planning document.

SECTION 8 FEES ESTABLISHED

I.8.1 Reasonable fees sufficient to cover the costs of administration, review, inspection, publication of notice and similar matters shall be charged to applicant. These fees shall cover costs associated with processing zoning and development requests, including public hearings that are set by the City of Glenn Heights. The amount of the fees charged shall be as set forth in an ordinance adopted by the City Council and filed in the office of

the City Secretary. Such fees shall be paid by the applicant and shall not be designed to in any way restrict the applicant's ability to seek and receive a hearing or to generate revenue for the City other than recovery of actual administrative costs incurred by the City in the review and processing of applications.

I.8.2 Fees established in accordance with Subsection I.8.1 shall be paid upon submission of a signed application. Immediately upon receipt of a complete application submission, as defined in Section IV.1.5 (Official Submission Date and Completeness of Application), for a zoning change or other development plan approval the City Manager or his/her designee shall issue a fee receipt and shall create a case file as a permanent City record thereof.

I.8.3 Applicant shall be responsible to the City for reimbursement of all consultant expenses incurred in relation to their application and project. Said expenses shall be invoiced to applicant by the City and payment is due within thirty (30) days of the issuance of the invoice. Non-payment of said invoice shall result in no building permit being issued or further action by the City for the applicant being taken.

ARTICLE II ADMINISTRATIVE MECHANISMS

SECTION 1 PLANNING AND ZONING COMMISSION

II.1.1 Membership; Officers

In accordance with Chapter 211 of the Texas Local Government Code and Article 10 of the Glenn Heights City Charter the Planning and Zoning Commission (“Commission”) shall consist of seven (7) members appointed by the City Council as set forth by Article 10 of the City Charter. At its discretion, the City Council may make nominations for each Commission Place and seat an interview panel for purposes of evaluating the nominees. The panel shall make recommendations of candidates to the City Council. A simple majority vote of the full City Council shall confirm the appointment of the Commission members. Each Commission member shall be a resident citizen, taxpayer and qualified voter of the City of Glenn Heights. Each member of the Commission shall hold a designated Place, from Place 1 to Place 7, and each Place shall be appointed to a three (3) year term. Place 1, Place 4 and Place 7 shall rotate together, Place 2 and Place 5 shall rotate together and Place 3 and Place 6 shall rotate together. The City Council shall appoint or reappoint Commission members each year with terms beginning on July 1. New members shall be sworn in at the first regular Commission meeting following their appointment.

II.1.2 Vacancy

Any vacancy(s) on the Commission and any re-appointments upon expired terms shall be filled in the same manner as original appointments as set forth in Subsection II.1.1 above.

Vacancies created by the resignation of a Commission member shall be considered by the remainder of the Commission and City Council after receipt of a written letter from the resigning member addressed to the Mayor.

II.1.3 Removal from Office

Members of the Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon the formal recommendation of the Commission. Failure to attend three (3) consecutive duly-called meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member’s control such as sickness of the member or someone with the member’s immediate family.

II.1.4 Rules and Bylaws

- A. The members of the Commission shall regularly attend duly-called meetings and public hearings of the Commission, shall serve without compensation, and shall not hold any other office or position with the City while serving on the

Commission. The Commission shall meet a minimum of once per month at a time established by the City Council.

- B. The Commission shall elect from its membership a Chairperson and Vice-Chairperson. Such election shall occur at the first regular meeting after the May municipal election and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Commission. The City Manager's designee shall serve as Secretary to the Commission, and shall post agendas for all meetings, keep minutes of all meetings held by the Commission, as required by the Texas Open Meetings Act, as well as the full record of all recommendations made by the Commission to the City Council.
- C. In the absence of the Chairperson and Vice Chairperson, the majority of the members present may convene the meeting and select a member to preside over the meeting.
- D. The Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform to those set forth by the City Council, and such rules, regulations and bylaws shall be in writing and be subject to approval by the City Council.

II.1.5 Parliamentary Procedure; Quorum; Voting

- A. Parliamentary Procedure - The Commission will follow the parliamentary procedure adopted by the City Council, and procedures shall not be in conflict with the laws applicable to the Commission on quorums and voting.
- B. Quorum - A quorum shall consist of a majority of the membership of the Commission. Any recommendation to the City Council to be voted upon shall require the affirmative vote of four (4) members.
- C. Voting - All Commission members, including the presiding Chairperson, shall be entitled to one vote each upon any question, a quorum being present.
- D. Abstaining from Voting - A Commission member may only abstain from voting for the following reasons:
 - 1. A legal conflict of interest as confirmed by the City Attorney; or
 - 2. A matter before the Commission that closely affects a Commission Member, has the appearance of impropriety and confirmation by the City Attorney, but does not qualify as a legal conflict of interest.

II.1.6 Meeting Location; Public Record

- A. Meeting Location – The Commission shall meet in the City Hall building or in some other specified location as may be designated by the presiding Chairperson or the City Council and properly noticed. Meetings shall be at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month.
- B. Public Record – Meetings shall be open to the public and minutes shall be kept and shall be treated as public record.

II.1.7 Duties and Zoning Responsibilities

- A. The Commission shall be an advisory body to the City Council, and shall make recommendations regarding amendments to the Comprehensive Master Plan, changes of zoning and permanent zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of the plats of subdivisions as may be submitted to it by the City Council or City staff. The Commission shall serve in an advisory capacity on any planning related item(s) in the City.
- B. Furthermore, the Commission shall have all the rights, powers, privileges and authority as granted by and through the States of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in Chapters 211 and 212 of the Texas Local Government Code and/or this Ordinance, as enacted and as it may be amended.
- C. The Commission shall assist, as authorized and empowered to cities by Statutes of the State of Texas, to regulate the platting and recording of subdivisions or additions within the City's corporate limits and establishing extraterritorial jurisdiction. Said Statutes of the State of Texas are hereby adopted, and the Commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said Statutes pertaining to regulation of subdivisions in the City's limits and extraterritorial jurisdiction.

II.1.8 Planning and Zoning Recommendations

The Planning and Zoning Commission shall receive a report from the City staff, as designated by the City Manager, on any project subject to its review for the purpose of preliminary consideration and recommendation to the City Council.

II.1.9 Conflict of Interest

If any member has a conflict of interest regarding any item on the Commission's agenda, he/she shall remove himself/herself from the room and shall refrain from voting and/or discussing only on the item for which a conflict exists. Furthermore, matters before the

Commission that may affect a Commissioner but does not qualify as a legal conflict of interest but has the appearance of impropriety may allow for a disqualification of participation by that Commissioner. Such conflicts shall be determined by the City Attorney.

II.1.10 Procedure on Zoning Hearing

- A. The Commission may have a workshop with the applicant and staff prior to all Public Hearings. This workshop may occur at the same meeting as the Public Hearing or may be scheduled at a time preceding the Public Hearing. However, any applicant of a zoning request requiring a Public Hearing shall have available to them the option of a waiver of the required workshop with the Commission.
- B. The Public Hearing procedure and process for zoning changes and Zoning Ordinance amendments shall be in accordance with Section IV.1.7 of this Ordinance.

II.1.11 Joint Meetings with the City Council

Whenever the City Council and the Commission are required by the laws of the State of Texas to conduct Public Hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the City to do so, the City Council and the Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings except for those involving a PD and/or SUP request.

SECTION 2 ZONING BOARD OF ADJUSTMENT

II.2.1 Creation

The City of Glenn Heights hereby creates a Zoning Board of Adjustment to be known as the Board of Adjustment (“Board” or “ZBA”).

II.2.2 Purpose

The Board is created for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The Board shall be composed of members who are resident citizens, taxpayers and qualified voters of the City of Glenn Heights. Current members of the elected City Council or appointed members of the Commission may not serve on the Board.

II.2.3 Members; Alternate Members; Appointments; Terms of Office

- A. Members - The Board of Adjustment shall consist of five (5) regular members and up to four (4) alternate members. All members who shall be nominated and appointed by the Mayor and City Council and each person so nominated shall be

approved by a simple majority vote of the full City Council before becoming a member of the Board. This Board shall operate in accordance with the provisions of Chapter 211 of the State of Texas Local Government Code, as enacted and as it may be amended.

- B. Alternate Members – Alternate members shall serve in the absence of one or more of the regular Board members when requested to do so by the City Manager. The alternate member with the longest tenure shall be able to serve first and may be appointed to fill a vacancy in the event of resignation or removal of a regular member of the Board of Adjustment.
- C. Appointment of Members - Following the regular City Council election of offices in May of each year, the City Council shall appoint members to the Board of Adjustment to fill those offices being vacated on May 31 of that year. Each member of the Board shall hold a designated Place, from Place 1 to Place 5. Alternate members shall be identified by Place numbers one-A (1A) through four-A (4A).
- D. Terms of Office - Each member and alternate member is appointed to serve for two (2) years terms and may be re-appointed to successive terms on the Board subject to approval by a simple majority of the full City Council. Place 1, Place 3, Place 5 and Places 1A and 3A shall be appointed in odd-numbered years. Place 2, Place 4 and Places 2A and 4A shall be appointed in even-numbered years.

II.2.4 Vacancy

Vacancy(s) on the Board can be either a regular or alternate member. Any vacancy on the Board and any re-appointment upon expired terms shall be filled in the same manner as the original appointment (see Section II.2.3(C) above).

Vacancies created by the resignation of a Commission member shall be considered by the remainder of the Commission and City Council after receipt of a written letter from the resigning member addressed to the Mayor.

II.2.5 Removal from Office

Members of the Board may be removed from office for cause, and after a Public Hearing, by a simple majority vote of the full City Council. Failure to attend three (3) consecutive duly-called meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family.

II.2.6 Rules and Bylaws

- A. The members of the Board, and alternate members as needed, shall regularly attend duly-called meetings and Public Hearings of the Board, shall serve without

compensation, and shall not hold any other office or position with the City while serving on the Board.

- B. The Board shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Board. The City Manager's designee shall serve as Secretary to the Commission, and shall post agendas for all meetings, keep minutes of all meetings held by the Board, as required by the Texas Open Meetings Act. The minutes maintained by the Secretary shall indicate the vote of each Board member on each question or the fact that a member is absent or fails to vote. The Secretary shall also set up and maintain a separate file for each application for hearing by the Board, and shall record therein the names and addresses of all persons/entities to whom notices are mailed, including the date of mailing and the person by whom such notices were delivered to the Post Office. All records and files herein provided for shall be permanent and official records of the City of Glenn Heights. The Secretary shall also immediately notify in writing the City Council, the Commission and the City Manager or his/her designee of each decision rendered by the Board in the conduct of its official duties.

- C. The Board shall have the power to make rules, regulations and bylaws for its own governance, which shall conform as closely as possible to those set forth by the City Council and the Board's rules. Regulations and bylaws shall be in writing and be subject to approval by the City Council.

II.2.7 Meetings

Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be posted by agenda, open to the public and minutes be kept of all proceedings, according to the Open Meetings Act. Four (4) regular members or alternate members of the Board constitute a quorum for the conduct of business. All cases to be heard by the Board shall always be heard by at least seventy-five percent (75%) of the members and/or alternates.

II.2.8 Duties of Zoning Board of Adjustment

- A. The Board of Adjustment shall have the powers and perform those duties as are provided for in the Texas Local Government Code, Chapter 211, as enacted and as it may be amended, and those established in this Ordinance, including but not limited to the following:
 - 1. The Board shall have the power to hear and decide any special exception which the Board is authorized by ordinance or law to grant.
 - 2. The Board shall further have the power to authorize upon appeal in specific cases such variance from the zoning provisions of this Zoning Ordinance as

will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

3. The Board shall further have the power to consider any vested rights appeal or variance pursuant to Article IV, Section 3, of this Ordinance.
 4. The Board shall have the power to hear an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance.
 5. Additionally, the Board may make interpretations on zoning district boundaries shown on the adopted Zoning Map where uncertainty exists because physical features on the ground differ from those on the Zoning Map or where the rules of Article X Section 3 of this Ordinance do not apply or are ambiguous.
 6. Finally, the Board may subpoena witnesses, administer oaths and punish for contempt.
- B. In exercising its authority under Section II.2.8(A)(1) above, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.
- C. A vote of at least seven-five percent (75%), or four (4) members or alternates, of the full Board is necessary to:
1. Reverse an order, requirement, decision or determination of an administrative official;
 2. Decide in favor of an Applicant on a matter on which the Board is required to review under this Zoning Ordinance;
 3. Authorize a variance from a provision of this Zoning Ordinance; or
 4. Hear and decide special exceptions to a provision of this Zoning Ordinance.

II.2.9 Limitations on Authority of the Zoning Board of Adjustments

- A. The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought.

- B. The Board shall have no power to grant or modify Specific Use Permits (SUP) or Planned Development (PD) authorized under Article XI of this Ordinance. Any amendments, variances or waivers must be as an amendment to the SUP or PD.
- C. The Board shall have no power to grant a zoning amendment. In the event a request for a zoning amendment is pending before the Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment by the Commission and the City Council.
- D. The Board shall not grant a variance for any parcel of property or portion thereof upon which a Site Plan, Preliminary Plat or Final Plat, where required, is pending on the agenda of the Commission and, where applicable, by the City Council. All administrative and procedural remedies available to the Applicant shall have been exhausted prior to hearing by the Board.

SECTION 3 CITY MANAGER

Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance is that of the City Manager or his/her designee. The person or persons to whom these functions are assigned shall be assigned by the City manager and may include the, "Planning Official", "Zoning Official" or other designations. Development Review Committee ("DRC"), "staff" or "planning staff" is sometimes used interchangeably with any of the above designations.

SECTION 4 CITY COUNCIL

II.4.1 The City Council, prior to making any decision on a change of zoning, modification of Zoning Map or Articles of this Ordinance, shall first consider the recommendation of the Commission and the Staff on such matter.

II.4.2 In the event the Planning and Zoning Commission has not submitted a recommendation to the City Council, but a Public Hearing has been noticed before the City Council, the City Council may open the Public Hearing for the convenience of the citizens and continue the Hearing to a date certain for the purpose of having and considering the recommendation of the Planning and Zoning Commission.

II.4.3 In considering proposed changes in the text of this Ordinance pertaining to zoning criteria, standards, regulations, or in the Zoning Map, the Council acts in its legislative capacity and must proceed in accordance with the requirements of Article IV.

ARTICLE III COMPREHENSIVE MASTER PLAN AMENDMENT

III.1.1 Comprehensive Master Plan.

- A. The Comprehensive Master Plan is for the purpose of promoting sound development, providing necessary guidance in future development, and to promote the public health, safety and welfare through the adoption of a long-range plan intended to direct the growth and physical development of the city for an extended period of time.
- B. The Comprehensive Master Plan shall not constitute zoning regulations or establish zoning district boundaries. The provisions of this Ordinance are intended to comply with the authority granted by Chapter 213 of the Texas Local Government Code, as it exists and as it may be amended.
- C. The provisions herein do not limit the City's ability to prepare other plans, policies or strategies as required.

III.1.2 Application for Comprehensive Master Plan and Comprehensive Master Plan amendment.

No zoning change shall be approved to any zoning district that is inconsistent with the land use designation for the property in the Comprehensive Master Plan. Consistency with the Comprehensive Master Plan land use designations shall be determined based on the district purpose statements, the nature of the district regulations and the description of the land use category in the Comprehensive Master Plan. Comprehensive Master Plan amendments shall not be required for zoning changes proposing single-family detached residential land uses that are less dense than those allowed pursuant to the existing land use category and single-family detached zoning district; however, notwithstanding the foregoing, a zoning change proposing a single-family detached use in an existing multifamily, duplex or single-family attached zoning district located in a high density land use category shall not be approved without a comprehensive master plan amendment. Any person having a proprietary interest in any property within the corporate limits of the city, requesting a change or amendment to the Comprehensive Master Plan shall file an application applying for such change or amendment with the City Manager or his or her designee. Each application shall be accompanied by the following:

- A. A clear statement or description of the requested change or amendment;
- B. A drawing, at a scale of not less than one inch to 200 feet, indicating the following:
 - 1. Existing land use categories;

2. Proposed land use categories in a format that identifies boundaries between different land use categories;
 3. Comprehensive Master Plan features, whether existing or proposed, from any or all of the following elements: land use plan, urban design plan, parks and open space plan, trail network and thoroughfare plan.
- C. A vicinity map indicating the general location of the subject property.
 - D. A filing fee in the amount established by ordinance and adopted by the City Council.
 - E. If the city determines that the proposed amendment may have an impact on the water, wastewater or thoroughfare plan components of the comprehensive master plan, due to changes in population density or other factors, the city may require an evaluation of such impacts as it deems necessary.

III.1.3 Procedure for Adoption and Amendment.

- A. A Comprehensive Master Plan amendment must precede any requested zoning amendment to the subject property. The procedure shall be identical to that of a zoning amendment, including notice and public hearing requirements. A Comprehensive Master Plan amendment may precede the zoning amendment on the same agenda, be part of the same notice issued, be heard together with the zoning amendment, provided that separate action is taken by separate ordinance memorializing the adoption and/or amendments.
- B. At the hearing for the Comprehensive Master Plan adoption or amendment, the public shall be given the opportunity to provide testimony and written evidence.

ARTICLE IV ZONING AMENDMENTS, APPEALS, AND VARIANCES

SECTION 1 ZONING AMENDMENTS

IV.1.1 Policy of Zoning Amendment

The City declares the enactment of the zoning regulations set forth in various Articles of this Ordinance governing the use and development of land, buildings and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- A. To correct any error in the regulations or map by Ordinance;
- B. To recognize changed or changing conditions or circumstances in a particular locality;
- C. To recognize changes in technology, the style of living, or manner of conducting business; or
- D. To change the property to uses in accordance with the City's adopted Comprehensive Master Plan.

IV.1.2 Authority to Amend Zoning Ordinance

- A. The City Council may from time to time, after receiving a final report thereon by the Commission and after Public Hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts, as depicted on the adopted Zoning Map. Any zoning change or amendment may be ordered for consideration by the City Council, be initiated by the Commission, be requested by the owner of real property or the authorized representative of an owner of real property and/or City staff.
- B. Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. Proof of ownership shall be provided by the applicant.
- C. Each applicant for zoning, for an amendment, or change to the existing provisions of the zoning requirements, regulation and mapping as set forth in this Ordinance shall be made in writing to the City on a form provided by the City and shall be filed with the City Planner and shall be accompanied by payment of the appropriate fee to be charged by the City for administering the zoning application.
- D. No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Glenn Heights,

and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owned by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes have been paid.

IV.1.3 Application

- A. Each application for zoning, rezoning, Specific Use Permit (SUP), or for a text amendment to a provision(s) of this Zoning Ordinance, shall be made in writing on an application form available in the City Planner's office. The application shall be delivered to the City at least forty (40) days prior to the date of the Public Hearing before the Commission, and shall be accompanied by payment of the appropriate fee as established by the City of Glenn Heights (Section I.8 Fees Established). An accurate metes and bounds description of the subject property (or other suitable legal description), a survey (i.e., drawing of metes and bounds) exhibit, and other appropriate exhibits (i.e., Site Plan, map, architectural elevations, information about proposed uses, etc.) that are determined necessary by the City Manager or his/her designee, shall also be submitted with the zoning application in order to ensure that the request is understood. A Site Plan, as prescribed in Article VIII of this Ordinance, shall also be submitted along with any zoning request involving a SUP request or the formation of a Planned Development (PD) district.

- B. All zoning change requests involving real property (including PD and SUP requests) shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of land owner's agent to file the zoning change request.

IV.1.4 Payment of Fees, Charges and Expenses

Until all applicable fees, charges and expenses, as established in Section I.8 (Fees Established) and adopted by ordinance in the City's Fee Schedule have been paid in full, no action shall be taken on any zoning or development application or on any appeal.

IV.1.5 Official Submission Date and Completeness of Applications

- A. For the purposes of these regulations, the "official submission date" for an original zoning application, change in zoning application, or any other application required for a project under this Ordinance, shall be the date upon which a complete application (that contains all elements and information required by this Ordinance) is submitted to the City Planner or his/her designee. No application shall be deemed officially submitted until the City Planner or his/her designee determines that the application is complete and a fee receipt is issued by the City.

Failure by the City Planner or his/her designee to make a determination of incompleteness within ten (10) calendar days following the date on which the application was first received by the City, shall result in the application being deemed complete, and the “official submission date” shall become the tenth (10th) calendar day following initial receipt of the application by the City. An application shall expire forty-five (45) days from the date the application was filed with the city based on the date stamp provide by city staff and the applicant shall submit all documentation necessary within that time period if a determination of incompleteness is provided. If the required documentation is not received within the forty-five (45) day period to achieve “official submission date” status, the application shall be deemed expired and the applicant will need to submit a new zoning application.

- B. Zoning applications which do not include all required information and materials (as outlined above and per other City development review policies) will be considered incomplete, shall not be accepted for official submission by the City, and shall not be scheduled on a Commission agenda until the proper information is provided to City staff.
- C. Application Filed – Although zoning regulations are exempt under Texas Local Government Code, Chapter 245, in order to assist applicants in moving through the zoning application process in a timely manner, an application is considered filed on the date the applicant mails by certified mail or delivers the application to the following address:

City of Glenn Heights
Planning Department
Attn: City Planner
2117 Uhl Rd.
Glenn Heights, TX 75154

IV.1.6 Informational Signs

Upon the filing of an application to amend the Comprehensive Master Plan land use category or the zoning on a lot or tract of land or property, or for the issuance of a Specific Use Permit relative thereto, or to the creation of a Planned Development, the owner/developer/applicant shall be required to place an informational sign on such lot or tract of land or property within five (5) calendar days after the official submission date as follows:

- A. The size of the sign shall be three feet by four feet (3’ x 4’) and be made out of aluminum or corrugated plastic material or similar durable construction.
- B. The sign shall be mounted on stakes/poles so that the sign remains firm and steady, even during winds and inclement weather.

- C. The sign shall be visible from the street.
- D. There shall be one sign for each street frontage.
- E. The sign shall have a white background with the letters and borders being blue in color. The sign shall state one of the following, as applicable:

Example:

City of Glenn Heights, Texas

A request for a "Zoning Change", "Change in the Comprehensive Master Plan", a "Planned Development" or a "Specific Use Permit" is being made on this property. For information call 972.274.5100. A copy of the application is available for inspection in the City of Glenn Heights' Planning Department consistent with the Public Information Act.

- F. The owner/developer/applicant shall be required to remove the informational sign(s) from the lot or tract of land or property within ten (10) calendar days after the date of the final action of the requested change or amendment.
- G. All signs must be maintained in good condition. All signs that deteriorate or are damaged during the process shall be removed and immediately replaced.

IV.1.7 Public Hearing and Notice

Prior to making its report to the City Council, the Commission shall hold at least one Public Hearing on each application, as per applicable State law (Texas Local Government Code Chapter 211, as enacted and as may be amended). Written notice of all Public Hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for City taxes, located within the area of application and within two hundred feet (200') of any property affected thereby, within not less than ten (10) days before such Hearing is held. Such notice may be served by using the last known address as listed on the latest approved City tax roll and depositing the notice, postage paid, in the United States mail. Notice of Hearings on proposed changes in the text of an Article shall be accomplished by one publication not less than fifteen (15) days prior thereto in the official newspaper of the City. All notices for the Public Hearing, except for a PD and/or SUP request, before the City Council will also be published at the same time notice of the Commission meeting is published. Notices for Public Hearings before the Commission and City Council for a PD and/or SUP shall be made separately and the Public Hearing for the Commission and City Council shall be separated by a minimum of fourteen (14) days.

Notices for the Public Hearing before the City Council may be published at the same time notice of the Commission Hearing is published in all straight zoning cases. In cases where a Planned Development District is being proposed or amended, or a Specific Use Permit is being proposed or amended, notice for the Public Hearing before the City

Council shall only be published upon completion of all Public Hearings before and a recommendation from the Commission.

Notwithstanding the foregoing, notices of Public Hearing before the City Council may be published at the same time notice of the Commission meeting is published, should the Applicant so request, and the staff concur based upon prior receipt of DRC reports and workshops on the projects to ensure proper consideration by the Commission.)

IV.1.8 Failure to Appear

Failure of the applicant or his/her authorized representative to appear before the Commission or the City Council for more than one (1) Hearing without a delay approved by the City Manager shall constitute sufficient grounds for the Commission or City Council to table or terminate the application. Such request to the City Manager for a delay shall be in writing and shall be provided from the applicant to the City Manager at least seventy-two (72) hours prior to the Hearing.

IV.1.9 Commission Consideration and Report

The Planning and Zoning Commission, after the Public Hearing is closed, shall prepare the report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Master Plan which shall not be required to be of a particular form but may be included in a proposed ordinance or appropriate enacting document. The Commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the Commission shall function in accordance with Section II.1 of this Ordinance and with other applicable provisions of this Ordinance and consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

- E. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas shall be modified also.
- F. Any other factors which will substantially affect the health, safety, morals, or general welfare of the City.

SECTION 2 COUNCIL CONSIDERATION

IV.2.1 Council Hearing and Notice

All notices for the public hearing, except for a PD and/or SUP request, before the City Council may be given by publication and may be at the same time notice is given for the Planning and Zoning Commission Public Hearing in the official newspaper of the City, stating the time and place of such hearing, which shall be at least fifteen (15) days after the date of publication, in accordance with Section III.1.6 herein. Notices for the Public Hearing for a PD and/or SUP may be made separately and the Public Hearing with the Planning and Zoning Commission and City Council to be separated by a minimum of fourteen (14) days.

IV.2.2 Three-Fourths Vote

- A. A favorable vote of three fourths (3/4) of the full City Council (6 of 7 members) shall be required to overrule a proposed recommendation for denial from the Commission.
- B. If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, prior to the close of the public hearing before the City Council, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots or land included in such a proposed change or those are of the lots or land immediately adjacent to the area thereof extending two hundred feet (200') therefrom or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such proposed amendments receiving a protest shall not become effective except by a three-fourths (3/4) vote of the full City Council (6 of 7 members). In calculating the percentage of land area under this section, the area of streets and alleys shall be included.
- C. Written Protest Procedures:
 - 1. Form of Protest:
 - a. A protest must be in writing and, at a minimum, contain the following information:

- i. A description of the zoning case at issue by case number, property legal description, property physical address and/or any manner in which it is clear what zoning case is subject to the protest. The Zoning Case description must appear at the head of each page and the verification must appear at the foot of each page;
 - ii. The names of all persons protesting the proposed change in zoning district classification or boundary;
 - iii. A description of the area of lots or land owned by the protesting parties that is either covered by the proposed change or adjoining the area covered by the proposed change and extending 200 feet from that area, including streets and alleys. Such description may be either the physical address of the property eligible to protest and/or the tax identification number as it appears on the most recently approved city tax roll;
 - iv. The mailing addresses of all persons signing the protest; and
 - v. The date and time of its execution by each signatory.
 - b. The protest must bear the original signatures of all persons required to sign under subparagraph b. below and acknowledged under subparagraph c. below.
2. Required Signatures:
 - a. A protest must be signed by the owner of the property in question, or by a person authorized by power of attorney to sign the protest on behalf of the owner. In the case of non-community property owned by two or more persons, the signature by any one owner of the property, or by a person authorized by power of attorney to sign the protest on behalf of any one owner, binds the entire property to the protest. In the case of community property, the written protest of one spouse will bind the property in its entirety, provided however, that the land area shall be equally divided if the applicant provides documentation, acknowledged as provided in subparagraph c., that the other spouse disagrees with said protest.
 - b. In the case of property owned by a corporation, the protest must be signed by the president, a vice-president, or by an attorney-in-fact authorized to sign the protest on behalf of the corporation. In the case of property owned by a general or limited partnership, the protest must be signed by a general partner or by an attorney-in-fact authorized to sign the protest on behalf of the partnership.
 - c. Lots or land subject to a condominium regime are presumed to be commonly owned in undivided interests by the owners of all condominium units and

under the control of the governing body of the condominium. For such lots or land to be included in calculating the lots or land area protesting a proposed rezoning, the written protest must state that the governing body of the condominium has authorized a protest in accordance with procedures required by its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium. A written protest signed by the owner of an individual condominium unit shall not be accepted unless the filing party produces legal documents governing the condominium which clearly establish the right of an individual owner to act with respect to his or her respective undivided interest in the common elements of the condominium.

- d. In case of property owned by a federal agency, state agency or other political subdivision, it is up to the governing body of the particular agency to delegate the ministerial act of sign the protest petition to any person it chooses.

3. When signatures must be acknowledged by a notary public:

- a. Except as otherwise provided in subparagraphs 2 and 3, all signatures on a written protest, whether by petition or letter, must be acknowledged before a notary public as provided herein. For purposes of this section, the person who obtains the signatures must sign a jurat affirming the witnessing of the signature and the acknowledgment that the signatory represented his/her authority to sign the petition. The notary requirement is fulfilled if the person who obtains the signature signs the jurat swearing to the witnessing of those signatures.
- b. The City shall be required to forward to the owners entitled to notice hereunder, in addition to the required notice, a reply form for the lodging of protests. A signature on an original reply form sent by the City to the mailing address of the property owner need not be acknowledged.
- c. A signature on a protest delivered in person by the person signing need not be acknowledged if its reliability is otherwise established to the satisfaction of the City Secretary. In such a case, a summary of the evidence of reliability considered by the City Secretary must be endorsed on the protest by the City Secretary.

4. Filing Deadline:

- a. A written protest must be filed with the City Secretary before 5:00 p.m. of the sixth (6th) working day immediately preceding the date advertised for the City Council public hearing in the statutory notice published in the official newspaper of the City. For example, a written protest must be received by 5:00 p.m., on the second Friday prior to a regularly scheduled

Monday Council meeting. A protest sent through the mail must be received by the City Secretary before the deadline.

- b. Before the public hearing on the case, the filing deadline is automatically extended whenever the public hearing is advertised in the official newspaper of the City pursuant to statutory notice requirements.
 - c. After the public hearing has begun, the filing deadline may only be extended by calling a subsequent public hearing and advertising that public hearing in the official newspaper of the City pursuant to statutory notice requirements or if the item is tabled or continued. In such a case, the new filing deadline is noon of the second working day immediately preceding the newly advertised public hearing date or the date to which the item is tabled or continued.
5. **Withdrawal of Protests Once Filed:** A protest, once filed, remains in effect unless withdrawn in accordance herewith, irrespective of any amendments made to the zoning proposal. Withdrawals of protests filed must be in writing and filed with the City Secretary before the filing deadline. The provisions of this subsection governing the form and filing of protests apply equally to withdrawals.
6. **Presumptions of Validity:**
- a. In all cases where a protest has been properly signed pursuant to this subsection, the City shall presume that the signatures appearing on the protest are authentic and that the persons or officers whose signatures appear on the protest are either owners of the property or authorized to sign on behalf of one or more owners as represented.
 - b. The presumption in subparagraph 1 above is rebuttable, and the City Attorney may advise the City Council that a presumption should not be followed in a specific case based on extrinsic evidence presented.
7. **Conflicting Instruments:**

In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.

IV.2.3 Proposal Recommended for Approval

Every proposal which is recommended favorably by the Commission, whether as requested or with conditions, shall be forwarded to the City Council for setting and holding of public hearing thereon. The public hearing shall only be held after all appropriate and required notifications are met. The City Council may then approve the request, approve it with conditions or disapprove it (i.e., against the Commission's recommendation) by a simple majority vote of the City Council. No change, however,

shall become effective until after the adoption of an ordinance for same and its publication as required by law.

IV.2.4 Proposal Recommended for Denial

When the Commission determines that a proposal should be denied, or the proposal does not receive the required four (4) affirmative votes, it shall so report and recommend to the Council and notify the applicant. The Commission shall offer reasons to the applicant for its recommendation for denial. When a proposed zoning request is heard by the City Council that has not been favorably recommended by the Commission, a three-fourths (3/4) majority vote (6 of 7 members) by the full City Council shall be required for approval. A request which has been denied by the Commission and/or City Council may be resubmitted by the applicant for reconsideration by the City after a period of one (1) year from date of denial unless waived by the City Council. A new application, filing fee and required exhibits must be submitted).

SECTION 3 ZONING BOARD OF ADJUSTMENT PROCEDURE

IV.3.1 Written Application

The aggrieved applicant shall make written grievance for consideration by the Zoning Board of Adjustment using application forms as provided by the City. All grievances shall be accompanied by additional information (i.e., Site Plan, building plans, photographs, topographic contour maps, etc.) as may be requested in order to properly review the matter. All drawings must be to scale.

IV.3.2 Fee

The City Council shall adopt a designated fee to be paid by the applicant to cover administrative processing costs, as established in Section I.8 (Fees Established), herein and as may be amended.

IV.3.3 Jurisdiction

When, in the Board's judgment and if in harmony and spirit of this Ordinance, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board may, in specific cases, after written notice to all property owners within two hundred feet (200') of the request and public hearings, and subject to appropriate conditions and safeguards, authorize or order the following:

- A. Hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the Building Official in the enforcement of this ordinance, or in any appeal from a vested rights determination by the City Manager pursuant to this Ordinance.

- B. Permit the reconstruction, extension, or enlargement of a building occupied by nonconforming uses, on the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use.
- C. Permit such variances of specific items, including but not limited to height, yard area, exterior structure, lot coverage, off-street parking and loading regulations that will not be contrary to the public interest and where, because of special conditions, the enforcement of this Ordinance or its amendments would result in an undue hardship to the property owner. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular Zoning District. No variance may be granted if it results in an undue hardship, as herein defined, on another parcel of land.
- D. In order to make a finding of undue hardship and to grant a variance, the Board must determine that:
 - 1. The requested variance does not violate the intent of the Ordinance or its amendments.
 - 2. Special conditions of restricted area, shape, topography, or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district.
 - 3. The hardship is in no way the result of the applicant's own actions (not self-imposed) and does not generally affect all or most properties in the same zoning district.
 - 4. The interpretation of the provisions in this Ordinance and all amending ordinances would deprive the applicant of rights commonly enjoyed by other properties, in the same zoning district, that comply with the same provisions.
- E. No variance may authorize a use other than those permitted in the district for which the variance is sought. Also, an application or request for variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a Site Plan, Preliminary Plat or Final Plat, when required by this Ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the Planning and Zoning Commission and, where required, by the City Council. The administrative procedures and requirements of this Ordinance, with regard to both Planning and Zoning Commission and City Council consideration and action on zoning requests, Site Plans, Preliminary Plats, and Final Plats must be exhausted prior to requesting a variance from the terms of this Ordinance. The City Council shall not approve a Final Plat until any outstanding appeals have been resolved by the Board of Adjustment.

- F. It shall be the responsibility of the applicant to establish the necessary facts and burden of proof that an undue hardship exists which justifies a variance.
- G. No variance may be granted for property subject to a Specific Use Permit (SUP) or a Planned Development (PD). Any amendments, variances or waivers must be as an amendment to the PD or SUP.

IV.3.4 Appeals to the Zoning Board of Adjustment

Appeals to the Board of Adjustment can be taken by any person aggrieved by any office, official, board or department of the City in the enforcement of this Ordinance. A notice of appeal, specifying the grounds thereof, shall be taken within fifteen (15) days after the decision has been rendered by filing with the City Secretary with notice provided to the officer from whom the appeal is taken and to the Board. The officer against whom the appeal is taken shall forthwith transmit to the Board all paper constituting the record upon which the action the appeal was taken. The City Manager or his/her designee shall visit the site where the proposed variance, grievance or special exception will apply and the surrounding area, and shall report his/her findings to the Board. An appeal stays all proceedings, both for the City and for the appellant, in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies in writing to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board or by a court of competent jurisdiction or application on notice to the officer from whom the appeal is taken and on due cause shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within thirty (30) calendar days after the written request (i.e., notice of appeal) was received. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.

IV.3.5 Action by the Zoning Board of Adjustment

The Board shall not grant a variance or special exception unless it finds, based upon compelling evidence provided by the applicant, that each of the conditions required for granting a variance or special exception has been satisfied. The Board may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance or special exception as are necessary to protect the public health, safety, convenience and welfare. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.

IV.3.6 Required Vote to Reverse Administrative Official

The concurring vote of seventy-five percent (75%) or four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any

such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance, or to effect any variation in such Ordinance.

IV.3.7 Order Issued

On any matter properly submitted and considered by the Board, and upon the final vote, the Board shall issue a written Order setting forth the Board's decision.

IV.3.8 Waiting Period

No appeal to the Board for the same or a related variance or special exception on the same piece of property shall be allowed for a waiting period of six (6) months (i.e., 180 calendar days) following an unfavorable ruling by the Board unless other property in the immediate vicinity has, within the six-month waiting period, being changed or acted upon by the Board or by the City Council so as to alter the facts and conditions upon which the previous unfavorable Board action was based. Such changes of circumstances shall permit the re-hearing of a variance or special exception request by the Board, but such circumstances shall in no way have any force in law to compel the Board, after a hearing on the matter, to grant a subsequent variance or special exception request. Any subsequent variance or special exception request shall be considered entirely on its own merits and on the special circumstances related to the submit property.

IV.3.9 Timeliness of Application for Building Permit or Certificate of Occupancy

Upon a favorable Board action on a variance or special exception request, the applicant shall apply for a building permit or a certificate of occupancy, as applicable to his/her particular situation, within three (3) months (i.e., 90 calendar days) following the date of Board action, unless the Board specified a longer time period in the minutes of its action. If the applicant fails to apply for a building permit or certificate of occupancy, as applicable, with the three-month time frame, then the variance or special exception shall be deemed to have been waived, and all rights thereunder shall be terminated. Such termination and waiver shall be without prejudice to the subsequent appeal, and such subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original variance or special exception request.

IV.3.10 Finality of Decisions; Judicial Review

All decisions of the Board are final and binding. However, any person or persons, jointly or severally, aggrieved by any decision of the Board or any taxpayer or any officer, department, or Board of this City may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court of record within ten (10) days after the filing of the decision in the office of the Board and not thereafter. Subject to the provisions of Chapter 211.011 of the Texas Local Government Code, only a court of record may reverse, affirm or modify a decision of the Board.

SECTION 4 FINAL APPROVAL AND ENFORCEMENT

IV.4.1 Final Approval and Ordinance Adoption

Upon approval of the zoning request (and Concept Plan in the case of a PD or SUP request) by the City Council, the Applicant shall submit all related material with revisions, if necessary, to the City Manager or his/her designee for the preparation of the amending ordinance. The zoning request shall be deemed approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions. However, the amending ordinance will not be prepared for adoption until a correct legal description and all required exhibits have been submitted to the City Manager or his/her designee, and the amending ordinance shall not be formally adopted (i.e., effective) until it is adopted by the City Council, signed by the Mayor, and attested by the City Secretary. If all necessary materials and information are not received in a timely manner, and if the amending ordinance has not been adopted within six (6) months (i.e., 180 calendar days) following City Council action on the zoning request, then the City Council may, at its option, recall the request for a new public hearing and re-consideration.

IV.4.2 Administration and Enforcement

The City Manager shall designate a qualified member of the staff, such as the City's Building Official, to administer and enforce the provisions of this Ordinance. If such designated official finds upon his/her own personal observation, or upon receipt of a complaint, that the provisions of this Ordinance are being violated, he/she shall immediately investigate and, when necessary, give written notice to the person(s) responsible to cease or correct such violation(s) immediately. Notice may be delivered in person or by certified mail to the violator(s) or to any person owning or leasing a property where the violation is occurring. The designated city official or his/her authorized representative, shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this Ordinance.

IV.4.3 Stop Work Orders

Whenever any building or construction work is being done contrary to the provisions of this Ordinance, the City official, designated by the City Manager, shall have the authority to order the work stopped by notice in writing served on the property owner or the contractor doing the work or causing such work to be done, and any such person shall forthwith stop such work until authorized in writing by the City to proceed with such work. Failure to immediately stop work as provided herein shall constitute a violation of this Ordinance, in accordance with Article XX, Section 4 (Penalties and Remedies for Violations), and may incur penalties for such violation.

ARTICLE V PRIMARY ZONING REGULATIONS

V.1.1 Temporary Zoning – Annexed Territory - All territory hereinafter annexed to the City of Glenn Heights shall be temporarily classified as “A”, Agricultural District, until permanent zoning is established by the City Council of the City of Glenn Heights. As soon as practical following annexation, but in no event more than one hundred and eighty (180) calendar days thereafter, the City Council shall, on its own motion or by property owners of the annexed area, initiate proceedings to formally and legislatively establish Agricultural (“A”) zoning on the newly annexed territory, thereupon the City Manager or his/her designee shall commence public notification and other standard procedures for establishing permanent zoning on annexed territory which shall conform to Section IX.2.1 of this Ordinance. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.), however zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption have occurred, and as a separate and distinct action by the City Council.

- A. The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in Section IV.1.7 of this Ordinance and all other applicable State laws.
- B. The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.
- C. In an area temporarily classified as “A”, Agricultural District:
 - 1. No person shall erect, construct, proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Glenn Heights without first applying for and obtaining a Building Permit or Certificate of Occupancy from the Building Official or the City Council, as may be required.
 - 2. No permit for the construction of a building or use of land shall be issued by the Building Official or his/her designee other than a permit which will allow the construction of a building or use permitted in the “A”, Agricultural District, unless and until such territory has been classified in a zoning district other than the “A”, Agricultural District, by the City Council in the manner prescribed by law except as provided in Subsection C. below.
 - 3. If plans and preparations for developing a property for a use other than those specified in the “A” district were already in progress prior to annexation of the property into the City of Glenn Heights, then the City Council may, at its

discretion, authorize construction of the project by a majority vote. Application of this Subsection is contingent upon the following:

- a. An application for a building permit for the proposed building or use must be made to the Building Official of the City of Glenn Heights or his/her designee within three (3) months (i.e., within 90 calendar days) after annexation of the property into the City; and
- b. The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City; and
- c. In its deliberations concerning authorization to proceed with construction of a project which meets the above criteria, the City Council shall take into consideration the appropriate land use for the area as shown on the City's Future Land Use Plan. Upon approval by the City Council, the City Manager or his/her designee shall notify the Building Official or his/her designee of such approval.

V.1.2 Creation of Building Site - No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

- A. The lot or tract is part of a plat of record, property approved by the Planning and Zoning Commission and City Council, and filed in the Plat Record of the County in which the property is located.
- B. The plot, tract, or lot faces upon a dedicated street and was separately owned prior to the effective date of this Ordinance or prior to annexation into the City of Glenn Heights whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this Ordinance may be issued on each such original separately owned parcel without first complying with Subsection A, preceding.
- C. The plot or tract is all or part of a Site Plan, if required, officially approved by the City Council, and compliance has been made with provisions and improvements approved on such Site Plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land.
- D. No building hereafter erected, converted or structurally altered shall be used or occupied until a Certificate of Occupancy has been issued by the Building Official which signifies compliance to the appropriate Zoning District.

V.1.3 Platting Property Not Permanently Zoned

The Planning and Zoning Commission of the City of Glenn Heights shall not consider any Plat of any subdivision within the City Limits of the City of Glenn Heights until the area covered by the proposed Plat shall have been zoned by the City Council of the City of Glenn Heights.

ARTICLE VI NONCONFORMING CONDITIONS

SECTION 1 INTENT OF PROVISIONS

VI.1.1 Within the districts established by this Ordinance or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, as long as the conditions with this Section and other applicable sections of the Ordinance are met.

VI.1.2 It is further the intent of this Ordinance that nonconforming uses and structures shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district, except as may otherwise be provided in this Ordinance.

VI.1.3 Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

SECTION 2 NONCONFORMING STATUS

VI.2.1 A nonconforming status shall exist under the following provisions of this Ordinance:

- A. When a use, platted lot or structure which does not conform to the regulations prescribed in the district in which such use, platted lot or structure is located was in existence and lawfully operating prior to the adoption of this Ordinance and has been operating since, without discontinuance, providing that:
 - 1. Such use, platted lot or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the previous Zoning Ordinance or which was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which the use or structure is located; or
 - 2. Such use, platted lot or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.

- B. Any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this Ordinance or any amendment hereto, and except as provided in Subsection C. below, shall be deemed to be in violation of this Ordinance, and the City shall be entitled to enforce fully the terms of this Ordinance with respect to such use, platted lot or structure.

- C. The following types of platted lots shall be deemed in conformance with the provisions of this Ordinance, notwithstanding the fact that such lot does not meet the standards of this Ordinance in the district in which it is located:
 - 1. Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or
 - 2. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.
- D. A lot of record that is nonconforming may be occupied by a single-family dwelling provided that all appropriate zoning district regulations (i.e., height, setbacks, lot coverage, etc.) are met.

VI.2.2 Continuing Lawful Use of Land and Structures

- A. A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.
- B. A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

SECTION 3 QUALIFICATIONS FOR EXPANSION OR RECONSTRUCTION OF NONCONFORMING USES AND STRUCTURES

VI.3.1 A nonconforming use or structure may not be enlarged, expanded or increased to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide off-street parking or loading areas as required by this Ordinance upon the recommendation of the Planning and Zoning Commission and approval of the City Council.

VI.3.2 A nonconforming use occupying a structure shall not be extended to occupy land outside the structure.

VI.3.3 A nonconforming use may be extended throughout the structure in which it is located, provided that:

- A. The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use; and
- B. No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and

- C. The number of dwelling units or families occupying the structure shall not exceed the number of dwelling units or families existing at the time the use became nonconforming.

VI.3.4 Repairs and normal maintenance may be made to a nonconforming building provided that no structural alterations, expansions, or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

VI.3.5 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.

VI.3.6 Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a Certificate of Occupancy from the Building Official, but shall not be changed to a nonconforming use.

VI.3.7 A nonconforming use located in a conforming or nonconforming structure shall not be changed to another nonconforming use.

VI.3.8 Any nonconforming use located in a conforming structure may be changed to a conforming use provided a new Certificate of Occupancy is secured from the City, and once such change is made, the use shall not thereafter be changed back to a nonconforming use.

VI.3.9 Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall thenceforth be in conformity with this Ordinance. The intent of the user or owner to discontinue a nonconforming use for a period of six (6) months, coupled with a non-use of the nonconforming use for such period, shall be construed as conclusive proof of intent to abandon the nonconforming use. Any nonconforming use which, not involving a permanent type of structure, is moved from the premises shall be considered to have been abandoned.

VI.3.10 If a structure occupied by a nonconforming use is destroyed by fire, acts of God, neglect, or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction of a nonconforming use not exceeding forty percent (40%) of its appraised value as determined by the appropriate county appraisal district, reconstruction will be permitted, but the size or function of the nonconforming use cannot be expanded.

VI.3.11 If more than forty percent (40%) of the total appraised value, as determined by the appropriate county appraisal district, of a nonconforming structure is destroyed by fire, the elements or some other cause, then the structure may be rebuilt only in conformity with the standards of this Ordinance.

SECTION 4 MOVING OF NONCONFORMING STRUCTURE

No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also require platting of the intended building site pursuant to the City's Subdivision Regulations as well as Site Plan approval per Article VIII, Section 13 of this Ordinance.

SECTION 5 NONCONFORMING LOTS

Nothing in this Ordinance shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this Ordinance.

SECTION 6 REGISTRATION, TERMINATION AND AMORTIZATION OF NONCONFORMING USES:

VI.6.1 Registration of Nonconforming Uses and Properties

- A. Nonconforming Uses and Properties must be registered with the City within six (6) months of the official action making such a use or property nonconforming. City staff shall make all reasonable and good faith efforts to notify property owners when the use or property becomes nonconforming through official city action. Property owners are responsible to know the legal status of the property over which such owner has care, custody or control. Property owners are responsible for such registration and failure of city staff to notify the owners of the nonconforming status of the property does not negate the registration requirement or the burden to so register upon the property owner.
 1. Failure to file the registration within the designated six (6) month time period, the nonconforming use lapses and the nonconforming use of the property must terminate. City staff shall maintain as a public record the Nonconforming Use Registry.
 2. Any nonconforming structure including a fence over legal height, obstruction, sign, junkyard and automobile salvage or storage yard, billboard, landfill, or fenced outdoor commercial or industrial storage area shall be removed after a period of five (5) years after the effective date of registration.
 3. The Board of Adjustment shall, after the five (5) year period has elapsed, provide notice and a hearing to the affected property owner and to all properties within 200 feet of the affected property. The purpose of the hearing is to determine whether an order of termination shall be issued.

4. The Board of Adjustment may extend the amortization period at any time upon application of the affected property owner upon establishment that the amortization period deprives the owner of all or substantial economic use of the property as set forth in the procedures herein, including appeals of determinations of automatic termination due to the failure to register.
5. The burden is on the party seeking to continue said use of the right to maintain the nonconforming use, such proof to include, but not be limited to the following:
 - a. Prior existence of the use before the effective date of the change in regulations that render the use non-conforming;
 - b. The use was lawful when established;
 - c. The use has been lawfully continued from its inception.

Contradictory, insufficient or incomplete evidence may be the basis to sustain a denial of the right to maintain a nonconforming use.

B. Termination/Amortization of Certain Nonconforming Uses.

1. Determination of need for expedited compliance.

The City Council, upon its own motion or upon the written request of any affected person, may discontinue a nonconforming use or structure. The City Council shall determine whether there is a public necessity for expedited compliance with the applicable zoning district regulations. The following factors shall be considered by the City Council in determining the public necessity for expedited compliance:

- a. the character of the surrounding neighborhood;
- b. the degree of incompatibility of the use or structure to the zoning district in which it is located; and
- c. the effect of the nonconforming use or structure on the surrounding area and the effect of its cessation on that area.

If the City Council finds that there is not a public necessity for expedited compliance with the zoning district regulations, it may choose to reevaluate the current zoning to determine if it is appropriate for the property on which the use or structure is located.

2. Determination of Amortization Period.

- a. If the City Council passes a resolution under A(1) above for expedited compliance with the zoning district regulations, the Board of Adjustment shall, in accordance with these provisions and any order of the City Council, determine an amortization period for the nonconforming use whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
- b. Notice of the hearing before the Board of Adjustment shall be given to the owner of the property as listed in the most recent property or deed records of the County in which the property is located and to all property owners within 200 feet of the affected property. Such notice shall be by certified mail, return receipt requested, by U.S. Postal Service signature delivery or personal service. If the certified mail is returned refused or unclaimed, notice shall be deemed delivered. The hearing shall be not less than thirty days after the date of notice of such hearing. A copy of Appendix A shall accompany the notice letter, or a listing of the factors to be considered by the Board of Adjustment. The notice shall also contain notice that the burden is on the property owner to bring forth sufficient evidence to establish the right to continue the nonconforming use and/or the factors to determine the amortization period.
- c. The following factors must be considered by the Board of Adjustment in determining the amortization period:
 - i. The owner's capital investment in structures, fixed equipment and other assets (excluding inventory and other assets feasibly transferred to another site) on the property before the time the use became nonconforming. The owner's capital investment in property shall be calculated based upon the recoupment of the owner's actual cost in such property, as opposed to the "full value," "market value" or "replacement value."
 - ii. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases and discharge of mortgages existing prior to the nonconforming status.
 - iii. Any return on investment since inception of the use, including net income and depreciation.
 - iv. The anticipated annual recovery of investment, including net income and depreciation.

- d. The amortization formula, a model of which is attached hereto as Appendix A, may consider past depreciation of the structures or the ability to move the structures to another location. The formula need not consider appreciation of land value, improvements or profit from an advantageous acquisition of the property.
- e. The Board of Adjustment may use the advice or services of City staff, or outside professionals if approved by the City Council, to calculate the amortization period.
- f. Evidence necessary for the determination of the amortization period shall be provided by the owner. The Board is authorized to compel the production of additional information and consider additional information in making its determination.

C. City Council Action

Once the Board of Adjustment determines the amortization period for a nonconforming use, it shall submit such finding to the City Council, and upon notice to the owner and hearing, the City Council may:

1. establish a compliance date for full amortization of the nonconforming structure; or
2. order a compliance date which is prior to the full amortization of the investment and determine what compensation, if any, is appropriate; or
3. modify or rescind its resolution for expedited compliance and issue orders consistent therewith.

D. Compliance Requirement

If a compliance date for a nonconforming use is established by the City Council, the use shall cease operations on that date and it may not operate thereafter unless it becomes a conforming use. If the City Council establishes a compliance date for a nonconforming structure, the structure shall be demolished or made conforming by the compliance date. Any appeals of the decision of the City Council shall be to a court of competent jurisdiction.

APPENDIX A

CAPITAL INVESTMENT TO BE AMORTIZED (1)

PROPERTY ADDRESS: _____

OWNER: _____

DATE OF NONCONFORMITY: _____

RECOMMENDED AMORTIZATION PERIOD: _____

ESTIMATED DOLLAR AMOUNT

**A. ESTIMATED CAPITAL INVESTMENT
AT DATE OF NONCONFORMITY**

- | | |
|----------------------------------|-------|
| 1. Investment in Structure | _____ |
| 2. Investment in Fixed equipment | _____ |
| 3. Other Assets (2) | _____ |
| TOTAL | _____ |

**B. LESS: RETURNS ON INVESTMENT
TO DATE**

- | | |
|-----------------|-------|
| 1. Net income | _____ |
| 2. Depreciation | _____ |
| TOTAL | _____ |

**C. PLUS: COSTS ASSOCIATED WITH
TERMINATION OF USE**

- | | |
|-------------------------------|-------|
| 1. Demolition Expenses | _____ |
| 2. Relocation/Moving Expenses | _____ |
| 3. Termination of Leases | _____ |
| 4. Discharge of Mortgages | _____ |
| TOTAL | _____ |

1Adopted from Texas Zoning and Land Use Forms (1992) in part.

2excluding inventory and other assets feasibly transferred to another site.

D. TOTAL AMOUNT TO BE AMORTIZED _____

E. AMOUNT OF INVESTMENT RECOUPED PER YEAR/MONTH _____

D ÷ (divided by) E = (equals) RECOMMENDED AMORTIZATION PERIOD

SECTION 7 RIGHT TO PROCEED

Nothing contained in this Article VI is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Section 43.002, or Sections 245.001 to 245-00.

**ARTICLE VII BUILDING PERMITS, CERTIFICATES OF
OCCUPANCY AND COMPLIANCE**

SECTION 1 BUILDING PERMITS REQUIRED

VII.1.1 No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the City of Glenn Height's Building Official or his/her designee. A building permit shall not be issued except in conformity with the provisions of this Ordinance, unless otherwise authorized by the Zoning Board of Adjustment in the form of a variance or special exception as provided in Article IV, Section 3 of this Ordinance. A building permit shall not be issued until the property is properly zoned for the intended use, until the property is platted in accordance with the Subdivision Regulations, nor until all appropriate plans have been approved by the City (including, but not limited to, a Preliminary Plat, a detailed Plot Plan, a final Site Plan, landscaping and façade plans, building structural plans, etc.).

VII.1.2 Plans for any permanent structure to be constructed or otherwise located within the City must be approved by the Building Official or his/her designee who, upon approval, shall issue a building permit. A complete Application for a building permit shall contain details of foundation and the structure that is sufficient to determine compliance with the City's adopted building codes. Upon submission of a complete Application, the Building Official or his/her designee shall review it for compliance and shall issue a building permit if compliance with all applicable City building codes, with the Zoning Ordinance, and with the Subdivision Regulations is verified. After issuance of a building permit and prior to issuance of a Certificate of Occupancy, the Building Official or his/her designee shall conduct inspections on, including but may not be limited to, foundation, plumbing, electrical and framing to determine compliance with City adopted building codes.

SECTION 2 CANCELLATION OF BUILDING PERMIT

Failure of an Applicant or any of his/her agents, representatives or contractors to erect, construct, reconstruct, alter, use or maintain any building, structure or premises in conformance with the approved plans upon which a building permit was issued, when such failure constitutes a violation of any provision of this Ordinance, shall render such building permit void, and the Building Official or his/her designee is hereby authorized and directed to revoke any such permit by giving written notice to the Applicant or his/her agent or representative, and all work upon such building, structure or premises shall be immediately discontinued until such building, structure or premises shall be brought into conformance with the approved plans and with all applicable provisions of this Ordinance.

SECTION 3 CERTIFICATE OF OCCUPANCY

VII.3.1 Certificate of Occupancy Required

Except as exempted in the adopted International Residential Code (IRC), the International Building Code (IBC) and the North Central Texas Council of Governments (NCTCOG) amendments, a Certificate of Occupancy shall be required for any of the following:

- A. Occupancy and use of a building hereafter erected or structurally altered;
- B. Change in use of an existing building to a different use;
- C. Change in the use of land to a different use; and
- D. Any change in the use of a nonconforming use.

No such use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Official or his/her designee.

VII.3.2 Record of Certificates of Occupancy

A record of all Certificates of Occupancy shall be kept on file in the Building Official's office or his/her designee, and copies shall be furnished upon request to any person in accordance with State laws governing public records.

VII.3.3 Procedure for New or Altered Buildings

Written application for a Certificate of Occupancy for a new building or for an existing building that is to be altered shall be made at the same time as the application for the building permit for such building. After submittal of the written application and payment of any required fee as adopted by ordinance in the City's fee schedule, said Certificate shall be issued after the Building Official or his/her designee orders the building or structure inspected and finds no violations of the provisions of this Ordinance or other regulations that are enforced by the Building Official or his/her designee. Said Certificate shall be issued by the Building Official or his/her designee, after the erection or alteration of such building or part thereof has been completed in conformity with all applicable provisions of this Ordinance, and any applicable regulations and ordinances of the City.

VII.3.4 Procedure for Vacant Land or a Change in Building Use

Written Application for a Certificate of Occupancy for the use of vacant land, a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the Building Official or his/her designee. If the proposed use is a conforming use, as herein provided, written application shall be made to said Building Official or his/her designee. If the proposed use is found to be in conformity with the provisions of this Ordinance and other applicable regulations, codes and ordinances of the City, the Certificate of Occupancy shall be issued after the Application for same has been made and all required inspections are completed and

approved by the Building Official or his/her designee, within ten (10) days following receipt of the Application and payment of all applicable fees.

VII.3.5 Contents of Certificate

Every Certificate of Occupancy shall contain the following and it shall be maintained by the Building Official:

- A. Building permit number; and
- B. The address of the building; and
- C. The name and address of the owner; and
- D. A description of that portion of the building for which the Certificate is issued; and
- E. A statement that the described portion of the building has been inspected for compliance with the requirements of the City's adopted Ordinances, Building and Fire Codes for the particular group and division of occupancy; and
- F. The name of the Building Official or his/her designee; and
- G. Use(s) allowed; and
- H. Maximum number of persons/occupants; and
- I. Issue date of Certificate of Occupancy; and
- J. Any other information as may be required by the Public Information Act.

VII.3.6 Posting of Certificates

The property owner or occupant shall post the Certificate of Occupancy in a conspicuous place on the premises and the Certificate of Occupancy shall not be removed except by the Building Official or his/her designee.

VII.3.7 Revocation of Certificates

The Building Official or his/her designee may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this Ordinance whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this Ordinance or the building code and other codes adopted by the City, and any amendments thereto.

VII.3.8 Certificates for Nonconforming Uses

No later than one hundred eighty (180) days after the adoption of this Zoning Ordinance, the City Manager shall cause his or her designee to survey all properties within the jurisdiction of the City and notify property owners of nonconforming uses and buildings. Thereafter, a Certificate of Occupancy shall be required for all lawful nonconforming uses of land and/or buildings created by adoption of this Ordinance. Application for such Certificate of Occupancy for a nonconforming use shall be filed with the Building Official or his/her designee by the owner or occupant of the structure or land that is occupied by the nonconforming use within one (1) year (i.e., 365 calendar days) following the effective date of this Ordinance. It shall be the duty of the Building Official or his/her designee to issue a Certificate of Occupancy for a lawful nonconforming use upon receipt of Application for same, but failure to apply for such Certificate for a nonconforming use (i.e., by the owner or occupant of the premises) shall be evidence that said nonconforming use was either illegal or did not lawfully exist as of the effective date of this Ordinance.

SECTION 4 COMPLETION OF BUILDINGS IN PROGRESS

Nothing contained herein shall require any change in the plans, construction or designated use of a building, the foundation for which has been completely constructed as of the effective date of this Ordinance, and the remaining construction of which shall have been completed within one (1) year (i.e., 365 calendar days) following the effective date of this Ordinance. In addition, any nonresidential building or structure for which a building permit has been approved by the City not more than one (1) year (i.e., 365 calendar days) prior to the effective date of this Ordinance may be constructed according to the terms of that building permit.

ARTICLE VIII CONCEPT PLAN AND SITE PLAN REVIEW PROCESSES

SECTION 1 PURPOSE

This Section establishes a Site Plan review process for proposed Planned Development requests, Specific Use Permit requests, nonresidential, mixed-use and other higher density residential developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with the Comprehensive Plan and other appropriate design standards, safe and efficient vehicular and pedestrian circulation, adequate parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, coverage and other utility services.

SECTION 2 APPLICABILITY

VIII.2.1 Site Plan review and approval shall be required for all nonresidential, mixed-use, townhouse, single-family attached, and multi-family residential projects, and for all Planned Development district or Specific Use Permit.

VIII.2.2 No building permit shall be issued for any of the above developments until a Site Plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the Site Plan and engineering/construction plans, as approved by the City. The Site Plan review process shall include up to four steps:

- A. Pre-application conference between Applicant and City staff; and
- B. Concept Plan review (voluntary, except for Planned Developments or Specific Use Permits); and
- C. Site Plan and other associated plan (i.e., Preliminary Plat, engineering plans) review; and
- D. Final Plat review and approval; and
- E. Construction of project (after City approval of all required Plats and plans).

SECTION 3 EXEMPTIONS AND EXCEPTIONS

Site Plan review shall not be required for single-family (detached) or two-family residential developments, unless the proposed subdivision will include a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.) or a golf course, or unless the proposed subdivision will have private (not public) streets. In these instances, Site Plan submission and approval (in accordance with this Section) will be required for the project, including the private amenity or facility, the golf course clubhouse/hospitality area, and the gated (restricted access) entrances (also see Section VI.4.1(J)).

SECTION 4 SITE PLAN SUBMISSION REQUIREMENTS

VIII.4.1 An Application for Concept Plan (voluntary except for Planned Developments or Specific Use Permits) or Site Plan approval shall be comprised of the following (all required items/information must be received by the City Manager or his/her designee in order for a Concept Plan or Site Plan Application to be considered complete (see Section VIII.6 below) – incomplete submissions will not be reviewed until all deficient items and information have been received):

- A. An Application, provided by the City, with notarized signatures of the owner or his/her designated representative if the Applicant is not the owner of the subject property.
- B. Filing fee.
- C. Verification that all taxes and assessments on the subject property have been paid (see Section VI.5 below).
- D. Copies of the Concept Plan or Site Plan (on 24" x 36" sheet, and drawn to a known engineering scale that is large enough to be clearly legible), and other required information, the quantity of which shall be determined by the City Manager or his/her designee.
- E. Reduced copies (11" x 17" or smaller) of the Site Plan as required by the City Manager or his/her designee.
- F. Landscaping and irrigation plans (with Site Plan; not required with Concept Plan), the quantity of which shall be determined by the City Manager or his/her designee.
- G. Building façade (elevation) plans (with Site Plan; not required with Concept Plan) drawn to scale, the quantity of which shall be determined by the City Manager or his/her designee.
- H. Any additional information/materials (such as plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the City Manager or his/her designee in order to ensure that the development request is understood.
- I. If the Application is for a single-family subdivision, a Land Study may qualify as a Site Plan, notwithstanding other information contained herein that may still be deemed as required with the Application.

SECTION 5 PAYMENT OF ALL INDEBTEDNESS ATTRIBUTABLE TO SUBJECT PROPERTY

No person who owes delinquent taxes, fees, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Glenn Heights, and which are directly attributable to a piece of property shall be allowed to submit an Application for Concept Plan or Site Plan until the taxes, fees, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully paid, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the Applicant’s responsibility to provide evidence or proof that all taxes, debts and obligations have been paid.

SECTION 6 OFFICIAL SUBMISSION DATE AND COMPLETENESS OF APPLICATION

For the purpose of these regulations, the “official submission date” shall be the date upon which a complete Application for approval of a Concept Plan or Site Plan (that contains all elements and information required by this Ordinance) is submitted to the City Manager or his/her designee, as provided by Article IV.1.5.

SECTION 7 SUPPLEMENTAL REQUIREMENTS

The City Manager may require other information and data for specific Concept Plans or Site Plans. This data may include but is not limited to geologic information, water yields, flood data and/or hydrological studies, environmental information, traffic impact analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a Concept Plan or Site Plan may establish conditions for construction based upon such information.

SECTION 8 PRINCIPLES AND STANDARDS FOR CONCEPT PLAN AND SITE PLAN REVIEW AND EVALUATION

The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the City of Glenn Heights, and to ensure that all developments are, to the best extent possible, constructed according to the City’s adopted codes and ordinances.

The City Manager or his/her designee shall review the Concept Plan or Site Plan for compliance with all applicable City ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Glenn Heights; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.

Concept Plan or Site Plan review and evaluation by the City Manager or his/her designee shall be performed with respect to the following:

- A. The Plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City.
- B. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
- C. The relationship of the development to adjacent uses in terms of harmonious design, façade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
- D. The provision of a safe and efficient vehicular and pedestrian circulation system.
- E. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- F. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
- G. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City, as adopted and amended.
- H. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
- I. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
- J. The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- K. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- L. Protection and conservation of water courses and areas that are subject to flooding.
- M. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- N. Consistency with the Comprehensive Master Plan of the City as adopted or amended.

SECTION 9 APPROVAL PROCESS AND REVISIONS

VIII.9.1 Pre-Application Conference

The Applicant(s) should avail themselves of the advice and assistance of the City officials, and should consult early and informally with the City Manager, the Building Official, the City Planner, the City Engineer, and other applicable administrative officers before preparing a Concept Plan (a voluntary plan, except for Planned Developments or Specific Use Permits) or a Site Plan in order to save time, money and to avoid potential unnecessary delays.

Prior to formal application for approval of any Concept Plan or Site Plan, the Applicant(s) shall request and attend a pre-application conference with the City Manager or designee, the City Planner, the City Engineer, the Building Official, and any other pertinent City official(s) in order to become familiar with the City's development regulations and the development process. At the pre-application conference, the developer may be represented by his/her attorney, land planner, engineer, agent and/or surveyor.

VIII.9.2 City Staff Review

Upon official submission of a complete Application for Concept Plan or Site Plan approval, the City shall commence technical review of the development proposal by forwarding a copy of the Application to Development Review Committee (DRC) (such as the City Manager, Community Development Director, Municipal Services Director, City Planner, Building Official, Police Chief, Fire Chief, etc.). The DRC shall review the Application and shall ascertain its compliance with these and other applicable City regulations. Following DRC and other City staff review of the Plan and supporting documents, and following discussions with the Applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the Applicant shall resubmit additional copies of the corrected Plan to the City Manager or designee no later than seven (7) calendar days prior to the Commission meeting. Failure to resubmit corrected copies of the Plan back to the City in time shall be cause for the City Manager or designee to forward the Plan Application to the Commission as it was originally submitted rather than the corrected version (corrected copies of the Plan resubmitted to the City less than seven days prior to the meeting date shall not be accepted or forwarded to the Commission). If, upon re-submission of the corrected Plan to the City, the City Manager or designee determines that the Application is still incomplete or not correct (i.e., not ripe for consideration), the Plan Application shall be subject to denial.

VIII.9.3 Action by the Planning and Zoning Commission and the City Council

All Concept Plan and Site Plan Applications shall be reviewed by the Planning and Zoning Commission, and if in conformance with the provisions of this Ordinance and all other applicable regulations and codes of the City, they shall then be considered for approval by the City Council.

The City Manager, or his/her designee, shall schedule consideration of the Concept Plan or Site Plan on the regular agenda of the Planning and Zoning Commission in a timely manner after the submission is received (or, in the case of an incomplete submission, after the submission is deemed complete). The Commission shall review the Concept Plan or Site Plan and shall recommend approval, approval subject to certain conditions, or disapproval of the Concept Plan or Site Plan. If the Commission recommends approval (with or without conditions) of the Plan, then it will be forwarded to the City Council for consideration. If the Commission recommends disapproval of a Plan Application, the Commission shall state such disapproval and the reasons therefore. The Applicant or property owner may appeal such decision to City Council by filing a written Notice of Appeal in the office of the City Manager or designee no later than ten (10) calendar days after the date upon which the Commission denied the Application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the Notice of Appeal was filed. The City Council may change the decision of the Commission by vote of three-fourths (3/4) majority of the full City Council. The City Council may also, where appropriate, remand the Concept Plan or Site Plan Application back to the Commission for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.). The City Council shall determine final approval or disapproval of all Concept Plan or Site Plan Applications.

VIII.9.4 Revisions to the Approved Site Plan

- A. Minor Revisions/Amendment - It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the City Manager or his/her designee, after review and comments from the City Planner, shall have the authority to approve minor modifications to an approved Site Plan (which shall be submitted as an “Amended Site Plan” which substantially conforms to the previously approved Site Plan), provided that such modifications do not significantly change traffic circulation, building location(s) on the site, proximity of building(s) to nearby residential areas, increase the size or height of building(s), or any other conditions specifically attached as part of the City Council’s approval of the Site Plan. Submission materials and requirements for approval of an Amended Site Plan shall be as determined by the City Manager or his/her designee.
- B. Major Revisions - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a “Revised Site Plan” must be resubmitted, reviewed by the City Manager or his/her designee, and reconsidered by the Commission and the City Council in accordance with the procedures set forth in this Section.

SECTION 10 LAPSE OF CONCEPT PLAN OR SITE PLAN APPROVAL

The approval of a Concept Plan or Site Plan shall be effective for a period of six (6) months (i.e., 180 calendar days) beyond the date that the Plan was approved by the City Council except as provided herein. By 12:01 a.m. on the 181st day following Council approval of the Plan, the Applicant must have completed a City-required “progress benchmark” as set forth below. If this is not accomplished, then the approved Concept Plan or Site Plan shall be deemed to have expired and shall become null and void. The series of “progress benchmarks” for a project, pursuant to the provisions of this paragraph, are as follows:

- Approved Plan → Next “Progress Benchmark”
- Concept Plan** → Approval of the final Site Plan (per Zoning Ordinance), and voluntary, except approval of the Preliminary Plat (per Subdivision Regulations) and with PDs & SUPs continued active engineering review of the engineering/construction plans (which were submitted along with the Preliminary Plat and final Site Plan).
- Site Plan** → Engineering release and commencement of construction of public improvements, and application for a building permit for at least one of the buildings on the approved Site Plan, within six months following approval of the Site Plan.

SECTION 11 EXTENSION AND REINSTATEMENT PROCEDURE

VIII.11.1 Prior to the lapse of approval for a Concept Plan or Site Plan, the Applicant may petition the City, in writing, to extend the Plan approval. Such petition shall be considered at a public meeting before the Commission and then City Council and an extension may be granted by City Council at such meeting. If no petition for extension of Concept Plan or Site Plan approval is submitted, then the Plan shall be deemed to have expired and shall become null and void. Any new request for Concept Plan or Site Plan approval shall be deemed a “new project”; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section; and shall be reviewed for compliance with the ordinances and regulations in effect at the time the new Application is made.

VIII.11.2 In no instance shall more than one (1) extension be considered or granted for a Concept Plan or Site Plan.

VIII.11.3 In determining whether to grant a request for extension, the City Council shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the Concept Plan or Site Plan at that point in

time. The Commission and City Council shall either extend the Concept Plan or Site Plan or deny the request, in which instance the originally approved Plan shall be deemed null and void. The property owner must thereafter submit a new Concept Plan or Site Plan Application for approval as a “new project”, and shall conform to the zoning and development regulations then in effect.

SECTION 12 CONCEPT PLAN REQUIREMENTS

VIII.12.1 Applicability

Submission and approval of a Concept Plan (a voluntary plan except for Planned Development or Specific Use zoning requests) can be the first step in the approval process for a development project (either residential or nonresidential) if the Applicant prefers to do so. City review and approval of a Concept Plan has many benefits for both the City and the Applicant. The Applicant benefits in that he/she gains preliminary review and scrutiny (as well as input and suggestions) on the overall conceptual layout of the proposed development from the City’s DRC. Approval of a Concept Plan may also offer the Applicant some level of confidence that subsequent plan submissions will be favorably received and approved with few major changes to the project’s design and layout provided that the project complies with City regulations. For example, once the Site Plan and Preliminary Plat (and corresponding engineering plans) are submitted for a nonresidential project, unforeseen changes in site layout can prove to be expensive in terms of design and engineering costs and time lost due to major plan revisions. The City benefits in that it is allowed to become familiar with and involved in the project early in the development process (which is particularly important for large-scale developments and subdivisions). This allows the City to plan for and closely coordinate the provision of public facilities and services, thereby potentially avoiding future problems such as undersized utility lines, inadequate roadway capacities, unanticipated shortfalls in public services, and fiscal inefficiencies resulting from lack of planning and coordination.

Submission and approval of a Concept Plan is mandatory for a zoning request for a Planned Development or Specific Use Permit. Submission and approval of a Concept Plan is encouraged (but not required) in the following circumstances:

- A. In conjunction with a zoning or rezoning request for a property that is intended for development; or
- B. Prior to submission of an Application for a Site Plan (and Preliminary Plat) for a property that is intended for development (particularly large land parcels); or
- C. In conjunction with any project where a road is to be established or realigned.

VIII.12.2 Purpose

The purpose of a Concept Plan is to allow opportunity for the Planning and Zoning Commission and City Council to preview various development-related aspects of the project, including proposed major thoroughfare and collector street patterns; land use

patterns and trends; environmental issues and constraints; building orientation and massing; conformance to the Comprehensive Plan, Zoning Ordinance (if the subject property is within the City's corporate limits), Subdivision Regulations, Future Land Use Plan, Thoroughfare Plan and other applicable plans and guidelines; and the property's relationship to adjoining subdivisions or properties. Review of a Concept Plan would also assist the City in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety and welfare of the community.

VIII.12.3 Extent of Area that should be included in a Concept Plan

When the overall development project is to be developed in phases, the Concept Plan area shall include the entire zoned property from which the phases are being developed, as well as an approximate development schedule. Where significant natural or man-made features, such as thoroughfares or creeks, make inclusion of the entire property in the Concept Plan unnecessary to adequately review the items to be shown on a Concept Plan, the Plan may include a smaller study area. Boundaries such as major thoroughfares (existing or proposed), creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller study area.

VIII.12.4 Procedures and Submission Requirements for Concept Plan Approval

Submission of an Application for Concept Plan approval shall be preceded by a pre-application conference with the City staff (see Subsection VIII.9.1). The Concept Plan shall be prepared by a qualified civil engineer, land planner, architect or surveyor, at a scale no smaller than one inch equals two hundred feet (1" = 200') and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall show the following:

- A. A title block within the lower right hand corner of the Concept Plan with the proposed name of the project/subdivision, the name and address of the owner/developer and the land planner, engineer, architect or surveyor responsible for the design or survey, the scale of the drawing (both written and graphic scale), the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Dallas or Ellis County, Texas, whichever is appropriate;
- B. A vicinity or location map that shows the location of the proposed development within the City (or its ETJ) and in relationship to existing roadways;
- C. The boundary survey limits of the tract and scale distances with north clearly indicated;
- D. The names of adjacent subdivisions (or the name of the owners of record and recording information for adjacent parcels of unplatted land), including parcels on the other sides of roads, creeks, etc. The Concept Plan shall include a depiction of

all contiguous holdings of the property owners, the existing/proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property;

- E. The existing zoning and existing/proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements (with recording information, width and purpose); existing buildings; railroad rights-of-way; topography (contours at five-foot intervals) with existing drainage channels or creeks (including the 100-year flood plain, if applicable); any other important natural features (such as rock outcroppings, caves, wildlife habitats, etc.); all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and/or school district boundaries;
- F. Proposed strategies for tree preservation (showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction);
- G. The layout and width (right-of-way lines) of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways (existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings);
- H. A general arrangement of land uses and buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages, massing, orientation, loading/service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, public or private open space; flood plains/drainage ways; and other pertinent development related features; and
- I. The phasing of development (the anticipated order of development for the overall property).

VIII.12.5 Effect of Review

The Concept Plan shall be used only as an aid to show the anticipated layout of the proposed development, and to assess the adequacy of public facilities or services that will be needed to serve the proposed development. Any proposed use or development depicted on the Concept Plan shall not be deemed formal authorization or approval by the City until a final Site Plan is approved for the development (Concept Plan approval is to be thought of as a general acknowledgment by the City that the proposed layout generally conforms to the City's zoning regulations, and that the proposed development can be

adequately served by required public facilities or services). If the Applicant chooses to construct only the initial phase(s) of a multi-phase project designated in the Concept Plan, a new Concept Plan may be required for Site Plan approval of subsequent phases, if the proposed development layout, character, or other conditions affecting the development substantially change from one phase to the next.

The approved Concept Plan shall be valid for a period of six (6) months (i.e., 180 calendar days) from the date of Concept Plan approval by City Council (see Section VIII.9.3).

SECTION 13 SITE PLAN REVIEW

VIII.13.1 Applicability and Purpose

Submission and City approval of a Site Plan is required as stated in Section VIII.4. The purpose of final Site Plan approval is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction. Approval of the Site Plan, Preliminary Plat, landscape plan, building façade plan, and engineering plans are required prior to site construction.

VIII.13.2 Extent of Area That Should Be Included in a Site Plan

When the overall development project is to be developed in phases, the Site Plan area shall include only the portion of the overall property that is to be developed/constructed.

VIII.13.3 Procedures and Submission Requirements for Site Plan Approval

Submission of an Application for Site Plan approval shall be preceded by a pre-application conference with the City Staff. The Site Plan shall be prepared by a qualified civil engineer, land planner, architect or surveyor, at a scale no smaller than one inch equals one hundred feet (1" = 100') and on sheets twenty-four inches by thirty-six inches (24" x 36") and eleven inches by seventeen inches (11" x 17"), and it shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). The Site Plan shall include, but not be limited to the following:

- A. A title block within the lower right hand corner of the Site Plan with the proposed name of the project/subdivision, the name, address and telephone number of the owner/developer and the land planner, engineer, architect or surveyor responsible for the Plan, the scale of the drawing (both written and graphic scale), the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Dallas or Ellis County, Texas, whichever is appropriate;
- B. A vicinity or location map (at a scale of no less than 1" = 1000') that shows the location of the proposed development within the City (or its ETJ) and in relationship to existing roadways;

- C. The boundary survey limits of the tract (and each proposed lot) and scale distances with north clearly indicated;
- D. The names of adjacent additions or subdivisions (or, if individually owned, the name of the owners of record and recording information for adjacent parcels of platted or unplatted land), including parcels on the other sides of roads, creeks, etc.;
- E. The existing zoning and existing/proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements (with recording information, width and purpose); existing buildings; railroad rights-of-way; topography (contours at two-foot intervals) with existing drainage channels or creeks (including the 100-year flood plain, if applicable); any other important natural features (such as rock outcroppings, caves, wildlife habitats, etc.); and all substantial natural vegetation;
- F. Proposed strategies for tree preservation (showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction), as further provided by this Ordinance;
- G. The layout and width (right-of-way lines and curb lines) of existing and proposed thoroughfares, collector streets and/or intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways (show driveway widths and distances between driveways), and proposed median openings and left turn lanes on future divided roadways (existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings);
- H. Specific locations and footprints of buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages (for multi-tenant or multi-purpose buildings, show square footage for each intended use), massing, orientation, loading/service areas (including proposed screening), recycling containers, compactors and dumpster enclosures (including proposed screening), pedestrian walkways, and parking areas (including parking ratio calculations); any proposed sites for parks, schools, public facilities, public or private open space; flood plains/drainage ways; all proposed and existing utilities and easements; drainage structures; retention/detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent development related features; and
- I. A Landscape Plan showing turf areas, tree types and sizes, screening walls, ornamental plantings, planting schedule (including species, planted height, spacing, container/caliper size, numbers of each plant material, etc.) any existing wooded areas, trees to be planted, and irrigation plans (if required), as further provided by this Ordinance.

- J. Building façade (elevation) plans showing elevations with any attached (wall-mounted) signage to be used, as determined appropriate by the City Manager, or his/her designee.

Permit of the above items shall conform to the principles and standards of this Ordinance and the Comprehensive Master Plan. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for Site Plan review Applications. Upon periodic review, the City Manager or his/her designee shall have the authority to update such requirements for Site Plan and development review Applications. It is the Applicant's responsibility to be familiar with, and to comply with, these requirements.

VIII.13.4 Effect of Review

The Site Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as Preliminary Plat, engineering plans, landscape plan, building façade plans, building permits, etc.). The approved Site Plan shall be valid for a period of six (6) months (i.e., 180 calendar days) from the date of approval by the City Council (also see Section VIII.9.3).

ARTICLE IX ZONING DISTRICTS

SECTION 1 ZONING DISTRICTS ESTABLISHED

The City of Glenn Heights, Texas is hereby divided into the following zoning districts. The use, height and lot area regulations, and other standards, as set out herein apply to each district, as set out in this Section. The districts established herein shall be known as:

Abbreviated
Designation

Zoning District Name

Base Districts

A	Agricultural
SF-E	Single-Family Estate Residential (minimum 40,000 square-foot lots)
SF-1	Single-Family Residential-1 (minimum 20,000 square-foot lots)
SF-2	Single-Family Residential-2 (minimum 12,000 square-foot lots)
SF-3	Single-Family Residential-3 (minimum 9,000 square-foot lots)
SF-PH	Single-Family Residential-Patio Home (zero-lot-line homes)
O	Office
NS	Neighborhood Service
R	Retail
TC	Town Center
C	Commercial
I	Industrial

Provisional Districts

SF-4	Single-Family Residential-4 (minimum 7,500 square-foot lots)
MF	Multi-Family Residential
MH	Manufactured Home

Overlay Districts

PD	Planned Development
PD-ED	Planned Development – Economic Development
SUP	Specific Use Permit

Obsolete Districts

SF-5	Single-Family Residential – 5 (minimum 5,500 square-foot lots)
BP	Business Park
HC	Highway Commercial

SECTION 2 DEFINITIONS AND PURPOSE OF ZONING DISTRICT

IX.2.1 A - Agricultural District

A. General Purpose and Description

The Agricultural, “A” district provides for the use of land for farming, ranching, gardening and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. When land in the “A” category is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning categories to provide for orderly growth and development in accordance with the Comprehensive Master Plan. This district shall serve as the interim zoning district for any land annexed into the City until such time as it is zoned in accordance with the provisions herein.

B. Permitted Uses

Those uses listed for the “A” - Agricultural district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section IX.4.4 (Specific Use Permit).

C. Maximum Height

1. Two and one-half (2.5) stories, or thirty-five feet (35’) for the main building/house.
2. Forty-five feet (45’) for uninhabited agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than one hundred feet (100’) from any residential structure on the premises, and they are set back at least one hundred feet (100’) or three (3) times their height (whichever is greater) from any front, side or rear property line.
3. Fifteen feet (15’) for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.
4. Other requirements set forth in Section XV.1.9.

D. Area Regulations

1. Size of Lots
 - a. Minimum Lot Area – Three (3) acres
 - b. Minimum Lot Width – Two hundred and fifty feet (250’)
 - c. Minimum Lot Depth – Two hundred feet (200’)

2. Size of Yards

- a. Minimum Front Yard - Fifty feet (50')
 - b. Minimum Side Yard – Fifteen percent (15%) of the lot width, but need not exceed fifty feet (50'); twenty-five feet (25') from a street right-of-way line for a corner lot
 - c. Minimum Rear Yard - Forty feet (40')
3. Maximum Lot Coverage - Fifteen percent (15%) for main buildings and accessory buildings
 4. Minimum Lot Access - No lot shall have less than thirty-five feet (35') access measured at the right-of-way line

E. Parking Regulations

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed, attached or detached, parking spaces no less than twenty-four feet by twenty-four feet (24x24), on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of fifty-five feet (55') as measured from ten feet (10') interior of any paved or improved public surface (i.e., roadway, sidewalk).
2. Other - See Article XVI Off-Street Parking and Loading Requirements

F. Minimum Floor Area per Dwelling Unit – Two thousand two hundred and fifty (2,250) square feet. Minimum dwelling unit areas specified shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

G. Minimum Exterior Construction Standards

1. Masonry – See Section XII.1.1(A) (Minimum Masonry Requirements)
2. Roof Pitch – See Section XII.1.1(B)
3. Roofing Systems – See Section XII.1.1(C)
4. Chimney Design – See Section XII.1.1(E)

H. Mail Boxes – See Section XII.1.2

I. Accessory Buildings – See Section XII.1.3

J. Driveway

1. In “A” districts circle driveways are permitted with front yard setbacks of thirty feet (30’) or more and where the driveway is a minimum of fifteen feet (15’) from the front door.
2. All other Driveway requirements are found in Section XII.1.4

K. Sidewalks – See Section XII.1.5

L. Lighting – See Section XII.1.6

M. Special Requirements - See Section XII.1.7

N. Other Regulations - As established by Articles XV, XVI and XVII and Subdivision Regulations.

IX.2.2 SF-E - Single-Family Estate Residential District

A. General Purpose and Description

The Single-Family Residential - Estate, “SF-E”, district is intended to provide for development primarily composed of single-family detached dwellings on larger lots that are not less than 40,000 square feet in size. Areas zoned for the SF-E district shall have, or shall make provision for, City of Glenn Heights’ water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. Permitted Uses

Those uses listed for the SF-E district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

C. Maximum Height

1. Two and one-half (2.5) stories, or thirty-five feet (35’) for the main building/house.
2. Fifteen feet (15’) for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.
3. Other requirements (see Section XV.1.9).

D. Area Regulations

1. Size of Lots

- a. Minimum Lot Area - Forty thousand (40,000) square feet; maximum density one (1) dwelling unit per acre
- b. Minimum Lot Width - One hundred forty feet (140')
- c. Minimum Lot Depth - One hundred forty feet (140')

2. Size of Yards

- a. Minimum Front Yard – Forty feet (40')
 - b. Minimum Side Yard – Twenty-five feet (25'); twenty-five feet (25') measured from a street right-of-way line for a corner lot
 - c. Minimum Rear Yard - Forty feet (40')
3. Maximum Lot Coverage –Twenty-five percent (25%) for the main building; fifty percent (50%) for the main building and any accessory buildings, driveways and parking areas combined
 4. Minimum Lot Access No lot shall have less than thirty-five feet (35') access measured at the right-of-way line

E. Parking Regulations

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed, attached or detached, parking spaces no less than twenty-four feet by twenty-four feet (24'x24'), on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of thirty feet (30') as measured from ten feet (10') interior of any paved or improved public surface (i.e., roadway, sidewalk).
2. Other - See Section XVI, Off-Street Parking and Loading Regulations

F. Minimum Floor Area per Dwelling Unit – Three thousand five hundred (3,500) square feet. Minimum dwelling unit areas specified shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

G. Minimum Exterior Construction Standards

1. Masonry – See Section XII.1.1(A) (Minimum Masonry Requirements)

- 2. Roof Pitch – See Section XII.1.1(B)
- 3. Roofing Systems – See Section XII.1.1(C)
- 4. Chimney Design – See Section XII.1.1(E)
- H. Mail Boxes – See Section XII.1.2
- I. Accessory Buildings – See Section XII.1.3
- J. Driveway
 - 1. In “SE-E” districts circle driveways are permitted with front yard setbacks of twenty-five feet (25’) or more and where the driveway is a minimum of ten feet (10’) from the front door.
 - 2. All other Driveway requirements are found in Section XII.1.4
- K. Sidewalks – See Section XII.1.5
- L. Lighting – See Section XII.1.6
- M. Special Requirements - See Section XII.1.7
- N. Other Regulations - As established by Articles XV, XVI and XVII and Subdivision Regulations.

IX.2.3 SF-1 - Single-Family Residential-1 District

A. General Purpose and Description

The Single-Family Residential-1, “SF-1”, district is intended to provide for development and be composed of primarily low-density single-family detached dwellings on lots that are not less than 20,000 square feet in size. Areas zoned for the SF-1 district shall have, or shall make provision for, City of Glenn Heights’ water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. Permitted Uses

Those uses listed for the SF-1 district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4. (Specific Use Permit)

C. Maximum Height

1. Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house.
2. Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.
3. Other requirements (see Section XV.1.9).

D. Area Regulations

1. Size of Lots

- a. Minimum Lot Area - Twenty thousand (20,000) square feet; maximum density two (2) dwelling units per acre
- b. Minimum Lot Width –One hundred twenty-five feet (125')
- c. Minimum Lot Depth - One hundred forty feet (140')

2. Size of Yards

- a. Minimum Front Yard – Thirty-five feet (35')
 - b. Minimum Side Yard –Fifteen feet (15'); twenty-five feet (25') from a street right-of-way line for a corner lot
 - c. Minimum Rear Yard – Thirty feet (30')
3. Maximum Lot Coverage - Thirty-five percent (35%) for the main building; fifty percent (50%) for the main building and any accessory buildings, driveways and parking areas combined
 4. Minimum Lot Access No lot shall have less than thirty-five feet (35') access measured at the right-of-way line

E. Parking Regulations

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed, attached parking spaces no less than twenty-four feet by twenty-four feet (24'x24'), on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of thirty feet (30') as measured from ten feet (10') interior of any paved or improved public surface (i.e., roadway, sidewalk).

- 2. Other - See Section XVI, Off-Street Parking and Loading Regulations
- F. Minimum Floor Area per Dwelling Unit – Twenty-seven hundred (2,700) square feet. Minimum dwelling unit areas specified shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.
- G. Minimum Exterior Construction Standards
 - 1. Masonry – See Section XII.1.1(A) (Minimum Masonry Requirements)
 - 2. Roof Pitch – See Section XII.1.1(B)
 - 3. Roofing Systems – See Section XII.1.1(C)
 - 4. Chimney Design – See Section XII.1.1(E)
- H. Mail Boxes – See Section XII.1.2
- I. Accessory Buildings – See Section XII.1.3
- J. Driveway - See Section XII.1.4
- K. Sidewalks – See Section XII.1.5
- L. Lighting – See Section XII.1.6
- M. Special Requirements - See Section XII.1.7
- N. Other Regulations - As established by Articles XV, XVI and XVII and Subdivision Regulations.

IX.2.4 SF-2 - Single-Family Residential-2 District

A. General Purpose and Description

The Single-Family Residential – 2, “SF-2”, district is intended to provide for development and be composed of low-density single-family detached dwellings on lots that are not less than twelve thousand (12,000) square feet in size. Areas zoned for the SF-2 district shall have, or shall make provision for, City of Glenn Heights’ water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. Permitted Uses

Those uses listed for the SF-2 district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

C. Maximum Height

1. Two and one-half (2.5) stories, or thirty-five feet (35’) for the main building/house.
2. Fifteen feet (15’) for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.
3. Other requirements (see Section XV.1.9).

D. Area Regulations

1. Size of Lots
 - a. Minimum Lot Area - Twelve thousand (12,000) square feet; also, the minimum average lot area shall be thirteen thousand five hundred (13,500) square feet in order to provide diversity in lot sizes within each SF-2 neighborhood; maximum density three (3) dwelling units per acre
 - b. Minimum Lot Width – Eighty-five feet (85’)
 - c. Minimum Lot Depth - One hundred twenty feet (120’)
2. Size of Yards
 - a. Minimum Front Yard – Thirty feet (30’)
 - b. Minimum Side Yard – Ten feet (10’) for interior side yard; twenty-five feet (25’) from a street right-of-way line for a corner lot
 - c. Minimum Rear Yard – Twenty feet (20’)
3. Maximum Lot Coverage - Thirty-five percent (35%) for the main building; fifty percent (50%) for the main building and any accessory buildings, driveways and parking areas combined
4. Minimum Lot Access - No lot shall have less than thirty-five feet (35’) access measured at the right-of-way line

E. Parking Regulations

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces no less than twenty-four feet by twenty-four feet (24'x24'), on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of thirty feet (30') as measured from ten feet (10') interior of any paved or improved public surface (i.e., roadway, sidewalk).
2. Other - See Section XVI, Off-Street Parking and Loading Regulations

F. Minimum Floor Area per Dwelling Unit – Two thousand (2,000) square feet; also, the minimum average floor area shall be two thousand two hundred (2,200) square feet in order to provide diversity in house sizes within each SF-2 neighborhood.

G. Minimum Exterior Construction Standards

1. Masonry – See Section XII.1.1(A) (Minimum Masonry Requirements)
2. Roof Pitch – See Section XII.1.1(B)
3. Roofing Systems – See Section XII.1.1(C)
4. Chimney Design – See Section XII.1.1(E)

H. Mail Boxes – See Section XII.1.2

I. Accessory Buildings – See Section XII.1.3

J. Driveway – See Section XII.1.4

K. Sidewalks – See Section XII.1.5

L. Lighting – See Section XII.1.6

M. Special Requirements - See Section XII.1.7

N. Other Regulations - As established by Articles XV, XVI and XVII and Subdivision Regulations.

IX.2.5 SF-3 - Single-Family Residential-3 District

A. General Purpose and Description

The Single-Family Residential-3, “SF-3”, district is intended to provide for development of and be composed of primarily single-family detached dwellings on smaller and more compact lots of not less than nine thousand (9,000) square feet. Areas zoned for the SF-3 district shall have, or shall make provision for, City of Glenn Heights’ water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. Permitted Uses

Those uses listed for the SF-3 district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) is authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

C. Maximum Height

1. Two and one-half (2.5) stories, or thirty-five feet (35’) for the main building/house.
2. Fifteen feet (15’) for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.
3. Other requirements (see Section XV.1.9).

D. Area Regulations

1. Size of Lots
 - a. Minimum Lot Area – Nine thousand (9,000) square feet; also, the minimum average lot area shall be eleven thousand (11,000) square feet in order to provide diversity in lot sizes within each SF-3 neighborhood; maximum density three and one-half (3.5) dwelling units per acre
 - b. Minimum Lot Width – Seventy feet (70’)
 - c. Minimum Lot Depth - One hundred twenty feet (120’)

2. Size of Yards
 - a. Minimum Front Yard – Thirty feet (30')
 - b. Minimum Side Yard – Eight feet (8') for interior side yard; fifteen feet (15') for a corner lot on a residential or collector street; twenty-five feet (25') for a corner lot on an arterial street
 - c. Minimum Rear Yard – Twenty feet (20')
3. Maximum Lot Coverage - Forty percent (40%) for the main building; sixty percent (60%) for the main building and any accessory buildings, driveways and parking areas combined
4. Minimum Lot Access - No lot shall have less than thirty-five feet (35') access measured at the right-of-way line

E. Parking Regulations

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed, attached parking spaces no less than twenty-four feet by twenty-four feet (24'x24'), on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of thirty feet (30') as measured from ten feet (10') interior of any paved or improved public surface (i.e., roadway, sidewalk).
2. Other - See Section XVI, Off-Street Parking and Loading Regulations

- F. Minimum Floor Area per Dwelling Unit – One thousand seven hundred and fifty (1,750) square feet; also, the minimum average floor area shall be one thousand eight hundred and fifty (1,850) square feet in order to provide diversity in house sizes within each SF-3 neighborhood.

G. Minimum Exterior Construction Standards

1. Masonry – See Section XII.1.1(A) (Minimum Masonry Requirements)
2. Roof Pitch – See Section XII.1.1(B)
3. Roofing Systems – See Section XII.1.1(C)
4. Chimney Design – See Section XII.1.1(E)

H. Mail Boxes – See Section XII.1.2

I. Accessory Buildings – See Section XII.1.3

J. Driveway – See Section XII.1.4

K. Sidewalks – See Section XII.1.5

L. Lighting – See Section XII.1.6

M. Special Requirements - See Section XII.1.7

N. Other Regulations - As established by Articles XV, XVI and XVII and Subdivision Regulations.

IX.2.6 O – Office District

A. General Purpose and Description

The Office, “O”, District is established to provide an appropriate setting for low intensity office and professional uses, such as for the use of land on which two-story garden office buildings can be constructed. The “O” District can be used as a transition district between residential uses and more intense uses, and, with appropriate buffers and landscaping, this District may be located in close proximity to residential districts. Permitted uses should be compatible with adjacent residential areas by limiting heights to one (1) or two (2) stories, and shall not include uses that create excessive amounts of traffic, noise, trash or late-night business operations. Traffic generated by uses in this District shall not be designed or encouraged to travel through residential areas. Adaptive reuse of existing structures is encouraged. Buildings in this District should be compatible and similar in scale with residential uses and adjacent property.

B. Permitted Uses

Those uses listed for the O district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

C. Maximum Height

1. Two (2) stories or thirty-five feet (35’) for the main building(s).
2. One (1) story for accessory buildings.
3. Other (see Section XV.1.9).

D. Area Regulations

1. Size of Lots

- a. Minimum Lot Area – Six thousand (6,000) square feet; Twelve thousand (12,000) square feet on Interstate 35 and other regional thoroughfare frontage
- b. Minimum Lot Width – Sixty feet (60'), except one hundred and twenty feet (120') along Interstate 35 and other regional thoroughfare frontage
Minimum Lot Depth – One hundred feet (100')

2. Size of Yards

- a. Minimum Front Yard - Thirty feet (30') from ultimate right-of-way line of roadway; Fifty feet (50') from ultimate right-of-way line on Interstate 35 and other regional thoroughfare frontage; all yards adjacent to a street shall be considered a front yard (see Section XV.1.5 for additional setback requirements)
 - b. Minimum Side and Rear Yard – Twenty feet (20') plus one foot (1') for every foot in height over fifteen feet (15') adjacent to a residentially zoned or use of property (see below)
 - c. Interior Side Yards - The interior side yard setback between two non-residential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Codes is used, and when approved by the City Council on the Site Plan following a favorable recommendation by the Planning & Zoning Commission. Where such a reduced side yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a Site Plan that shows such a reduced 0' side yard setback between two non-residential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.
3. Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
 4. Minimum Lot Access - No lot shall have less than thirty-five feet (35') access measured at the right-of-way line

5. Maximum Floor-Area-Ratio (FAR) – One to one (1:1)
 6. Maximum Building Size - The maximum building foot print (first floor) area of a structure shall be determined and limited by applying the lot's size, minimum building setbacks, maximum of 50% lot coverage, minimum parking requirement, minimum landscaping percentage and areas, and other pertinent development requirements.
- E. Parking Requirements - As established by Article XVI, Off-Street Parking and Loading Requirements.
- F. Minimum Exterior Construction Standards – The exterior façade of the main building shall be one hundred percent (100%) masonry, excluding doors and windows, of a combination of the following: brick, stone, cast stone, marble, glazed ceramic tile, glass and/or glass blocks. (See Section XII.1.1) All façades of main buildings that face a public street or a residentially zoned district shall have façade offsets of at least five feet (5') for every fifty-foot (50') length of flat wall, both horizontally and vertically, and such offsets shall comprise at least fifteen percent (15%) of the total overall horizontal façade length for horizontal offsets, and average vertical façade height for vertical offsets (i.e., above the average vertical roof plane of the building as viewed on plan elevations).
- G. Special District Requirements
1. Driveway Spacing - See Section XIV.1.1
 2. Swimming Pools – See Section XIV.1.4
 3. Lighting – See Section XIV.1.3
 4. Site Plan Review – See Section XIV.1.5
 5. Landscaping Requirements – See Section XVII.1.7
 6. Screening Requirements – See Section XVII.5.3
 7. Long-term or permanent open storage and temporary or permanent outside display of merchandise and seasonal items are prohibited.
- H. Building Façade Plans (Elevations) – See Section XIV.1.6
- I. Specific On-Site Storage Prohibited – See Section XIV.1.7
- J. Signs – See Section XIV.1.8

- K. Other Regulations – See Articles XV, XVI and XVII and standards established in the Subdivision Regulations.

IX.2.7 NS – Neighborhood Service District

A. General Purpose and Description

The Neighborhood Service, “NS”, district provides a district for retail use which provides limited local neighborhood, low intensity retail and service facilities for the retail sales of goods and services to surrounding residential uses. These shopping areas shall utilize established landscape and buffering requirements. The “NS” district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes, but it can also act as a buffer against residential areas.

B. Permitted Uses

Those uses listed for the NS district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

C. Maximum Height

1. Two (2) stories or thirty-five feet (35’) for the main building(s).
2. One (1) story for accessory buildings.
3. Other (Section XV.1.9).

D. Area Regulations

1. Size of Lot

- a. Minimum Lot Area –Ten thousand (10,000) square feet, or a minimum of six thousand (6,000) square feet on a collector or local/residential street with a Specific Use Permit
- b. Minimum Lot Width –Sixty feet (60’)
- c. Minimum Lot Depth –One hundred feet (100’)

2. Size of Yards

- a. Minimum Front Yard - Thirty feet (30’) from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see Section XV.1.5 for additional setback requirements)

- b. Minimum Side and Rear Yard - Fifteen feet (15') unless adjacent to a residentially zoned or use of property (see below)
 - c. Minimum Side or Rear Yard Adjacent to a Residential District – Twenty feet (20') for one-story building, and an additional one foot (1') for every one foot (1') (or fraction thereof) above one-story in height
 - d. Interior Side Yards - The interior side yard setback between two non-residential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Codes is used, and when approved by the City Council on the Site Plan following a favorable recommendation by the Planning & Zoning Commission. Where such a reduced side yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a Site Plan that shows such a reduced 0' side yard setback between two non-residential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.
- 3. Maximum Lot Coverage –Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
 - 4. Maximum Floor-Area-Ratio (FAR) – Point five to one (.5:1)
 - 5. Maximum Building Size - The maximum building foot print (first floor) area of a structure shall be determined and limited by applying the lot's size, minimum building setbacks, maximum of 50% lot coverage, minimum parking requirement, minimum landscaping percentage and areas, and other pertinent development requirements.
- E. Parking Requirements - As established by Section XVI, Off-Street Parking and Loading Requirements.
 - F. Minimum Exterior Construction Standards – The exterior facade of the main building shall be fifty percent (50%) approved masonry and fifty percent (50%) glass on the front and one hundred percent (100%) approved masonry on the remaining sides, not including doors and windows. (See Section XII.1.1) All façades of main buildings that face a public street or a residentially zoned district shall have façade offsets of at least five feet (5') for every fifty-foot (50') length of flat wall, both horizontally and vertically, and such offsets shall comprise at least fifteen percent (15%) of the total overall horizontal façade length for

horizontal offsets, and average vertical façade height for vertical offsets (i.e., above the average vertical roof plane of the building as viewed on plan elevations).

G. Special Requirements

1. Driveway Spacing - See Section XIV.1.1
2. Lighting – See Section XIV.1.3
3. Site Plan Review – See Section XIV.1.5
4. Landscaping Requirements – See Section XVII.1.7
5. Screening Requirements – See Section XVII.5.3
6. Temporary Outside Display - Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, landscape vegetation, etc.) shall be allowed but limited to the following:
 - a. A permit from the City is required for each seasonal display.
 - b. The display in any of the parking spaces that are required by this Ordinance for the primary use(s) of the property is prohibited. Additional parking spaces or improved surface, constructed for the purpose of temporary outside display shall be specifically identified on the required Site Plan and shall be clearly and distinctively marked (i.e., different paint color) as a designated display area.
 - c. Temporary outside display located in the designated parking spaces shall be surrounded by a temporary fence (i.e., materials such as wood and cinder block).
 - d. Merchandise shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 - e. At no time shall public rights-of-way, pedestrian walkways or adjacent properties be obstructed by display merchandise.
 - f. All merchandise shall be displayed in an orderly manner, and the display area shall be maintained in a clean, litter-free manner.
7. Long-term or Permanent Open Storage - Long-term or permanent open storage is prohibited.

H. Building Façade Plans (Elevations) – See Section XIV.1.6

- I. Specific On-Site Storage Prohibited – See Section XIV.1.7
- J. Signs – See Section XIV.1.8
- K. Other Regulations – See Articles XV, XVI and XVII and standards established in the Subdivision Regulations.

IX.2.8 R - Retail District

A. General Purpose and Description

The Retail, “R”, district is established to provide for retail areas and service facilities serving a neighborhood or several neighborhoods and designed as a retail center. These shopping areas should utilize established landscape and buffering requirements. The Retail district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

B. Permitted Uses

Those uses listed for the R district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

C. Maximum Height

- 1. Two (2) stories or thirty-five feet (35’) for the main building(s).
- 2. One (1) story for accessory buildings.
- 3. Other (Section XV.1.9).

D. Area Regulations

- 1. Size of Lot
 - a. Minimum Lot Area –Forty-three thousand five hundred sixty (43,560) square feet or one (1) acre, or a minimum of ten thousand (10,000) square feet on a collector or local/residential street only with a Specific Use Permit
 - b. Minimum Lot Width –One hundred feet (100’), except one hundred and fifty feet (150’) along Interstate 35 or other regional major thoroughfare frontage
 - c. Minimum Lot Depth –One hundred feet (100’)

2. Size of Yards
 - a. Minimum Front Yard - Thirty feet (30') from ultimate right-of-way line of roadway on all roadways; all yards adjacent to a street shall be considered a front yard (see Section XV.1.5 for additional setback requirements)
 - b. Minimum Side and Rear Yard - Twenty feet (20') unless adjacent to a residentially zoned or use of property (see subsection below)
 - c. Minimum Side or Rear Yard Adjacent to a Residential District – Twenty-five feet (25') for one-story building, and an additional one foot (1') for every one foot (1') (or fraction thereof) above one-story in height
 - d. Interior Side Yards - The interior side yard setback between two non-residential buildings may be reduced to zero feet (0') where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City's Building Codes is used, and when approved by the City Council on the Site Plan following a favorable recommendation by the Planning & Zoning Commission. Where such a reduced side yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a Site Plan that shows such a reduced 0' side yard setback between two non-residential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.
 3. Maximum Lot Coverage –Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
 4. Maximum Floor-Area-Ratio (FAR) – One to one (1:1)
 5. Maximum Building Size - The maximum building foot print (first floor) area of a structure shall be determined and limited by applying the lot's size, minimum building setbacks, maximum of 50% lot coverage, minimum parking requirement, minimum landscaping percentage and areas, and other pertinent development requirements.
- E. Parking Requirements - As established by Section XVI, Off-Street Parking and Loading Requirements.
- F. Minimum Exterior Construction Standards – The exterior front façade of the main building shall be fifty percent (50%) approved masonry and fifty percent (50%)

glass, not including doors and one hundred percent (100%) masonry on all other facades. (See Section XII.1.1) All façades of main buildings that face a public street or a residentially zoned district shall have façade offsets of at least five feet (5') for every fifty-foot (50') length of flat wall, both horizontally and vertically, and such offsets shall comprise at least fifteen percent (15%) of the total overall horizontal façade length for horizontal offsets, and average vertical façade height for vertical offsets (i.e., above the average vertical roof plane of the building as viewed on plan elevations).

G. Special Requirements

1. Driveway Spacing - See Section XIV.1.1
2. Lighting – See Section XIV.1.3
3. Site Plan Review – See Section XIV.1.5
4. Landscaping Requirements – See Section XVII.1.7
5. Screening Requirements – See Section XVII.5.3
6. Temporary Outside Display - Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, landscape vegetation, etc.) shall be allowed but limited to the following:
 - a. A permit from the City is required for each seasonal display.
 - b. The display in any of the parking spaces that are required by this Ordinance for the primary use(s) of the property is prohibited. Additional parking spaces or improved surface constructed for the purpose of temporary outside display shall be specifically identified on the required Site Plan and shall be clearly and distinctively marked (i.e., different paint color) as a designated display area.
 - c. Temporary outside display located in the designated parking spaces shall be surrounded by a temporary fence (i.e., materials such as wood and cinder block).
 - d. Merchandise shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 - e. At no time shall public rights-of-way, pedestrian walkways or adjacent properties be obstructed by display merchandise.
 - f. All merchandise shall be displayed in an orderly manner, and the display area shall be maintained in a clean, litter-free manner.

7. Long-term or Permanent Outside Display – Long-term or permanent outside display area shall be allowed if the following criteria are followed:
 - a. All display merchandise shall be limited to the area in front of the main building between the fire lane and the front building facade. In the event the subject project has multiple entrances (i.e., multiple front facades) only one side shall be allowed to have outside display.
 - b. The amount of display area shall not exceed sixty percent (60%) of the front façade of the main building, exclusive of doors, windows and driveways.
 - c. Display merchandise shall not encroach into the fire lane, parking lot/spaces, walkways, rights-of-way or roadways.
 - d. Merchandise shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way, nor obstruct any designated fire lane.
 - e. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
8. Long-term or Permanent Open Storage - Long-term or permanent open display and storage shall require the application for, approval of and issuance of a Specific Use Permit (SUP) in accordance with Section XI.4.4 of this Ordinance. A maximum of five percent (5%) of the total lot area may be designated for long-term, permanent open storage and shall be screened from public view, shall not be located on top of the building. Screening for long-term, permanent open storage shall conform to the following:
 - a. Open display and storage for merchandise such as garden supplies, landscape vegetation, lawn mowers, building materials, etc. requires an extension of the masonry wall of the front façade and, at a minimum, chain link fencing and solar screening with masonry columns. The masonry columns shall be a minimum of thirty feet (30') apart and are required on the sides exclusive of the front façade and the wall adjacent to the main structure. Also, the screening of chain link fencing and solar screening is inclusive of the roof. The storage area, as an extension of the main building, is at least the same height as the product to be screened, but extending no higher than the roof of the main building and constructed to one side of the main building. Solar screening shall be maintained in good condition. No tarps or other fabric-like screening shall be allowed. No merchandise from this area shall be placed outside the open storage area. The required Site Plan shall reflect the open storage area with a detailed description of building materials.

In the event this open display and storage area abuts a similar nonresidential district or is not visible from any public right-of-way or the general public, the Planning and Zoning Commission and City Council, upon proper request by applicant, may consider a proposal for less screening.

- b. Long-term, permanent open storage of shopping carts requires a designated area, identified in the required Site Plan, adjacent to and made a part of the main building. The designated area shall be along the front façade of the project and be screened from public view by an approved-masonry wall, not to exceed four feet (4') in height, and may include an ornamental feature reaching above the wall. Such ornamental feature may take the form of a waterfall, live vegetation, lighting or other items that enhance the beauty of the main building and, for purposes of the safety of the general public, does not entirely block the view from persons inside and outside the open storage area. This designated open storage area is not to be confused with the various shopping cart cages (temporary storage) located in the parking lot for the convenience of the customers.

- 9. Additional Open Storage Behind the Main Building - Open storage may also be allowed behind the main building but in no instance shall the storage be visible from any public street or adjacent property. Screening in accordance with the provisions of Section XVII.5.3 is required.

H. Building Façade Plans (Elevations) – See Section XIV.1.6

I. Specific On-Site Storage Prohibited – See Section XIV.1.7

J. Signs – See Section XIV.1.8

K. Other Regulations – See Articles XV, XVI and XVII and standards established in the Subdivision Regulations.

IX.2.9 “TC” – Town Center

A. General Purpose and Description

The Town Center, “TC”, District is available only for use as a Planned Development district, requirements of which are set forth in Section IX.4.2 below, and only within the area zoned for the Town Center. The standards of the Town Center base district, as well as the permitted uses, shall remain in effect unless requested, amended and approved at the time of application. The development standards in the Town Center, “TC”, district, are designed to maintain and encourage the development of a downtown area of the City in a “pedestrian friendly” environment that is conducive to special events such as sidewalk sales, street dances, festivals, and other similar events. Standards are generally intended to regulate development such that this District becomes the focal point of the

City. The Town Center District is premised upon the development and promotion of a pedestrian-oriented and community-friendly area with an architectural style of the “1920’s-style Town Center” (as depicted on Illustration “A”, attached).

B. Permitted Uses

Those uses listed for the “TC” district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

C. Maximum Height

1. Two (2) stories or thirty-five feet (35’) for the main building(s).
2. One (1) story for accessory buildings.
3. Other (Section XV.1.9).

D. Area Regulations

1. Size of Lot
 - a. Minimum Lot Area - none specified
 - b. Minimum Lot Width - none specified
 - c. Minimum Lot Depth – none specified
2. Size of Yards
 - a. Minimum Front Yard - to accommodate sidewalks with a minimum width of eight feet (8’) from the back of the street curb to the front of the building
 - b. Minimum Side Yard - zero feet (0’) if next to another Town Center district building, or shall match the required front yard setback if on a street or alley corner
 - c. Minimum Rear Yard - twenty-five feet (25’)
3. Maximum Lot Coverage – sixty-five percent (65%) including main and accessory buildings
4. Maximum Floor-Area-Ratio (FAR) – one to one (1:1)

E. Design Standards for the “TC” District

In combination with the design standards setout below, the City of Glenn Heights requires development within the Town Center District to meet the architectural style of “1920’s Town Center” as depicted on Illustration “A”, attached hereto and made a part of this Ordinance.

1. Building Massing and Scale – A building’s massing is its exterior volume and its scale is the relationship of its overall size and its component parts with its adjoining buildings, spaces and people.
 - a. A building’s massing shall:
 - i. relate to its site, use and to the massing of adjacent buildings; and
 - ii. serve to define entry points and help orient pedestrians.
 - b. The scale of individual building façade components shall relate to one another and the human scale, particularly at the street level.
 - c. Buildings and/or facades shall emphasize and frame or terminate important vistas.
2. Building Rhythm – A building’s rhythm is the pattern created by the regular recurrence or alteration of its constituent architectural components.
 - a. Non-residential and mixed use buildings in the Town Center, to the extent practicable.
 - b. Variations in the rhythms within individual building facades shall be achieved within any block of building facades.
 - c. Breaks in the predominate rhythm may also be used to reinforce changes in massing and important elements such as building entrances or pedestrian pass-throughs.
3. Architectural Elements – Architectural elements are the individual components of a building, including walls, doors, windows, cornices, parapets, roofs, pediments and other features. Architectural composition is the relationship between the architectural elements in an individual building. Architectural elements shall be designed to the appropriate scale and proportions of the selected architectural style. (i.e., Building designs based on an Art Deco style shall utilize architectural elements of a scale and proportion characteristic of that style.)

- a. Entrances - The design and location of building entrances in the Town Center district are important to help define the pedestrian environment and create real- and community-friendly environments.
 - i. Entrances shall be easily identifiable as primary points of access to buildings.
 - ii. Building entrances may be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades and others as appropriate. All building elements should be compatible with the architectural style, materials, colors and details of the building as a whole.
 - iii. Entrances to upper level uses may be defined and integrated into the design of the overall building façade.
- b. Façade Treatments – Façade treatments are that portion of a building’s elevation facade facing any public street extending from the ground to the roof that consists of a single layer or architectural expression.
 - i. Retail ground floors shall have windows covering a minimum of forty percent (40%) of the major street fronting façade(s). Other ground level uses shall have façade treatments appropriate to such use(s).
 - ii. All sides of a building shall be consistent with respect to style, material, colors and details only to the extent that they establish continuity with the main street-front façade.
 - iii. On facades fronting on service or parking areas and along secondary streets, windows need not be provided at the ground floor level. However, buildings should avoid long, monotonous, uninterrupted walls. Building wall offsets, including projections, recesses, niches, fenestration, or changes of materials or color shall be used to add architectural variety and interest, and to relieve the visual impact of a blank wall.
 - iv. Parapet and roof-line offsets between facades may be provided in order to break down the scale of the block and create architectural interest and variety.
 - v. Architectural elements, such as canopies, awnings, roof and floor overhands, and colonnades shall be provided as appropriate to protect pedestrians, help unify parts of a building or block, provide human scale, or provide a backdrop for signage and graphics.

- c. Storefronts – Retailers located at the street level primarily use storefronts to orient and advertise merchandise to customers.
 - i. Retail buildings shall provide street-level pedestrian-oriented uses at the ground floor level.
 - ii. Storefronts on façade treatments that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage and lighting fixtures.
- d. Building Materials – Exterior finish building materials shall consist of:
 - i. Masonry, which is defined as brick, stone, cast stone, glass fiber-reinforced concrete, glass fiber reinforced gypsum and split face concrete masonry units.
 - ii. Stucco, including synthetic stucco (exterior insulation finishing system – EFIS) allowed above eight foot (8') only.
 - iii. Glazed ceramic and porcelain tile.
 - iv. Fiber reinforced plastic (with the exception of plastic or vinyl siding) – used for exterior building components, including but not limited to: cornice and entablature elements, decorative columns and pilasters, storefront trim, railings, and balustrades, spandrel panels and similar elements.
 - v. Baked-on painted steel and aluminum, cast iron, bronze, copper (including terne coated).
 - vi. Roofing materials (visible from any public right-of-way): copper, factory finished painted metal, slate, synthetic slate, terra cotta, cement tile, glass fiber shingles.
 - vii. Materials other than those listed above may be used for architectural trim and accent applications including, but not limited to, cornices and decorative brackets, frieze panels, decorative lintels, shutters and porch or balcony railings.

4. Pedestrian Network and Streetscape

- a. Pedestrian Network – Sidewalks are a critical part of pedestrian connectivity in the Town Center district. In order to enhance the safety of the pedestrian environment, all development in the Town Center district shall be subject to the following:

- i. The street network, with its adjoining sidewalks, shall function as the primary pedestrian network.
 - ii. Where necessary mid-block pedestrian connections from the street to parking lots at the rear of the building(s) shall be provided at key points.
 - iii. Pedestrian crosswalks shall be clearly designated and provided at all key street intersections.
 - iv. Sidewalks shall be constructed from the back of curb to the building front or property line.
 - v. Sidewalks shall be a minimum of eight feet (8') measured from the back of the curb to the building façade. That portion of the sidewalk that is free of any obstructions to allow for the passage of pedestrians shall be a minimum of six feet (6').
- b. Streetscape Treatment – The following guidelines for streetscape standards are provided in order to create an attractive and animated sidewalk environment. The developer shall propose a well-designed and unified streetscape plan for key streets in the Town Center district.
- i. Street trees shall be selected and placed with the approval of the City at the time of Site Plan submittal, review and consideration.
 - ii. Street trees shall be planted in accordance with the Landscape Plan proposed by the developer and approved by City Council.
 - iii. Street furnishings shall be installed in accordance with a Streetscape Plan proposed by the developer and approved by City Council. Street furnishings may include planting strips, raised planters, trash receptacles, street light standards, street signs, way-finding signs, media boxes, seating, public art, water features, fire hydrants, etc.
 - iv. Street furnishings shall be constructed of a long-life, low-maintenance material and shall be the responsibility of the owner.
- F. Parking Requirements - One (1) space per one hundred (100) square feet of gross floor area, and each use shall provide a minimum of four (4) spaces. On-street parking (parallel or head-in) shall be permitted in this district. Parking shall not be located and designed in such a manner to discourage or conflict with pedestrians. For any use which cannot provide off-street parking due to the size or location of the lot, such parking may be provided on other property not more than two hundred feet (200') from the site, in accordance with Article XVI of this Ordinance. In cases where the parking requirement cannot be achieved, up to

twenty-five percent (25%) of the parking requirement may be waived by the City Council on the Site Plan, or may be provided as head-in parking spaces and/or offsite with City Council approval on the Site Plan for such an alternative arrangement.

G. Special Requirements

1. Driveway Spacing – See Section XIV.1.1
2. Site Plan Review
 - a. Public hearing, review and approval of a Site Plan by the Planning and Zoning Commission and the City Council (in accordance with Section VIII.9.3) shall be required for site development and construction of any structure within the “TC” district. No Certificate of Occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City Council.
 - b. For site development and construction, building facade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the road(s) upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. Architectural style and scale of buildings within the “TC” district shall be compatible with the styles and scale of other adjacent buildings to create and preserve the unique character of the downtown area.

The City Manager or his/her designee may, as he/she deems appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process.
 - c. A public hearing is required by the Planning and Zoning Commission and the City Council for all Site Plans within the “TC” district. Development standards for all uses in the “TC” district shall be established on the Site Plan and all supporting information will be required at the time of approval.
3. Utilities - All utility lines to business establishments shall be placed underground.
4. Landscaping Requirements – See Section XVII.1.7
5. Screening Requirements – See Section XVII.5.3
6. Lighting – See Section XIV.1.3.

7. Temporary Outside Display - Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, live vegetation etc.) shall be allowed but limited to the following:
 - a. A permit from the City is required for each seasonal display.
 - b. Display merchandise may be placed/located at the front façade of the main building but at no time shall not inhibit pedestrian traffic on the sidewalks, be located in required parking spaces, restrict rights-of-way, or obstruct adjacent properties.
 - c. Merchandise shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way (i.e., sidewalk sales cannot block the sidewalk or extend out into the street).
 - d. Merchandise shall only be located in front of the property/business that is selling the item(s).
 - e. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
 - f. All merchandise shall be displayed in an orderly manner, and the display area shall be maintained in a clean, litter-free manner.
8. Long-term and Permanent Open Storage - Long-term and permanent open storage is prohibited in the “TC” district.

H. Building Façade Plans (Elevations) – See Section XIV.1.6

I. Specific On-Site Storage Prohibited – See Section XIV.1.7

J. Other Regulations – See Articles XV, XVI and XVII and standards established in the Subdivision Regulations.

IX.2.10 “C” – Commercial District

A. General Purpose and Description

The Commercial, “C”, district, is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, region-serving shopping centers with large-scale anchor businesses, and other similar higher intensity retail and commercial uses. Uses in this district may utilize open storage areas that are screened from public view (see Section XVII.5.3). Some light manufacturing may also be allowed with certain conditions. The uses envisioned for the district will typically utilize smaller sites and

have operation characteristics that are generally not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets shall also be a primary consideration.

B. Permitted Uses

Those uses listed for the C district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

C. Maximum Height

1. Two (2) stories or thirty-five feet (35’) for the main building(s).
2. One (1) story for accessory buildings.
3. Other (Section XV.1.9).

D. Area Regulations

1. Size of Lot
 - a. Minimum Lot Area –One-half acre (21,780 square feet)
 - b. Minimum Lot Width –One hundred twenty feet (120’)
 - c. Minimum Lot Depth –One hundred seventy-five feet (175’)
2. Size of Yards
 - a. Minimum Front Yard – Sixty feet (60’) from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see Section XV.1.5 for additional setback requirements)
 - b. Minimum Side and Rear Yard – Twenty feet (20’) unless adjacent to a residentially zoned or use of property (see subsection below)
 - c. Minimum Side or Rear Yard Adjacent to a Residential District – Twenty feet (20’) for one-story building, and an additional one foot (1’) for every one foot (1’) (or fraction thereof) above one-story in height
 - d. Interior Side Yards - The interior side yard setback between two non-residential buildings may be reduced to zero feet (0’) where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City’s Building Codes is used, and when

approved by the City Council on the Site Plan following a favorable recommendation by the Planning & Zoning Commission. Where such a reduced side yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., shall not be waived, just provided somewhere else). Approval of a Site Plan that shows such a reduced 0' side yard setback between two non-residential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.

3. Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
 4. Minimum Lot Access - No lot shall have less than thirty-five feet (35') access measured at the right-of-way.
 5. Maximum Floor-Area-Ratio (FAR) –Point five to one (0.5:1)
 6. Minimum Building Size – The maximum building foot print (first floor) area of a structure shall be determined and limited by applying the lot's size minimum building setbacks, maximum of 50% lot coverage, minimum parking requirement, minimum landscaping percentage and areas, and other pertinent development requirements.
- E. Parking Requirements - As established by Article XVI, Off-Street Parking and Loading Requirements.
- F. Minimum Exterior Construction Standards – The exterior façade of the main building shall be eighty percent (80%) approved masonry per side, not including doors and windows. (See Section XII.1.1) All façades of main buildings that face a public street or a residentially zoned district shall have façade offsets of at least five feet (5') for every fifty-foot (50') length of flat wall, both horizontally and vertically, and such offsets shall comprise at least fifteen percent (15%) of the total overall horizontal façade length for horizontal offsets, and average vertical façade height for vertical offsets (i.e., above the average vertical roof plane of the building as viewed on plan elevations).
- G. Special Requirements
1. Driveway Spacing - See Section XIV.1.1
 2. Lighting – See Section XIV.1.3

3. Site Plan Review – See Section XIV.1.5
4. Landscaping Requirements – See Section XVII.1.7
5. Screening Requirements – See Section XV11.5.3
6. Temporary Outside Display - Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, landscape vegetation, etc.) shall be allowed but limited to the following:
 - a. A permit from the City is required for each seasonal display.
 - b. The display in any of the parking spaces that are required by this Ordinance for the primary use(s) of the property is prohibited. Additional parking spaces or improved surface constructed for the purpose of temporary outside display shall be specifically identified on the required Site Plan and shall be clearly and distinctively marked (i.e., different paint color) as a designated display area.
 - c. Temporary outside display located in the designated parking spaces shall be surrounded by a temporary fence (i.e., materials such as wood and cinder block).
 - d. Merchandise shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 - e. At no time shall public rights-of-way, pedestrian walkways or adjacent properties be obstructed by display merchandise.
 - f. All merchandise shall be displayed in an orderly manner, and the display area shall be maintained in a clean, litter-free manner.
7. Long-term or Permanent Outside Display - Long-term or permanent outside display area shall be allowed if the following criteria are followed:
 - a. All display merchandise shall be limited to the area in front of the main building between the fire lane and the front building facade. In the event the subject project has multiple entrances (i.e., multiple front facades) only one side shall be allowed to have outside display.
 - b. The amount of display area shall not exceed sixty percent (60%) of the front façade of the main building, exclusive of doors, windows and driveways.
 - c. Display merchandise shall not encroach into the fire lane, parking lot/spaces, walkways, rights-of-way or roadways.

- d. Merchandise shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way, nor obstruct any designated fire lane.
 - e. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
8. Long-term or Permanent Open Storage - Long-term or permanent open display and storage shall require the application for, approval of and issuance of a Specific Use Permit (SUP) in accordance with Section XI.4.4 of this Ordinance. A maximum of five percent (5%) of the total lot area may be designated for long-term, permanent open storage and shall be screened from public view but shall not be located on top of the building. Screening for long-term, permanent open storage shall conform to the following:
- a. Open display and storage for merchandise such as garden supplies, landscape vegetation, lawn mowers, building materials, etc. requires an extension of the masonry wall of the front façade and, at a minimum, chain link fencing and solar screening with masonry columns. The masonry columns shall be a minimum of thirty feet (30') apart and are required on the sides exclusive of the front façade and the wall adjacent to the main structure. Also, the screening of chain link fencing and solar screening is inclusive of the roof. The storage area, as an extension of the main building, is at least the same height as the product to be screened, but extending no higher than the roof of the main building and constructed to one side of the main building. Solar screening shall be maintained in good condition. No tarps or other fabric-like screening shall be allowed. No merchandise from this area shall be placed outside the open storage area. The required Site Plan shall reflect the open storage area with a detailed description of building materials.

In the event this open display and storage area abuts a similar nonresidential district or is not visible from any public right-of-way or the general public, the Planning and Zoning Commission and City Council, upon proper request by applicant, may consider a proposal for less screening.

- b. Long-term, permanent open storage of shopping carts requires a designated area, identified in the required Site Plan, adjacent to and made a part of the main building. The designated area shall be along the front façade of the project and be screened from public view by an approved-masonry wall, not to exceed four feet (4') in height, and may include an ornamental feature reaching above the wall. Such ornamental feature may take the form of a waterfall, live vegetation, lighting or other items that enhance the beauty of the main building and, for purposes of the safety of

the general public, does not entirely block the view from persons inside and outside the open storage area. This designated open storage area is not to be confused with the various shopping cart cages (temporary storage) located in the parking lot for the convenience of the customers.

9. Additional Open Storage Behind the Main Building - Open storage may also be allowed behind the main building but in no instance shall the storage be visible from any public street or adjacent property. Screening in accordance with the provisions of Section XVII.5.3 is required.

H. Building Façade Plans (Elevations) – See Section XIV.1.6

I. Specific On-Site Storage Prohibited – See Section XIV.1.7

J. Signs – See Section XIV.1.8

K. Other Regulations – See Articles XV, XVI and XVII and standards established in the Subdivision Regulations.

IX.2.11 I – Industrial District

A. General Purpose and Description

The Industrial, “I”, district provides for a wide range of commercial and industrial uses all of which should be comparatively nuisance free and may be governed by appropriate business regulations. This district may take the form of an Industrial or Business Park. Activities primarily intended are light manufacturing, assembling and fabrication activities, warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad. The district specifically excludes residences on the bases that the mixture of residential use and public services and facilities for residences with those for industry is contrary to the purpose of these regulations.

B. Permitted Uses

Those uses listed for the “I” district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

C. Maximum Height

1. Thirty-five feet (35’) for main building(s).
2. One (1) story for accessory building(s).

3. Other (Section XV.1.9).

D. Area Regulations

1. Size of Lot

- a. Minimum Lot Area – One acre (43,560 square feet); Industrial zoning shall not be located closer than one thousand feet (1,000') from I35 or other major regional thoroughfares; however, an Industrial zoned lot or site may derive access from I35 or other major regional thoroughfare via a public street, but no less than a collector street, or a private entrance that passes through other appropriately zoned property provided that the applicable street right-of-way or common fire lane/access easement is dedicated by Plat or by other recorded instrument that is acceptable to the City.
- b. Minimum Lot Width – One hundred feet (100'); an entrance for an Industrial zoned lot or site from I35 or other major regional thoroughfare shall be the width of the access-giving public street or private fire lane/access easement.
- c. Minimum Lot Depth –One hundred fifty feet (150') from the front (i.e., addressed) street right-of-way line.

2. Size of Yards

- a. Minimum Front Yard - Sixty feet (60') from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see Section XV.1.5 for additional setback requirements)
 - b. Minimum Side and Rear Yard –Twenty-five feet (25') unless adjacent to a residentially zoned or use of property (see subsection below)
 - c. Minimum Side or Rear Yard Adjacent to a Residential District –Fifty feet (50') for one-story building, and an additional one foot (1') for every story (or fraction thereof) above one-story in height
3. Maximum Lot Coverage – Sixty percent (60%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
 4. Maximum Floor-Area-Ratio (FAR) – Point five to one (.5:1)
 5. Maximum Building Size – The maximum building foot print (first floor) area of a structure shall be determined and limited by applying the lot's size,

minimum building setbacks, maximum of 60% lot coverage, minimum parking requirement, minimum landscaping percentage and areas, and other pertinent development requirements.

E. Parking Requirements - As established by Article XVI, Off-Street Parking and Loading Requirements.

F. Minimum Exterior Construction Standards –One hundred percent (100%) of approved materials in Section XII.1.1 with fifty percent (50%) being masonry and the other fifty percent (50%) of an alternate material, not including doors and windows. All façades of main buildings that face a public street or a residentially zoned district shall have façade offsets of at least five feet (5') for every fifty-foot (50') length of flat wall, both horizontally and vertically, and such offsets shall comprise at least fifteen percent (15%) of the total overall horizontal façade length for horizontal offsets, and average vertical façade height for vertical offsets (i.e., above the average vertical roof plane of the building as viewed on plan elevations).

G. Special Requirements

1. Driveway Spacing - See Section XIV.1.1

2. Lighting – See Section XIV.1.3

3. Site Plan Review – See Section XIV.1.5

4. Landscaping Requirements

a. Any Industrial District deriving its access (driveway) from a private entrance from I35 or another major regional thoroughfare shall landscape a minimum of seventy-five percent (75%) of the front yard setback along the thoroughfare and thirty percent (30%) of the remaining private entrance. See Section XVII.1.7 for landscaping requirements.

b. For additional landscaping requirements see Section XVII.1.7.

5. Screening Requirements – See Section XVII.5.3

6. Temporary Outside Display - Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, landscape vegetation, etc.) shall be allowed but limited to the following:

a. A permit from the City is required for each seasonal display.

b. The display in any of the parking spaces that are required by this Ordinance for the primary use(s) of the property is prohibited. Additional

parking spaces or improved surface constructed for the purpose of temporary outside display shall be specifically identified on the required Site Plan and shall be clearly and distinctively marked (i.e., different paint color) as a designated display area.

- c. Temporary outside display located in the designated parking spaces shall be surrounded by a temporary fence (i.e., materials such as wood and cinder block).
 - d. Merchandise shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 - e. At no time shall public rights-of-way, pedestrian walkways or adjacent properties be obstructed by display merchandise.
 - f. All merchandise shall be displayed in an orderly manner, and the display area shall be maintained in a clean, litter-free manner.
7. Long-term or Permanent Outside Display - Long-term or permanent outside display area shall be allowed if the following criteria are followed:
- a. All display merchandise shall be limited to the area in front of the main building between the fire lane and the front building facade. In the event the subject project has multiple entrances (i.e., multiple front facades) only one side shall be allowed to have outside display.
 - b. The amount of display area shall not exceed sixty percent (60%) of the front façade of the main building, exclusive of doors, windows and driveways.
 - c. Display merchandise shall not encroach into the fire lane, parking lot/spaces, walkways, rights-of-way or roadways.
 - d. Merchandise shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way, nor obstruct any designated fire lane.
 - e. All merchandise shall be displayed in an orderly manner, and the display area shall be maintained in a clean, litter-free manner.
8. Long-term or Permanent Open Storage - Long-term or permanent open display and storage shall require the application for, approval of and issuance of a Specific Use Permit (SUP) in accordance with Section XI.4.4 of this Ordinance. A maximum of five percent (5%) of the total lot area may be designated for long-term, permanent open storage and shall be screened from

public view but shall not be located on top of the building. Screening for long-term, permanent open storage shall conform to the following:

- a. Open display and storage for merchandise such as garden supplies, landscape vegetation, lawn mowers, building materials, etc. requires an extension of the masonry wall of the front façade and, at a minimum, chain link fencing and solar screening with masonry columns. The masonry columns shall be a minimum of thirty feet (30') apart and are required on the sides exclusive of the front façade and the wall adjacent to the main structure. Also, the screening of chain link fencing and solar screening is inclusive of the roof. The storage area, as an extension of the main building, is at least the same height as the product to be screened, but extending no higher than the roof of the main building and constructed to one side of the main building. Solar screening shall be maintained in good condition. No tarps or other fabric-like screening shall be allowed. No merchandise from this area shall be placed outside the open storage area. The required Site Plan shall reflect the open storage area with a detailed description of building materials.

In the event this open display and storage area abuts a similar nonresidential district or is not visible from any public right-of-way or the general public, the Planning and Zoning Commission and City Council, upon proper request by applicant, may consider a proposal for less screening.

- b. Long-term, permanent open storage of shopping carts requires a designated area, identified in the required Site Plan, adjacent to and made a part of the main building. The designated area shall be along the front façade of the project and be screened from public view by an approved-masonry wall, not to exceed four feet (4') in height, and may include an ornamental feature reaching above the wall. Such ornamental feature may take the form of a waterfall, live vegetation, lighting or other items that enhance the beauty of the main building and, for purposes of the safety of the general public, does not entirely block the view from persons inside and outside the open storage area. This designated open storage area is not to be confused with the various shopping cart cages (temporary storage) located in the parking lot for the convenience of the customers.

9. Additional Open Storage Behind the Main Building - Open storage may also be allowed behind the main building but in no instance shall the storage be visible from any public street or adjacent property. Screening in accordance with the provisions of Section XVII.5.3 is required.

H. Building Façade Plans (Elevations) – See Section XIV.1.6

I. Specific On-Site Storage Prohibited – See Section XIV.1.7

J. Signs – See Section XIV.1.8

K. Other Regulations – See Articles XV, XVI and XVII and standards established in the Subdivision Regulations.

SECTION 3 PROVISIONAL DISTRICTS

Provisional Districts are available only for use within a Planned Development district and only in combination with Base Districts as listed in Section IX.1 above. The standards set for the Base District shall remain in effect unless requested and approved at the time of application. The Provisional Districts are adopted and offered for use as incentive for a more dense residential development but in no instance shall more than one Provisional District be used within a Planned Development district or encompass more than fifteen percent (15%) of the entire residential units, single-family or multi-family. A successful application for a Planned Development district including one of the Provisional Districts shall also include Retail and/or Neighborhood Services in an amount no less than twenty percent (20%) and common open space at a ratio of one (1) acre per fifty (50) residential dwelling units, single-family or multi-family. Open Space may be developed as one large park or with a maximum of twenty-five percent (25%) as neighborhood pocket parks, shall include playground equipment, walking and biking trails, pavilions, etc. but shall be approved at the time of Site Plan. No Concept Plan or Site Plan shall be approved without a mix of uses. Phasing of a Planned Development district including a Provisional Districts shall account for proportional amounts of non-residential development and open space with residential development. No building permit for construction of a Provisional District use may be issued until a Certificate of Occupancy is issued for the non-Provisional District uses and development of the required Open Space is in progress.

IX.3.1 SF-4 - Single-Family Residential-4 District

A. General Purpose and Description

The Single-Family Residential-4, “SF-4”, district is intended to provide for development of and be composed of primarily single-family detached dwellings on smaller and more compact lots of not less than seven thousand five hundred (7,500) square feet. SF-4 is available only as a Provisional District and shall, in no instance, account for more than fifteen percent (15%) of the total residential units within the approved development. Lots meeting the SF-4 district criteria shall be grouped together and may be used as a buffer between residential and non-residential districts. Areas zoned for the SF-4 district shall have, or shall make provision for, City of Glenn Heights’ water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. Permitted Uses

Those uses listed for the SF-4 district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

C. Maximum Height

1. Two and one-half (2.5) stories, or thirty-five feet (35’) for the main building/house.
2. Fifteen feet (15’) for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.
3. Other requirements (see Section XV.1.9).

D. Area Regulations

1. Size of Lots

- a. Minimum Project Area - Determined by Planned Development and maximum percentage for Provisional District.
- b. Minimum Lot Area – Seven thousand five hundred (7,500) square feet; also, the minimum average lot area shall be nine thousand (9,000) square feet in order to provide diversity in lot sizes within each SF-4 neighborhood; maximum density three and one-half (3.5) dwelling units per acre
- c. Minimum Lot Width – Seventy feet (70’)
- d. Minimum Lot Depth - One hundred feet (100’)

2. Size of Yards

- a. Minimum Front Yard – Twenty five feet (25’)
- b. Minimum Side Yard – Ten percent (10%) or five feet (5’) for interior side yard; fifteen feet (15’) for a corner lot on a residential or collector street; twenty-five feet (25’) for a corner lot on an arterial street
- c. Minimum Rear Yard – Twenty feet (20’)

3. Maximum Lot Coverage - Thirty-five percent (35%) for the main building; sixty percent (60%) for the main building and any accessory buildings, driveways and parking areas combined
4. Minimum Lot Access No - lot shall have less than thirty-five feet (35') access measured at the right-of-way line

E. Parking Regulations

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed, attached parking spaces behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces on a paved driveway having a minimum length of thirty feet (30') as measured from ten feet (10') interior of any paved or improved public surface (i.e., roadway, sidewalk).
2. Other - See Article XVI, Off-Street Parking and Loading Regulations

F. Minimum Floor Area per Dwelling Unit – One thousand five hundred and fifty (1,550) square feet; also, the minimum average floor area shall be one thousand seven hundred (1,700) square feet in order to provide diversity in house sizes within each SF-4 neighborhood.

G. Minimum Exterior Construction Standards

1. Masonry – See Section XII.1.1(A) (Minimum Masonry Requirements)
2. Roof Pitch – See Section XII.1.1(B)
3. Roofing Systems – See Section XII.1.1(C)
4. Chimney Design – See Section XII.1.1(E)

H. Mail Boxes – See Section XII.1.2

I. Accessory Buildings – See Section XII.1.3

J. Driveway – See Section VII.1.4

K. Sidewalks – See Section XII.1.5

L. Building Façade Plans (Elevations) – For any on-site facilities within the SF-4 District, see Section XIV.1.6.

M. Lighting – See Section XII.1.6

N. Special Requirements - See Section XII.1.7

- O. Other Regulations - As established by Articles XV, XVI and XVII and Subdivision Regulations.

IX.3.2 SF-PH - Single-Family Residential - Patio Home District (Zero-Lot-Line Homes)

A. General Purpose and Description

The Single-Family Residential-Patio Home, “SF-PH”, district is designed to provide for development of primarily detached single-family residences on compact lots having one side yard reduced to zero feet (i.e., “zero-lot-line”), and having not less than four thousand (4,000) square feet. Patio Home developments shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development. Individual ownership of each lot is required and this District may serve as a “buffer” or a transition between lower density residential areas or non-residential areas along major thoroughfares. SF-PH is available only as a Provisional District and shall, in no instance, account for more than fifteen percent (15%) of the total residential units within the approved development. Areas zoned for the SF-PH District shall have, or shall make provision for, City of Glenn Heights’ water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. Permitted Uses

Those uses listed for the SF-PH district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

C. Maximum Height

1. Two and one-half (2.5) stories, or thirty-five feet (35’) for the main building/house.
2. Ten feet (10’) for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.
3. Other requirements (see Section XV.1.9).

D. Area Regulations

1. Size of Lots
 - a. Minimum Lot Area - Four thousand (4,000) square feet; also, the minimum average lot area shall be four thousand seven hundred (4,700)

square feet in order to provide diversity in lot sizes within each SF-PH neighborhood; maximum density eight (8) dwelling units per acre

- b. Maximum Project Size - The maximum size of a patio home development shall be determined by the Planned Development and maximum percentage for a Provisional District.
 - c. Minimum Lot Width – Forty-five feet (45')
 - d. Minimum Lot Depth - Eighty feet (80')
2. Size of Yards
- a. Minimum Front Yard – Twenty feet (20'); twenty-five feet (25') to the garage door face for front-entry homes
 - b. Minimum Side Yard - One side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a residential or collector street, and twenty-five feet (25') required on corner lots adjacent to an arterial street
 - c. Minimum Rear Yard - Fifteen feet (15'); twenty feet (20') for rear garage entry
3. Maximum Lot Coverage - Fifty percent (50%) for the main building; sixty-five percent (65%) for the main building and any accessory buildings, driveways and parking areas combined

E. Parking Regulations

- 1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure, plus one (1) additional parking space on the paved driveway.
- 2. Visitor Parking - One (1) parking space per dwelling unit (off-street) which is located within three hundred feet (300') of each dwelling unit.
- 3. Other - See Article XVI, Off-Street Parking and Loading Requirements

F. Minimum Floor Area per Dwelling Unit – One thousand five hundred (1,500) square feet.

G. Minimum Exterior Construction Standards – All exterior wall elevations of each primary structure and any detached garage shall be constructed of one hundred percent (100%) masonry construction to include brick, stone, granite or marble; excluding doors and windows.

- H. Chimney Design - See Section XII.1.1(E)
- I. Minimum Lot Access No lot shall have less than thirty-five feet (35') access measured at the right-of-way line
- J. Minimum Landscaping Requirements – Sixty percent (60%) of the street yard; see Section XVII.1.6
- K. Screening Requirements – See Section XVII.5
- L. Special Requirements
 1. One side yard shall be reduced to zero feet, while the other side yard shall be a minimum of ten feet (10); fifteen feet (15') for a corner lot on the residential or collector street side, or twenty-five feet (25') for a corner lot on an arterial street). A minimum six-foot (6') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his/her house that is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four inches (24").
 2. All utilities shall be provided separately to each lot in the SF-PH district so that each dwelling unit is individually metered.
 3. Maintenance Requirements for Common Areas - A home owners association (HOA) is required for continued maintenance of common land and facilities.
 4. Usable Open Space Requirements – The required percentage of open space shall be in compliance with those set forth in the Provisional District Requirements, Article XIII.
 5. Landscaped Areas - Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement.
 6. Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-3 zoning district.
 7. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage, etc.

8. Recreational vehicles, travel trailers, camper trailers, campers, trailers, boats, boat trailers, motor homes or other recreational vehicles or equipment may not be used for on-site dwelling purposes, and shall be prohibited from being parked in this zoning district.
9. Electrical fencing and barbed wire is prohibited as perimeter fencing.
10. Open storage is prohibited (except for usable materials for the resident's personal use or consumption such as firewood, garden materials, lawn equipment that is in usable and running condition, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
11. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').
12. Swimming pools, spas and hot tubs shall comply with the Uniform Swimming Pool, Spa and Hot Tub Code, as amended, and the City of Glenn Heights' Codes and Ordinances pertaining to same.
13. Site Plan approval shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-PH district. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.

M. Other Regulations – See Articles XII, XV, XVI and XVII and standards established by the Subdivision Regulations.

IX.3.3 MF – Multi-Family Residential District

A. General Purpose and Description

The Multi-Family Residential, "MF", district is intended to promote the development of and be comprised of attached residential dwellings for more than two families. The maximum density is fourteen (14) dwelling units per acre. The principal permitted land uses will include low- and mid-rise multiple-family dwellings and garden apartments. MF is available only as a Provisional District and shall, in no instance, account for more than fifteen percent (15%) of the total residential units within the approved development. Development meeting the MF district criteria shall be grouped together and may be used as a buffer between residential and non-residential districts. Recreational, religious, health and educational uses normally located to service residential areas are also

permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between non-residential development or heavy automobile traffic and medium- or low-density residential development. Areas zoned for the MF district shall have, or shall make provision for, City of Glenn Heights' water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. Permitted Uses

1. Those uses listed for the MF district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).
2. Multiple-Family Dwellings greater than two (2) units per building.
3. Municipally-owned facilities and uses.
4. Leasing offices for the apartment complex.
5. Temporary field construction offices for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work, by order of the Building Official. Specific time allowed and location shall be specified by the Building Official.
6. Accessory buildings and uses customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business, except as provided herein:
 - a. The term “accessory use” shall include home occupations as defined in Article XIX, Definitions.
 - b. Accessory buildings greater than two hundred fifty (250) square feet require a Specific Use Permit (SUP), must be “site built” and conform to the following conditions:
 - i. The exterior must be constructed of like and similar materials to those of the primary structure;
 - ii. The accessory building, including any item attached to its roof, shall not exceed a maximum height of fifteen feet (15') at its tallest point;

- iii. The accessory building shall be constructed with a roof pitch matching that of the primary structure;
 - iv. Accessory buildings located closer than ten feet (10') from a side or rear lot line of a corner lot, must be screened from the side and rear with an opaque fence of a minimum six feet (6') in height; and
 - v. See Section XII.1.3 for additional accessory building regulations.
- 7. Swimming Pool (available for use by the residents and guests of the multi-family complex).
 - 8. Common areas, community center, recreation center, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.
 - 9. Such uses as may be permitted under the provisions of Specific Use Permits, Section XI.4.4, for Multiple Family (MF) Districts.

C. Maximum Height

- 1. Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house; where a structure exceeds twenty-five feet (25') in height, it shall be set back from the front property line one (1) additional foot beyond the required front yard setback for each foot above twenty-five feet (25') in height.
- 2. Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, carports, gazebo, clubhouse, mail kiosks, laundry rooms, etc.
- 3. Other requirements (see Section XV.1.9).

D. Area Regulations

- 1. Size of Lots
 - a. Minimum Project Area - Determined by Planned Development and maximum percentage for Provisional District.
 - b. Minimum Lot Area –Three thousand (3,000) square feet per dwelling unit, not to exceed fourteen (14) dwelling units per acre (calculated on gross platted acreage).
 - c. Minimum Lot Width – One hundred feet (100')
 - d. Minimum Lot Depth - One hundred twenty feet (120')

- e. Special Exception - If a property was platted or zoned for MF prior to the effective date of this Ordinance, then it can remain its original size and configuration and does not have to meet the minimum project size, lot width or lot depth stated above. The property shall conform to all other MF development standards herein, unless the building setbacks shown on a recorded Plat vary from those contained herein, in which case the platted setbacks shall prevail unless a Replat modifies same.

2. Size of Yards

- a. Minimum Front Yard - Forty feet (40'). All areas adjacent to a street shall be deemed front yards.
- b. Minimum Side and Rear Yard –Twenty feet (20'), unless adjacent to a single-family or patio home district then side and rear setbacks shall be according to the height of the multi-family building, as follows:
 - i. One-story building – twenty feet (20')
 - ii. Two-story building – sixty feet (60')
 - iii. Over two-story building – seventy-five feet (75')
- c. Building Separation
 - i. One-story buildings - Fifteen feet (15') for buildings without openings; twenty-five feet (25') for buildings with openings
 - ii. Two-story buildings (or a two-story building adjacent to a one-story building) - Twenty feet (20') for buildings without openings; thirty-five feet (35') for buildings with openings
 - iii. Over two-story buildings (or an over two-story building adjacent to a one- or two-story building) – Thirty-five feet (35') for buildings with or without openings

3. Minimum Floor Area per Dwelling Unit

- a. Efficiency unit - Five hundred (500) square feet per unit.
- b. One bedroom unit - Eight hundred (800) square feet per unit.
- c. Two- or three-bedroom units - An additional one hundred fifty (150) square feet for every bedroom over one (e.g., three-bedroom unit must have eleven hundred (1,100) square feet, etc.).

- d. No units larger than three-bedroom is allowed.
- 4. Dwelling Unit Mix – Not more than fifteen percent (15%) of the dwelling units within a complex may be efficiency-type units and not more than ten percent (10%) of the dwelling units within a complex may have 3 bedrooms. The remaining minimum of seventy-five percent (75%) shall be a mix of one- and two-bedroom dwelling units.
- 5. Maximum Lot Coverage - Forty percent (40%) total, including main and accessory buildings; sixty percent (60%) for the main building and any accessory buildings, driveways and parking areas combined
- 6. Minimum Lot Access No lot shall have less than thirty-five feet (35') access measured at the right-of-way line

E. Parking Regulations

- 1. 1 enclosed, attached space for each efficiency unit
- 2. 2 enclosed, attached spaces for each one-bedroom unit
- 3. 2 enclosed, attached spaces and one covered space for each two- and three-bedroom unit
- 4. An additional one-half (1/2) parking space shall be provided for each bedroom, including efficiency, within the development. The additional parking spaces are not required to be enclosed or covered.
- 5. The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit. The minimum required enclosed parking spaces for dwelling units shall be enclosed and attached to the dwelling unit it serves. The remaining required parking spaces for each dwelling unit shall be covered. Both enclosed and covered parking spaces shall be constructed of a masonry product consistent and complimentary to the main structure and roof pitch to match the main buildings.
- 6. No covered parking space may be located closer than six feet (6') from any building or closer than two feet (2') from any side or rear lot line.
- 7. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms, low masonry walls that match the exterior finish of main buildings, or any combination of the above.
- 8. See Article XVI, Off-Street Parking and Loading Requirements, for additional requirements.

F. Minimum Exterior Construction Standards – All exterior wall elevations of each primary structure shall be constructed of one hundred percent (100%) masonry construction to include brick, stone, granite or marble; excluding doors and windows.

G. Refuse Facilities

1. Every multi-family dwelling unit shall be located within two hundred feet (200') of a refuse facility measured along the designated pedestrian and vehicular travel way. A refuse facility shall be at least six (6) cubic yards of refuse container shall be provided for every thirty (30) dwelling units (or portion thereof). A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family residential property and shall be located so as to provide safe and convenient pickup by refuse collection agencies.
2. Each refuse facility shall be screened from view, from persons standing at ground level on the site or immediately adjoining property, on three (3) sides by a solid screening wall of brick or stone masonry not less than six feet (6'), nor more than eight feet (8') in height or enclosed within a building, and on the fourth side by gates. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall have a gate and be located so as to provide safe and convenient pickup by refuse collection agencies. To the extent practicable, the location of the refuse facility shall be identified on the Site or Concept Plan.

H. Special Requirements

1. Driveway Spacing – See Section XIV.1.1
2. Site Plan Review – See Section XIV.1.5
3. Single family dwelling units constructed in this District shall conform to SF-E, SF-1, SF-2, SF-3 or SF-PH District standards respectively.
4. Recreational vehicles, travel trailers, camper trailers, campers, trailers, boats, boat trailers, motor homes, other recreational vehicles or equipment, or storage units, may not be parked or stored in this district nor used for on-site dwelling purposes.
5. Open storage is prohibited.

6. A Site Plan with facade elevations is required for all multi-family developments in this District in accordance with the requirements for Planned Development Districts and shall be an exhibit to the authorizing ordinance. See Section XIV.1.6.
7. Fire lanes, fire hydrants and dwelling unit distances from fire lanes and fire hydrants shall be in compliance with the International Fire Code (IFC) as adopted and as amended.
8. A four-foot (4') wide paved walkway shall connect the front door of each ground floor unit to the adjacent parking area. The minimum width of any sidewalk parallel and adjacent to head-in parking spaces shall be six feet (6') to accommodate a two-foot (2') bumper overhand for vehicles.
9. Buildings shall not exceed two hundred feet (200') in length.
10. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas. See Section XIV.1.3, Lighting.
11. All multi-family dwelling units shall have roof slopes with a minimum of 4:12 pitch.
12. Buildings with facades that are longer than fifty feet (50') shall have their facades broken up into smaller areas through the use of varying facade setbacks, arcades, architectural features such as recessed vestibules, columns, canopies, or other acceptable means.
13. Boats, campers, trailers, and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved Site Plan. This parking area shall not be used to meet the minimum parking requirements and shall not be in view from a public street.
14. All buildings containing residential units shall provide a sign, visible from the entrances, identifying the unit numbers (i.e., addresses) within the building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
15. All mechanical, heating, and air conditioning units shall be screened or hidden from view (See Section XIV.5.3, Screening).
16. Multi-family complexes shall have screening surrounding the property and have a security gate at each point of ingress/egress. All screening walls or other devices shall be placed on the property line. (See Section XIV.5.3, Screening.)

17. All living units will be equipped with washer and dryer connections.
18. Landscape Area Requirements – A minimum of ninety percent (90%) of the street yard and twenty percent (20%) of the total lot area shall be devoted to a combination of landscaping (i.e., pervious surface area) and usable open space (see above). See Section XVII.1.7 for landscaping requirements.
19. Screening Requirements - See Section XVII.5.3 for screening requirements.
20. Building Façade Plans (Elevations) – For any on-site facilities within the MF District, see Section XIV.1.6.
21. Site Plan approval (see Section VIII.13.3) shall be required for any multi-family or non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the MF district. Any nonresidential land use which may be permitted in this district shall conform to the “NS”-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.
22. Additional Special Requirements in Section XII.1.7
 - I. Special Provisional District Requirements – See Article XIII
 - J. Other Regulations - As established by Articles XII, XV, XVI and XVII and Subdivision Regulations.

IX.3.4 MH – Manufactured Home District

A. General Purpose and Description

The Manufactured Home, “MH”, district is a detached residential district establishing standards for the development of manufactured, HUD-code mobile home subdivisions. MH is available only as a Provisional District and shall, in no instance, account for more than fifteen percent (15%) of the total residential units within the approved development. Lots meeting the MH district criteria shall be grouped together and may be used as a buffer between residential and non-residential districts. Manufactured/ mobile home subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured/mobile home units. The Manufactured Home district establishes area and design requirements for subdivisions. Subdivisions shall provide open space and recreational areas appropriate for the acreage and number of units contained. Areas zoned for the MH district shall have, or shall make provision for, City of Glenn Heights’ water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved concrete streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. Permitted Uses

Those uses listed for the “MH” district in Section XI.1 (Use Charts) as “X” (permitted) or “S” (Specific Use Permit) are authorized uses permitted by right or specially permitted uses, respectively. Special permitted uses must be approved utilizing procedures set forth in Section XI.4.4 (Specific Use Permit).

The installation of mobile homes for use or occupancy as residential dwellings in the City of Glenn Heights, Texas is prohibited. This provision is prospective and shall not apply to any mobile home used and occupied as a residential dwelling in the City of Glenn Heights on the effective date of this Ordinance. An existing mobile home located in the City of Glenn Heights, as of the date of this Ordinance, will be allowed to remain on its existing site until it is removed from the City, or until the condition of the mobile home violates the Codes of the City. When the condition of the mobile home violates City Codes, the Building Official shall require the owner to repair, demolish or move the mobile home out of the City. To the extent required by state and federal law a mobile home may be replaced by a HUD Code Manufactured home with the limitation of one replacement and a HUD Code Manufactured Home may be replaced by another HUD Code Manufactured Home provided it is a newer manufactured home and is at least as large in living space as the prior manufactured home. Any and all structural repair or remodeling of a mobile home shall require a building permit and all work shall be done by a state-certified, licensed contractor or home occupied owner. An existing, but temporarily vacant, mobile home located in the City of Glenn Heights as of the date of this Ordinance, will be considered “occupied” for purposes of this provision if it has been an actual residential use within thirty (30) days prior to enactment of the Ordinance, is vacant for purposes of refurbishment for future residential use at the time of enactment of the Ordinance or subsequently becomes vacant for purposes of refurbishment for future residential use after enactment of this Ordinance, and such vacancy is terminated by actual residential use of a mobile home within sixty (60) days of enactment of this Ordinance.

C. Area Regulations

1. Size of Lot

- a. Minimum Project Size - Determined by Planned Development and maximum percentage for Provisional District.
- b. Minimum Lot Area - Seven thousand five hundred (7,500) square feet; also, the minimum average lot area shall be nine thousand (9,000) square feet in order to provide diversity in lot sizes within each MH neighborhood; maximum density three and one-half (3.5) dwelling units per acre
- c. Minimum Lot Width - Seventy feet (70')

- d. Minimum Lot Depth - One hundred feet (100')
2. Size of Yards
 - a. Minimum Front Yard - Twenty-five feet (25') from a public dedicated street or driveway.
 - b. Minimum Side Yard - Ten percent (10%) or seven feet (7') for interior side yard; fifteen feet (15') for a corner lot on a residential or collector street; twenty-five feet (25') for a corner lot on an arterial street.
 - c. Minimum Rear Yard - Twenty feet (20')
 3. Maximum Lot Coverage - Thirty-five percent (35%) for the main building; sixty percent (60%) for the main building and any accessory buildings, driveways and parking areas combined.
 - a. The entry (i.e., door) side of any garage shall have a thirty-five-foot (35') setback as measured from any property or street right-of-way line
 4. Minimum Floor Area per Dwelling Unit - One thousand five hundred and fifty (1,550) square feet; also, the minimum average floor area shall be one thousand seven hundred (1,700) square feet in order to provide diversity in dwelling sizes with each MF neighborhood.
 5. Maximum Lot Coverage - Thirty-five percent (35%) for the main building/unit; sixty percent (60%) for the main building and any accessory buildings, driveways and parking areas combined
 6. Minimum Lot Access - No lot shall have less than thirty-five feet (35') access measured at the right-of-way line
- D. Parking Regulations: A minimum of two (2) enclosed spaces attached to the dwelling unit by a covered breezeway and located on the same lot as the dwelling unit, plus two (2) additional parking space on a paved driveway having a minimum length of thirty feet (30') as measured from ten feet (10') interior of any paved or improved public surface (i.e., roadway, sidewalk). (See Article XVI, Off-Street Parking and Loading)
- E. Maximum Height Limit
1. Two and one-half (2.5) stories, or thirty-five feet (35') for the main building/house; where a structure exceeds twenty-five feet (25') in height, it shall be set back from the front property line one (1) additional foot beyond the required front yard setback for each foot above twenty-five feet (25') in height.

2. Fifteen feet (15') for other accessory buildings, including detached garage, garden shed, carports, gazebo, clubhouse, mail kiosks, laundry rooms, etc.
 3. Other requirements (see Section XV.1.9).
- F. Minimum Exterior Construction Standards – Skirting of a HUD-Code manufactured home or mobile home shall be of a product with the visual affect of brick or stone.
- G. Site Plan Requirement – All new Manufactured Home Subdivisions are allowed only as part of a Planned Development and, therefore, require a Site Plan submission for the City’s consideration. Site Plans shall conform to the requirements set forth in Section VIII.4.
- H. Mail Boxes – See Section XII.1.2
- I. Accessory Buildings – See Section XII.1.3
- J. Driveway – See Section XII.1.4
- K. Sidewalks – See Section XII.1.5
- L. Anchorage of Manufactured/Mobile Homes - To insure against natural hazards such as tornados, high winds and electrical storms, full anchorage for each manufactured/mobile home shall be provided according to the following:
1. All manufactured/mobile homes shall be provided an adequate foundation for the placement of tie-downs, thereby securing the superstructure against uplift, sliding, rotation and overturning;
 2. Such pad shall be constructed of concrete which shall adequately support the weight of the HUD-Code manufactured home which may be placed thereon and be durable and well drained under normal use and weather conditions;
 3. The height of the HUD-Code manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet (4') from the top of the pad;
 4. Provide anchors and tie-downs such as cat-in-place concrete “dead men”, eyelets embedded in concrete foundations or runway screw augers, arrowhead anchors, or other devices which secure the stability of the HUD-Code manufactured Home, and shall be placed at least at each corner of the HUD-Code manufactured home; and

5. Cover an area of at least two hundred forty (240) square feet or at least one-third (1/3) the area of the largest HUD-Code manufactured home which may be placed on the space, whichever is greater. No surface provided for a purpose other than the foundation of HUD-Code manufactured/mobile home shall be considered a part of such pad.

M. Skirting

1. All manufactured/mobile home units located in the City Limits shall provide skirting from the top of the unit's frame to grade prior to resident move-in. Also, see Subsection IX.3.4.F above.
2. All manufactured/mobile homes located in the City Limits as of the effective date of this Ordinance shall be required to have skirting no later than ninety (90) days from the enactment of this Ordinance. However, before being subject to a penalty for violation of this subsection, the City Manager or his/her designee shall serve the owner or occupant of any manufactured/mobile home without skirting with written notice, delivered by Certified Mail, of violation hereof requiring compliance within such time as designated therein;
3. Access to the underneath of the manufactured/mobile home shall be available for repair purposes only and not for storage and/or trash accumulation; and
4. A permit shall be applied and paid for prior to the installation of skirting.

N. Special Requirements

1. Single-family, patio home, or townhouse residential units constructed in this district shall conform to SF-E, SF-1, SF-2, SF-3, or SF-PH district standards, respectively.
2. Site Plan approval shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the MH district. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc. See Section VIII.13.3 and IX.2.7.
3. Building Façade Plans (Elevations) – For any on-site facilities within the MH District, see Section XIV.1.6.
4. Specific On-Site Storage Prohibited – See Section XIV.1.7

5. The storage, handling and use of liquefied petroleum gasses and flammable liquids shall be done in compliance with all applicable City ordinances and State laws.
6. All applicable City of Glenn Heights codes and ordinances, including all Building, Plumbing, Electrical and Fire Codes as adopted and all applicable laws of the State of Texas are in force in this district.
7. Additional Special Requirements in Section XII.1.7

O. Special Provisional District Requirements – See Article XIII

P. Other Regulations - As established by Articles XII, XV, XVI and XVII and Subdivision Regulations.

SECTION 4 OVERLAY AND SPECIAL DISTRICTS

IX.4.1 Purpose

Overlay districts shall be used in conjunction with base zoning districts where it is appropriate to do so. In the use of the following overlay zoning classifications, the base district shall remain in effect as it is already in existence unless changed by zoning amendment and in accordance with the provisions of Article IV (Zoning Amendments, Appeals and Variances). New base districts or changes in existing base districts may be requested at the same time overlay or special prefix districts are requested.

IX.4.2 PD – Planned Development District

A. General Description and Purpose

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

adjustment of changing demands to meet the current needs of the community. This tool shall be required to meet one or more of the following purposes:

- i. To provide for a superior design on lots or buildings;
- ii. To provide for increased recreation and open space opportunities for public use and enjoyment;
- iii. To provide amenities or features that would be of special benefit to the property users or to the overall community;
- iv. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, viewscapes, or wildlife habitats;
- v. To protect or preserve existing historical buildings, structures, features or places;
- vi. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- vii. To meet or exceed the standards of this Ordinance.

2. Planned Development applications that do not meet or exceed the minimum requirements of this Ordinance shall be recommended by staff to be denied. Staff will provide to the Planning and Zoning Commission and City Council a written report of deficiencies.

B. Permitted Uses

1. An application for a PD district shall specify the base zoning district(s) upon which the PD is based, and the use or the combination of uses proposed (particularly if any of the proposed uses are not allowed by right in the base zoning district). PD designations shall not be attached to SUP requirements. Specific Use Permits allowed in a base zoning district(s) are allowed in a PD only if specifically identified as allowable by SUP at the time of PD approval, and if specifically cited as an “additional use” (i.e., to those allowed by right in the PD) in the ordinance establishing the PD. Any use that is not specifically cited as permitted (by right or by SUP) in the applicable base zoning district(s) or the PD Ordinance shall be prohibited unless the PD Ordinance is amended using the procedures set forth in this Section and in Article IV (Zoning Amendments, Appeals and Variances) of this Ordinance.

2. In the case of residential PD districts, the proposed lot sizes shall generally be no smaller than the lot sizes allowed in the base zoning district for each type of housing (e.g., single-family) except for minor changes in a small percentage of the lots in order to provide improved design, or to provide flexibility in the layout of the subdivision or diversity in lot size choices. A residential PD shall strive to provide choice and variety in lot sizes throughout the neighborhood by specifying an average lot size that is larger than the minimum lot size, and that will truly accomplish the purpose of providing a variety of lot sizes.

C. Planned Development Requirements

1. In the PD District, uses shall conform to the standards and regulations of the Zoning District to which it is most similar and the particular zoning district must be stated in the granting Ordinance as the base zoning district or districts. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete).
2. The City Council of the City of Glenn Heights, Texas, after Public Hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a Planned Development (PD) overlay district.
3. The Ordinance granting a PD district shall include a statement as to the purpose and intent of the PD district granted therein. A specific list is required of deviations in each district or districts and general statement citing the reason for the PD request.
4. Development requirements for each separate PD District shall be set forth in the amending Ordinance granting the PD District and may include, but not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, buffer zones between uses, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate. The Planned Development District shall conform to all other sections of this Ordinance, the Subdivision Regulations and the City's Code of Ordinances, unless specifically excluded in the granting Ordinance.
5. The Planned Development request shall require a minimum of two (2) distinct uses, residential and/or non-residential. A PD District shall not be utilized to vary the standard requirements of a single straight zoning district to accommodate the financial or development desires of the applicant.

6. The minimum acreage for a planned development request shall be as follows:
 - a. Single-family residential development (e.g., A, SF-E, SF-1, SF-2, SF-3) - Thirty (30) contiguous acres
 - b. Provisional Districts (e.g., SF-4, SF-PH, MF, MH) – Minimum acreage of a Provisional District shall be determined by the maximum acreage set in Sections IX.3.1, IX.3.2, IX.3.3, and IX.3.4 of this Ordinance and the accompanying mix of uses proposed in the Planned Development application.
 - c. Nonresidential development (including office, neighborhood service, retail, commercial or industrial) development - Ten (10) contiguous acres
 - d. Mixed-use development - The minimum acreage for each portion of a mixed-use PD district shall be as set forth above for each type of land use within the mixed-use district (unless this requirement is recommended by the Planning and Zoning Commission, and waived by City Council upon approval of the PD district, due to unusual size constraints that are unique to the subject land parcel itself).
 - e. Any type of development within the Town Center (TC) area - No minimum acreage requirement, provided that the request is deemed to be in substantial conformance with the TC district regulations with some minor flexibility that would allow and encourage favorable development or redevelopment of a property, and provided that the request cannot be construed as “spot zoning”.
7. A PD request, which shall be based upon more than one (1) base zoning district, shall also include a legal (i.e., metes and bounds) description and graphic exhibit describing/showing the proposed boundaries of each respective area and its base zoning district (e.g., shown as “Proposed PD-SF-2”, “Proposed PD-NS”, etc.).
8. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.
9. As part of the zoning application for a Planned Development, the City Manager or his/her designee may require submission of a written report that discusses the impact the proposed PD will have on City water and wastewater utility systems, the local and regional storm drainage system, private utility service systems (i.e., cable TV, telephone, electric, gas, etc.), solid waste collection, City and other entities’ tax base, public safety (i.e., police, fire, emergency medical services, etc.), public schools (i.e., number of school-age children anticipated) and traffic on surrounding and other nearby roadways.

Letters from the City's utility and engineering personnel, the School District, and private utility providers may be required prior to approval of the PD in order to ensure that the proposed development will not unreasonably overload these essential systems and services.

10. (See Article VIII for platting standards)

D. Establishment - In establishing a Planned Development District in accordance with this Section, the City Council shall approve and file as part of the amending Ordinance appropriate plans and standards for each Planned Development District. To facilitate understanding of the request during the review and public hearing process, the concurrent submission of a Concept Plan for the proposed non-residential or Provisional District project, or a Land Study for a proposed Single-Family residential project, shall be required along with the PD zoning application. A Preliminary Plat may be submitted in lieu of the Concept Plan for a Single-Family PD (see the Subdivision Regulations for submission and other requirements) if the applicant prefers to do so, and if the applicant wishes to expend the resources and funds necessary to prepare a complete Preliminary Plat submission.

1. Concept Plan - The Concept Plan shall be submitted by the applicant at the time of the PD request. The Plan shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and, as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s) which further describe and explain the following requirements.

a. Residential Concept Plan - A Concept Plan for residential land use shall show general use, thoroughfares and preliminary lotting arrangements. (See Section VIII.12 of this Ordinance for Concept Plan requirements and procedures.)

i. A Concept Plan shall be submitted with any residential PD zoning request for a development comprised of single-family dwellings on individually platted lots, and shall show general uses, phasing of the development, access, thoroughfares, alleys (if proposed), preliminary lot arrangements, proposed densities, proposed screening, landscaped or private amenity areas, project scheduling and other pertinent development data.

ii. For residential development which does not propose platted lots, the Concept Plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, project scheduling, and other pertinent development data.

- b. Non-Residential Concept Plan - A Concept Plan shall be submitted with any nonresidential, single-family, or Provisional District PD zoning request, and shall clearly show all pertinent aspects of the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the Planning and Zoning Commission or City Council, may include but is not limited to the types of use(s), access, topography and boundary of PD area, physical features of the site, existing and proposed streets, alleys and easements, location of existing and proposed public facilities, building heights and locations, parking areas and ratios, fire lanes, screening and landscaped areas, project phasing and scheduling, buffer zones between residential and non-residential uses, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the Preliminary Plat. (See Section VIII.12 of this Ordinance for Concept Plan requirements and procedures.)
- i. For a single-family PD (or portion of a PD) – A Preliminary Plat (see the Subdivision Regulations) shall be submitted for approval within one (1) year from the approval date of the PD covered by the overall PD Concept Plan. If a Preliminary Plat is not submitted within one (1) year, then the PD Concept Plan shall be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity. If the City determines that the PD Concept Plan is no longer valid or that the proposed development is no longer viable, then a new PD Concept Plan (along with a zoning application to amend the PD Ordinance and its accompanying Concept Plan) must be submitted for review and approval prior to Preliminary Plat review/approval (and any subsequent issuance of a building permit) for any single-family portion of the PD district.
- ii. For a nonresidential, single-family attached, or Provisional District PD (or portion of a PD) – A detailed Site Plan and Preliminary Plat shall be submitted for approval (in accordance with Subsection IX.4.2(D)(1)(c) below, and with Section VIII.4 of this Ordinance, and with the Subdivision Regulations) within one (1) year from the approval date of the Concept Plan for all or some portion of the PD covered by the overall PD Concept Plan. If a detailed Site Plan and Preliminary Plat are not submitted within one (1) year, then the PD Concept Plan may be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity. If the City determines that the PD Concept Plan is no longer valid or that the proposed development is no longer viable, then a new PD Concept Plan (along with a zoning application to amend the PD Ordinance and its accompanying Concept Plan) must be submitted for review and approval prior to detailed Site Plan and Preliminary Plat review/approval (and any subsequent issuance of a building permit)

for any nonresidential, single-family attached, or Provisional District PD or portion of the PD district.

- c. PD Site Plan (detailed) – Submission and approval of the detailed PD Site Plan shall be in accordance with Section VIII.4 of this Ordinance, and shall accompany an application for a nonresidential, multi-family, single-family attached, or Provisional District Planned Development zoning if the applicant prefers to submit the detailed Site Plan in lieu of the required PD Concept Plan. The detailed PD Site Plan will establish the final plans for development of the Planned Development district (or any portion thereof), and it shall substantially conform to the site layout and development data approved on the PD Concept Plan (adopted along with the PD Ordinance). If a PD Concept Plan was previously approved for the overall PD district, then a detailed PD Site Plan (along with the required engineering/architectural site construction plans and Preliminary Plat) may be submitted for only the sections or lots that are proposed for immediate development rather than for the entire PD. If no Concept Plan was approved with the Ordinance establishing the PD, then a Concept Plan for the entire PD must be submitted and approved prior to approval of a detailed Site Plan (along with the required engineering/architectural site construction plans and Preliminary Plat) for only the portion(s) of the PD that are proposed for immediate development. (See Section VIII.4 of this Ordinance for Site Plan requirements and procedures.)

For any single-family residential district (A, SF-E, SF-1, SF-2, SF-3, SF-4, SF-PH, MH) a Final Plat shall qualify as the Site Plan.

- d. Lapse, Extension and Reinstatement of PD Concept Plan or PD Site Plan shall be in accordance with the provisions of Section VIII.10 of this Ordinance (Lapse of Concept Plan or Site Plan Approval).
- E. Approval Process and Procedures - The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Article IV of this Ordinance. This procedure is further expanded as follows for approval of Concept or Site Plan.
1. The Planning and Zoning Commission shall consider and make a recommendation to City Council on the Concept Plan or Site Plan after holding a Public Hearing. In order for the Planning and Zoning Commission to make a recommendation:
 - a. The applicant submits adequate data with the request for the Planned Development District to fulfill the requirement for a Concept Plan or detailed Site Plan;

- b. Information on the Concept Plan and attached application is sufficient to determine the appropriate use of the land and the Preliminary Plat will not deviate substantially from it.
 - c. If the above two conditions are not met, then the applicant shall submit any and all additional required information and another public hearing must be held by the Planning and Zoning Commission prior to a recommendation of the Concept Plan and/or detailed Site Plan.
 2. After sufficient Public Notice of a separate Public Hearing on the application and upon the City Council receiving the recommendation from the Commission, the City Council shall consider the PD application, all development requests and the Concept Plan and/or detailed Site Plan.
 3. The Ordinance establishing the Planned Development District shall not be approved or adopted until the Concept and/or Site Plan is approved by City Council and until all other procedural requirements set forth in Article VIII are satisfied. The Concept Plan and/or Site Plan, Architectural Plan (Elevations), legal description, proof of ownership and other required documents shall be attached to the PD Ordinance as an Exhibit.
 - a. The Concept Plan or Site Plan may be approved in sections. When the Plan is approved in sections, then separate approvals by the Planning and Zoning Commission and City Council for the initial and subsequent sections will be required.
 - b. A Concept Plan or Site Plan shall be submitted for approval within six (6) months from the approval of the Concept Plan for some portion of the Concept Plan. If a partial Development Plan is not submitted within six (6) months, the Concept Plan is subject to review by the Planning and Zoning Commission and City Council. If the entire project is not started within two (2) years, the Planning and Zoning Commission and City Council may review the original Concept Plan to ensure its continued validity. If the City determines the concept is not valid, a new Plan must be approved prior to issuing a building permit for any portion of the PD District.
 - c. Although a Public Hearing may not be required for the Development Plan, approval by the Planning and Zoning Commission and City Council is still required.
- F. When a zoning request for a PD District is being considered, a written report from the City Manager or his/her designated representative, discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic, and written comments from the applicable public school district, and from private utilities may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City

Council. In the event written comments are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, make a recommendation to the City Council without said comments or advisement.

- G. If three (3) or more buildings are situated on one lot, regardless of the zoning classification, a Conceptual Plan and/or a Development Plan (Detail Site Plan) shall be submitted for consideration and possible approval by the Planning and Zoning Commission and City Council. No public hearing is required unless such Plan is/are attached to the original zoning amendment or PD Ordinance.
- H. All Planned Development Districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts shall be maintained in the City Secretary's office. All approved Planned Development Districts shall comply with this Article.
- I. Prior to adoption of this Ordinance, the City Council had established various Planned Development Districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Code shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development Districts shown on the Zoning Map at the date of adoption.

IX.4.3 PD-ED – Planned Development – Economic Development District

A. Purpose and Intent

1. The Planned Development – Economic Development, “PD – ED”, District is a tool that can provide greater flexibility for a variety of large retail and light commercial uses by allowing for unique and innovative concepts in land use not permitted by other zoning districts in this Ordinance. These projects will promote economic development while encouraging reliable sales tax revenue streams and enhancing the quality of life for the citizens of the City of Glenn Heights. While greater flexibility is given to permit special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to insure against misuse of increased flexibility. The approval and creation of a PD – ED District, a successful economic development incentive application and combined with herein specified conditions, the City may choose to participate with the owner/developer in an economic development incentive package.
2. The PD – ED District may only be applied to property of high visibility and has ease of ingress and egress. Two Planned Development (PD) classifications are created by this enabling ordinance. Properties adjacent to, within twelve hundred feet (1200') of or is a tract that its point of beginning is within the 1200' of the Interstate 35 and future Loop 9 corridors may be

available for Planned Development – Economic Development Tier One (PD – ED Tier 1) classification. Properties adjacent to, within three hundred feet (300') of or is a tract that its point of beginning is within the 300' of other Major Arterials (e.g., 4-lane divided or larger) may be available for Planned Development – Economic Development Tier Two (PD – ED Tier 2) classification. Unless otherwise referenced independently, the overall classification shall be referred to as “PD – ED”. Each classification, PD – ED Tier 1 and PD – ED Tier 2, are depicted on Illustration “B”.

3. All regulations of the underlying base district that are not in conflict with the regulations of the PD – ED District shall apply. In the event of conflict between the regulations of the PD – ED District and the underlying base district, regulations of the PD – ED District shall control.

B. Economic Development Incentives

1. Owners or developers of the property have the right to apply for economic development incentives offered by the City provided the applicant meets all applicable guidelines as set forth in the City’s Economic Development Incentive Program as adopted by Resolution No. 298-97, and as it may be amended. PD – ED District approval is subject to specific requirements satisfying the City’s economic development goals as set forth in the City’s Economic Development Incentive Program.
2. New private capital investment, exclusive of land values and related to targeted retail, commercial and industrial uses will be considered for economic development incentives will be considered in accordance with the City’s Economic Development Incentive Program, as it exists and as it may be amended. Targeted uses include large retail facilities, office complexes, shopping and personal service centers, hotels, restaurants, movie theaters, museums or any combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. Further targeted uses include corporate campus, business parks, resort uses, business uses related to the telecommunications industry, clean manufacturing uses related to the telecommunications industry and/or electronic components and logistical warehousing and distribution uses related to the telecommunications industry, electronic components or other high-value products.
3. Such incentives will be considered and negotiated on a project-by-project basis commensurate with the quality and character of the development and the extent to which it contributes to accomplishing community character and quality of life objectives. Incentives will be considered for approval by the City Council only after community input and public hearing and may include, but are not limited to: expedited development review, permit fee waivers, infrastructure assistance, public-private partnerships and performance-based

ad valorem tax abatements. Give-back provisions shall be included in the event of non-performance. The purpose of this criterion is to promote a vigorous, diversified and regionally competitive economy, while creating a balanced tax base to ensure the City's long-term financial ability to respond to the service demands of both new and existing development without placing a disproportionate tax burden on homeowners.

4. At the request of the applicant for a targeted retail, commercial and/or industrial use exceeding the amount specified in the City's Economic Development Incentive Program for new private capital investment, exclusive of land values, the City Council may consider approval of certain project-specific waivers and/or incentives only after community input and public hearing. Such waivers or incentives may include, but are not limited to: expedited development review, permit fee waivers, infrastructure assistance, public-private partnerships and performance-based tax abatements. Give-back provisions shall be included in the event of non-performance. Consideration of such waivers and/or incentives shall precede consideration of the PD – ED.

C. "Go Green" Incentives

The City of Glenn Heights desires to take a proactive approach in improving the environment. The City recognizes how we grow today will influence not only how we live, but how future generations live. If we unanimously "Go Green" by developing a healthier and more environmentally-responsible community a difference can be realized not only in our community but in the nation and the world.

The City of Glenn Heights is taking a progressive approach in the "Go Green" movement by making available "Go Green" development incentives for those projects that seek to mitigate the effects of urbanization, ensure growth does not occur at the expense of environmental quality, preserves natural landscapes and sensitive ecological resources and as much open space as possible.

1. Following are the principles by which the "Go Green" development incentives will be judged and awarded. In order to qualify for incentives no less than fifty percent (50%) of the following points shall be included in a submitted project:
 - * Mix land uses to produce a "live, work, play" community;
 - * Take advantage of compact building design;
 - * Provide a variety of transportation choices and encourage walkable projects;
 - * Design landscape utilizing SmartScape and/or Xeriscape criteria;
 - * Preserve open space, natural landscape and ecological resources while reducing impervious surfaces;
 - * Water conservation (i.e., E. T. irrigation sensors);
 - * Promote and utilize recycling;

- * Utilize environmentally-friendly lighting sources, appliances, mechanical equipment, etc.; and
 - * Exceed the minimum energy standards as adopted in the current International Energy Code (IEC).
2. Such incentives will be considered and negotiated on a project-by-project basis commensurate with the quality and character of the development and the extent to which it contributes to accomplishing community goals for improving the environment and quality of life. Incentives will be considered for approval by the City Council only after community input and public hearing and may include, but are not limited to: expedited development review, permit fee waivers, infrastructure assistance, public-private partnerships and performance-based ad valorem tax abatements. Give-back provisions shall be included in the event of non-performance. The purpose of this criterion is to promote a vigorous, diversified and regionally competitive economy, while creating a balanced tax base to ensure the City's long-term financial ability to respond to the service demands of both new and existing development without placing a disproportionate tax burden on homeowners.
 3. At the request of the applicant who offers a "Go Green" project and a targeted retail, commercial and/or industrial use exceeding the amount specified in the City's Economic Development Incentive Program for new private capital investment, exclusive of land values, the City Council may consider approval of certain project specific waivers and/or incentives only after community input and public hearing. Such waivers or incentives may include, but are not limited to: expedited development review, permit fee waivers, infrastructure assistance, public-private partnerships and performance-based tax abatements. Give-back provisions shall be included in the event of non-performance. Consideration of such waivers and/or incentives shall precede consideration of the PD – ED.
 4. An incentive package available to qualifying developments shall not extend longer than 10 years, unless otherwise permitted under the City's Economic Development Incentive Program and agreed upon by City Council, and will be awarded incrementally depending on the characteristics and quantity of the proposed project.

D. Permitted Uses

1. PD – ED Tier 1
 - a. Any permitted use in the base zoning district for the subject property shall be allowed in a PD – ED Tier 1 District.
 - b. Variations from the base zoning uses shall be identified by the applicant in the zoning request. After consideration by the Planning and Zoning

Commission and upon approval by the City Council the permitted uses and conditions necessary for the change shall specifically be identified in the establishing ordinance granting a PD – ED Tier 1 District. The size, location, façade, appearance and method of operation may be specified to the extent necessary to insure compliance with the purpose of this Ordinance and the Comprehensive Plan. The PD – ED Tier One District shall conform to all other regulations of the applicable base zoning districts(s) which are not specifically changed or excluded in the granting ordinance.

- c. Targeted retail uses for the PD – ED Tier 1 District include land use that qualifies for sales tax and/or hotel/motel tax generation. These uses include but are not limited to:
 - i. Convenience Store
 - ii. Department Store
 - iii. Electronic and Home Appliance Store
 - iv. Garden Center (5% outside/sidewalk display)
 - v. Grocery Store (minimum 20,000 sq. ft.)
 - vi. Health-related Store
 - vii. Home Improvement Centers (seasonal outside display only with SUP)
 - viii. Medical Supplies Store
 - ix. Retail Service, Incidental
 - x. Restaurant (drive-thru with SUP)
 - xi. Sporting Goods Store

- d. Targeted professional uses for the PD – ED Tier 1 District include but are not limited to:
 - i. Bank and Savings & Loan
 - ii. Hospital, Clinic and Medical facilities
 - iii. Museum or Art Gallery
 - iv. Neighborhood Service (maximum 5,000 sq. ft.)

- v. Professional Office Complex
 - vi. Radio Broadcasting without Tower
- e. Targeted leisure/entertainment uses for the PD – ED Tier 1 District include but are not limited to:
- i. Arts and Cultural Establishments
 - ii. Commercial Amusement (primarily indoor)
 - iii. Hotel (minimum 100 units, no outside unit entry)
 - iv. Indoor Movie Theater
 - v. Personal Fitness Facilities
 - vi. Resort
- f. In unique circumstances residential uses may be incorporated into the PD – ED Tier 1 District as a mixed use development; however, the residential uses may only constitute a minor portion (less than 10%) of the use and value generated from the development and may not occupy any ground-level space. The residential development, in whole or in part, will not qualify for economic development incentives, unless the City Council, through an Economic Development Agreement, takes such appraised taxable value into account in determining the appropriate incentive.
2. PD – ED Tier 2 Uses
- a. Any permitted use in the base zoning district for the subject property shall be allowed in a PD – ED Tier 2 District.
 - b. Variations from the base zoning uses shall be identified in the zoning request by the applicant. After consideration by the Planning and Zoning Commission and upon approval by the City Council the permitted uses and conditions necessary for the change shall specifically be identified in the establishing ordinance granting a PD – ED Tier 2 District. The size, location, façade, appearance and method of operation may be specified to the extent necessary to insure compliance with the purpose of this Ordinance and the Comprehensive Plan. The PD – ED Tier Two District shall conform to all other regulations of the applicable base zoning districts(s) which are not specifically changed or excluded in the granting ordinance.

- c. Targeted retail uses for the PD – ED Tier 2 District include land use that qualifies for sales tax and/or hotel/motel tax generation. These uses include but are not limited to:
 - i. Bakery
 - ii. Convenience Store
 - iii. Department Store
 - iv. Electronic and Home Appliance Store
 - v. Garden Center (maximum 15% outside display)
 - vi. Grocery Store (minimum 12,000 sq. ft.)
 - vii. Health-related Store
 - viii. Home Improvement Centers (maximum 10% outside display)
 - ix. Medical Supplies Store
 - x. Retail Service, Incidental
 - xi. Restaurant (drive-thru with SUP)
 - xii. Sporting Goods Store

- d. Targeted professional uses for the PD – ED Tier 2 District include but are not limited to:
 - i. Bank and Savings & Loan
 - ii. Funeral Parlor or Mortuary
 - iii. Golf Course and Country Club
 - iv. Greenhouses and Nurseries
 - v. Hospital, Clinic and Medical facilities
 - vi. Museum or Art Gallery
 - vii. Neighborhood Service uses (maximum 5,000 sq. ft.)
 - viii. Professional Office Complex

- ix. Radio Broadcasting without Tower
- e. Targeted leisure/entertainment uses for the PD – ED Tier 2 District include but are not limited to:
 - i. Arts and Cultural Establishments
 - ii. Commercial Amusement, inside (outdoor with SUP)
 - iii. Hotel (minimum 75 units, no outside unit entry)
 - iv. Indoor Movie Theater
 - v. Miniature Golf, Driving Range and Putting Course
 - vi. Drive-in Movie Theater (with SUP)
 - vii. Personal Fitness Facilities
 - viii. Private Club with Alcoholic Beverage Sales
 - ix. Resort
 - x. Roller Skating Rink
- f. Targeted industrial uses for the PD – ED Tier 2 District include but are not limited to:
 - i. Assembly of Electronic Instruments and Devices
 - ii. Automotive repair shop
 - iii. Commercial School
 - iv. Distribution Warehouse
 - v. Drugs and Pharmaceutical Manufacturing
 - vi. Dry Cleaning Plant or Commercial Laundry
 - vii. Electronic Manufacturing
 - viii. Glass Products from Previously Manufactured Glass
 - ix. Instrument and Meter Manufacturing

- x. Medical Laboratory
 - xi. Optical Goods Manufacturing
 - xii. Research and Scientific Laboratories
- g. In unique circumstances residential uses may be incorporated into the PD – ED Tier 2 District as a mixed use development; however, the residential uses may only constitute a minor portion (less than 20%) of the use and value generated from the development and may not occupy any of the ground-level space. The residential development, in whole or in part, will not qualify for economic development incentives, unless the City Council, through an Economic Development Agreement, takes such appraised taxable value into account in determining the appropriate incentive.

E. Conditional Uses

Requested uses which are to be conditioned on other criterion shall be clearly identified and defined by the applicant. Conditional uses shall be considered by the Planning and Zoning Commission and City Council utilizing procedures set forth in Article IV. If approval is given the conditions will be detailed in the amending ordinance.

F. Permitted Accessory Uses

When varying from the uses within the underlying zoning district the applicant shall provide a list of requested accessory uses and the conditions necessary for change in standards from the underlying zoning district. These permitted accessory uses shall be considered by the Planning and Zoning Commission and City Council and, if approved, will be detailed in the amending ordinance.

G. Limitation of Uses

Uses prohibited shall be those uses specifically prohibited within the underlying zoning district. The following uses are expressly prohibited within any PD – ED District and cannot be established as a permitted, conditioned or accessory use under any circumstances:

1. Batch plants
2. Commercial parking lots
3. Freight forwarding warehouses
4. Mini Warehouses

5. Office Warehouse
6. Off-premise/billboard signage
7. Outside storage of material/equipment
8. Pawn shops
9. Retail establishments for used car sales and service
10. Retail sales of building materials displayed in an unenclosed or incompletely enclosed area with outside storage
11. Salvage/wrecking yards

H. Density Requirements

The City of Glenn Heights encourages the applicant to be creative with the design and layout of PD – ED Districts. Flexibility may be granted for requirements associated with density, lot size, open space, building coverage and impervious coverage; however, following are examples of appropriate guidelines. When varying from the guidelines the applicant shall provide adequate information for consideration.

1. Maximum Building Height
 - a. PD – ED Tier One and PD – ED Tier Two: Two (2) stories or thirty-five feet (35') for the main building(s)
 - b. One (1) story for accessory buildings
2. Area Regulations
 - a. Size of Lot
 - i. Minimum Lot Area –

PD – ED Tier One: Ten (10) acres (435,600 sq. ft.)
PD – ED Tier Two: Two (2) acre (87,120 sq. ft.)
 - ii. Minimum Lot Width –

PD – ED Tier One: Five Hundred feet (500')
PD – ED Tier Two: Two hundred feet (200')

In the event an Industrial (“I”) District achieves access from the Tier One frontage, the minimum access shall be Fifty feet (50’) and meet or exceed all required landscaping.

iii. Minimum Lot Depth –

PD – ED Tier One: Five hundred feet (500’)

PD - ED Tier Two: Two hundred feet (200’)

b. Size of Yards

i. Minimum Front Yard – Tier One – Sixty feet (60’) and Tier Two - Thirty feet (30’) from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard.

ii. Minimum Side and Rear Yard – Fifteen feet (15’) unless adjacent to a residentially zoned property.

iii. Minimum Side and Rear Yard Adjacent to a Residential District – Twenty-five feet (25’) for a building of fifteen feet (15’), and an additional one foot (1’) for each foot above fifteen feet (15’).

iv. Interior Side Yards – The interior side yard setback between two (2) non-residential buildings may be reduced to zero feet (0’) where the two buildings share a common interior lot line, where construction of a party wall in accordance with the City’s Building Codes is used, and when approved by the City Council on the Site Plan following a favorable recommendation by the Planning and Zoning Commission. Where such a reduced side yard setback is utilized, the equivalent open space and landscape plantings and buffers that are normally required along a shared side property boundary shall be provided elsewhere on each respective affected lot (i.e., this requirement shall not be waived but provided elsewhere on site). Furthermore, applicant shall display on the Site Plan all required fire access. Approval of a Site Plan that shows such a reduced 0’ side yard setback between two non-residential buildings shall be discretionary in nature, and shall be based upon an analysis of the location, the configuration, and the impact and compatibility of the proposed construction with respect to adjacent land uses and structures.

c. Maximum Lot Coverage – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

d. Maximum Floor-Area-Ratio (FAR) –

PD – ED Tier One: One to one (1:1)
PD – ED Tier Two: Point five to one (.5:1)

- e. Maximum Building Size – The maximum building foot print (first floor) area of a structure shall be determined by applying the lot's size, minimum building setbacks, maximum of 50% lot coverage, minimum, parking requirement, minimum landscaping percentage and other pertinent development requirements.

I. Off-Street Parking and Loading Requirements

Requirements associated with off-street parking shall be initially established in accordance with Article XVI of this Ordinance (Off-Street Parking and Loading Requirements) and the underlying use or zoning district. When varying from these guidelines the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from those established.

J. Exterior Building Material

The City of Glenn Heights encourages the development of properties unique in design and that which aides in creating and following through with a theme. The façade of a building should be utilized to create an inviting atmosphere and excitement about the associated business. However, the City also requires materials to be used that will create integrity of the facility, withstand harsh elements and that will endure time. These requirements allow adequate variations for independent and unique design.

1. Masonry Requirement - One hundred percent (100%) of the exterior of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials indicated below:
 - a. Brick, stone, cast stone, rock, marble and granite.
 - b. Stucco may be used on up to 40% of a building façade but must be an authentic lath and stucco technology. Dryvit type systems (“EIFS” – Exterior Insulation and Finish Surfaces) or Styrofoam products may not be used. Control joints in stucco must be coordinated with the architectural design and should be indicated on the plans submitted. No stucco board is permitted.
 - c. Architectural glass with less than twenty percent (20%) reflectance. However, only a maximum of twenty-five percent (25%) of a building façade may be constructed in architectural glass.

- d. Split-face concrete block, poured-in-place concrete and tilt-wall concrete. Concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs or other similar surface characteristics and adornments to enhance the façade on at least ten percent (10%) of each façade.
 - e. Allowed wall systems include tilt-up concrete panels and engineered steel wall panels with masonry-like exterior finish. The exterior surface of wall systems must be textured masonry or covered with brick or stone. When tilt-up concrete wall systems are used, the visual effect of the design must reflect the wall support of structural systems that allow attenuated subdivision between openings. Large areas of blank wall, typically seen when such systems are used for retail/industrial/distribution facilities, are not allowed. Rather the exterior wall must be finished providing a predominately masonry or themed (e.g., Texas star) appearance. Any portion of the tilt-up concrete wall system visually exposed in the building skin must be subdivided in a design that modulates with the features of the building elevation design (such as window bands or lines of structure).
 - f. Cementitious board materials (i.e., Hardy plank) shall not be allowed.
2. Additional Accent Materials – In addition, a minimum of ten percent (10%) of the following accent materials may be allowed, excluding all windows, doors and glass construction, in order to establish a unique architectural theme for the establishment.
- a. Baked-on color finish or anodized aluminum with specific exclusion to galvanized metal,
 - b. Glass Block, or
 - c. Tile
3. Side and Rear Facades – Sides not facing a road or residential area and rear facades shall be finished in a similar color, texture and material as the main front façade of the building.
4. Architectural Features – In addition to the features described in Section I above, the facades of all primary commercial structures which face a street shall also include key architectural features such as:
- a. All primary structures shall be designed with distinguishable architectural elements, such as a distinct base, wall and cornice or top.

- b. The use of arcades, covered walkways, architectural awnings, canopies or porticos is required along twenty-five percent (25%) of the primary façade and/or street facing facades.
 - c. Use of gables is permitted. Gables must be designed as: gable parapet, brick gables or craftsmanship gable.
 - d. No building façade shall extend for a distance greater than three times the mean elevation of the wall's height without having an off-set of fifteen percent (15%) or more of the wall's height. This off-set shall extend for a distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.
 - e. No horizontal wall shall extend for a distance greater than three times the height of the wall without changing height by a minimum of fifteen percent (15%) of the wall's height. The height change shall continue for a minimum distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.
5. Changes in Materials – The location of exterior wall material changes (e.g., brick to stucco or brick to stone) shall have a logical relationship to changes in the form of the structure and not be dictated by the simple economy. Material changes in the same wall plane are prohibited unless the dominant material is terminated with an architectural element such as a column or an offset. All materials must wrap the corner and change in one of the manners described above.
6. Roof – The implied visible purpose of the roof form is to perform those functions associated with a roof. This is to provide protection, sunshade and/or shed water. A roof which exists only to conceal mechanical equipment is not allowed. Roof guidelines are as follows:
- a. Sloped Roof Materials shall be one of the following:
 - i. Metal R Panel (baked-on color finish or anodized aluminum with specific exclusion to galvanized metal)
 - ii. Natural Stone
 - iii. High quality clay or concrete tile in warm gray or dark earth tone color range
 - iv. High quality composition shingle with a 40-year warranty or longer. Composition shingles shall be in gray or “weathered blend” color or other dark color.

All roof colors shall be limited to a “Verde”, dark bronze or naturally weathered or earth tone color.

- b. In instances where pitched roofs are constructed, it is important that the roof mass be balanced with the remainder of the building. Furthermore, design should allow for the intersecting of gables, dormers and other compositional components to achieve asymmetrical balance.
 - c. Flat roofs shall be concealed behind a parapet or an extension of the wall plane.
 - d. No plumbing stacks, venting stacks or roof mounted attic ventilators (except gable and/or dormer vents) shall penetrate the roof surfaces facing the street. Roof projections must be mounted straight and perpendicular to the ground plane and be painted to blend with the roof color. Roof projections and HVAC equipment mounted on the roof shall be screened from view and shall not be visible from any streets abutting or adjacent to the structure.
 - e. The minimum roof pitch, visible from the street, shall be 8:12.
7. Outdoor Storage and Accessory Buildings - Any accessory building or storage building, which is allowed under the zoning ordinance, shall be of like appearance to the primary building.

K. Landscaping and Open Space Requirements

As the City of Glenn Heights intends to promote SmartScape and Xeriscape with the adoption of this ordinance and desires to reward incentives for the use of those practices, the submission of creative open space and landscaping are encouraged.

If the applicant does not desire to utilize SmartScape or Xeriscape practices or benefit from the incentives associated with those practices, the requirements associated with landscaping and open space shall be initially established in accordance with Section XVII.1 of this Ordinance (City’s Landscaping and Open Space Regulations) and other specific, adopted City ordinances. When varying from the guidelines within the Landscaping and Open Space Regulations, the applicant shall provide the method for establishing the new standards and the conditions necessary for the change in standards from those established.

L. Utility Services

All utility service lines shall be underground.

M. Mechanical Equipment

All air conditioning compressors, boilers, power and meter boxes and satellite dishes must be completely screened from public view. Screening materials must consist of architectural devices that are logical visual extensions of the building design.

N. Building Services

All building services (i.e., delivery entrance) must be located on that side of the building which does not front public streets and shall be screened and/or hidden from the view of adjacent residential uses. Screening materials must consist of architectural devices that are logical visual extensions of the building design.

O. Fencing, Walls and Screening Requirements

1. In the event that a PD – ED District sides or backs upon any type of residential district screening is required. See Section XVII.5 for available screening options. Screening shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties
2. When screening is required between nonresidential and residential uses, it is the responsibility of the nonresidential use to construct and maintain the screening wall.
3. No wall or fence shall be erected in any front or side yard which is adjacent to a public street unless the wall or fence is required to screen the development from an adjacent residential area (particularly if the residence has, or could have, a back yard fence that would be exposed to view from the street if the required screening wall were not extended out to the street right-of-way). In this case, the wall or fence shall be extended out to the street right-of-way line by the developer of the nonresidential development and the wall or fence shall be finished on both sides in a material, manner and color that is compatible to the exterior finish materials used on the main building. Screening walls or fences shall be placed such that they do not impede the visibility of vehicles entering or exiting the nonresidential development.
4. Buffer-yards may be allowed in the front yard or side yard of a PD-ED District in a manner that they do not impede visibility for vehicles entering and exiting the development (see Section XVII.9 for sight visibility requirements). With the construction of buffer-yards in the front yard and/or side yard, masonry monument signs, approximately eight feet (8') tall by ten feet (10') long with up-lighting on the face of the sign, shall be constructed immediately interior of the public right-of-way for identification
5. All wall or fence construction requires a permit.

6. If open storage is approved by the City Council, the screening wall or fence shall be a minimum of six feet (6') in height and shall be constructed according to Section XVII.5 Walls, Fences and Buffer-yards

No outside storage may exceed the height of the wall, fence or buffer. Outside storage exceeding eight feet (8') shall require approval by the City in the Site Plan process.

7. Refuse storage areas (e.g., dumpster) which are not within a screened rear storage area and which are visible from any public right-of-way shall be visually screened by a minimum six-foot (6') solid brick or stone wall on at least three (3) sides. The fourth side, which is to be used for garbage pickup service, must provide a gate to secure the refuse storage area. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Reinforced concrete-paved pad sites and approaches (according to the City's Standard Construction Details as adopted or as may be amended) shall be provided for refuse facilities for loading and unloading.
8. Plans and specifications for screening walls or fences around ground-mounted utility structures (e.g., transformers, natural gas regulating stations, etc.) shall be approved in writing by the affected utility company and shall be submitted, along with an approval letter from the utility company, to the City Manager or his/her designee for review and approval prior to construction of said screening/fencing.

P. Lighting

In an effort to reduce negative effects on the environment, the City of Glenn Heights encourages the use of "GO GREEN" light sources. As stated in Subsection C ("GO GREEN") above, the City desires to participate in this initiative by offering incentives for these practices.

Standards of controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby properties by their owners and occupants while requiring adequate levels of lighting of parking areas.

1. The City of Glenn Heights desires to encourage and promote the development of properties unique in design and that which aides in creating or following through with a theme. The outside lighting of a building/complex/project should be utilized to compliment an inviting atmosphere and excitement about the associated business. However, the City requires materials to be used that will create integrity of the facility, withstand harsh elements and that will endure time. Minimum standards for light standards are set forth in Section XIV.1.3 (Lighting).

2. In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent properties, light sources (e.g., light bulbs) shall be oriented toward the center of the site or shielded so not to be visible from the nearest property line. This applies to refractory lenses that extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs.
3. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles.
4. Bare bulbs of 15 watts or more or strings of lamps are prohibited, except for temporary lighting not exceeding forty-five (45) days per year.
5. All off-street parking areas, for nonresidential uses in a PD – ED district, which are used after dark shall be illuminated beginning at sunset and continuing throughout the hours of use or until midnight, whichever is earlier. However, beginning at the close of business for each property and until sunrise a minimum of twenty percent (20%) of all parking area lighting shall remain illuminated. The following minimum requirements are set for lighting of parking areas:
 - a. On the parking area surface, an average of at least two (2) foot candles, initial measurement, and a minimum average of one (1) foot candle on a maintained basis.
 - b. Luminaries located in an off-street parking area on privately owned property shall be mounted at a height not to exceed thirty feet (30') as measured vertically from the horizontal surface of the nearest parking pavement.

Q. Sign

On-premise signage shall be provided in accordance with the City's Sign Ordinance as adopted and as may be amended. The City of Glenn Heights encourages the use of monument signs constructed of brick and/or stone and also encourages the submission of a comprehensive sign package to encompass all on-premise and off-premise signage that blends with the overall design of the project and avoids visual blight and pollution.

1. The purpose of this section is to allow for a specialized review of signs which may have meritorious design and seek to promote a unique quality for the proposed development, but which require special consideration. Such specialized review shall encompass the number, size, height, color, location, lighting and/or relation to adjacent property, to promote the public health, safety and welfare and be consistent with the goals of community character. The permitting of such evaluation of the physical impact of the proposed sign

on adjacent properties and to ensure adequate mitigation of potentially unfavorable factors, such as the number, size, height, color, location, lighting and other potentially unfavorable impacts. Under these provisions, any form of monument, statue, art work, tower, signage, as defined herein, or as proposed for a particular development as an architectural feature, other than a prohibited sign, may be presented as a comprehensive sign package for approval as stated herein.

2. No building permit shall be issued in any PD – ED District for any use for which a comprehensive sign package is sought under this section until a special sign permit has been approved according to the requirements of this section.
3. Any person, firm or corporation having a proprietary interest in any property within the City corporate limits requesting approval of a special sign permit as part of a PD – ED District shall submit an application and appropriate filing fee at the same time as the submittal of the zoning application with the following:
 - a. A clear description of the proposed comprehensive sign package.
 - b. A drawing, at a scale of not less than one-quarter inch (1/4”) to one foot (1’), including the following:
 - i. each sign proposed;
 - ii. the location of each proposed sign on a site plan at a scale of not less than one inch (1”) to two hundred feet (200’).
 - c. An 8 1/2” x 11” photo matte (PMT) reduction of any of the above drawings.
4. The City Council, after public hearing and proper notice to all parties affected and after public hearing and recommendation by the Planning and Zoning Commission, may authorize the issuance of special sign permits for the comprehensive sign package as part of the ED – PD.
5. The Planning and Zoning Commission, in considering and determining its recommendations to the City Council on any request for a special sign permit, may require from the applicant plans, information, operating data and expert evaluation concerning the location, function and characteristics of any sign proposed.
6. The City Council may, in the interest of the public welfare and to ensure compliance with this Ordinance, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In

authorizing the location of any use listed as a special sign permit, the City Council may impose such development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property from glare, offensive view of other undesirable conditions.

7. All special sign permits approved in accordance with the provisions of this Section shall be referenced on the Zoning District Map and a file containing all documents relevant to the application and disposition of such special sign permit shall be maintained by the City Manager or his/her designee.
- R. Temporary Outside Display - Temporary (i.e., not long-term or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, live vegetation etc.) shall be allowed but limited to the following:
1. A permit from the City is required for each seasonal display.
 2. Display merchandise may be placed/located at the front façade of the main building but at no time shall not inhibit pedestrian traffic on the sidewalks, be located in required parking spaces, restrict rights-of-way, or obstruct adjacent properties.
 3. Merchandise shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way (i.e., sidewalk sales cannot block the sidewalk or extend out into the street).
 4. Merchandise shall only be located in front of the property/business that is selling the item(s).
 5. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
 6. All merchandise shall be displayed in an orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- S. Long-term and Permanent Open Storage - Long-term and permanent open storage is prohibited in the TC district.
- T. Special Requirements
1. Driveway Spacing (i.e., distance between driveways, measured edge-to-edge):
 - a. Driveway spacing in a PD – ED Tier One shall be determined by the rules and regulations of the Texas Department of Transportation (TxDOT). Driveways accessing a local collector street shall be no less than one driveway per one hundred linear feet (100') of frontage. From time-to-

time adjoining properties may be required to share driveways for ingress and egress.

- b. Driveway spacing in a PD – ED Tier Two shall be no less than one driveway per two hundred linear feet (200') of frontage. Driveways accessing a local collector street shall be no less than one driveway per one hundred linear feet (100') of frontage. From time-to-time adjoining properties may be required to share driveways for ingress and egress.
- c. Minimum distance from driveway to street corner shall be no less than seventy-five feet (75') as measured from the street corner radius point of tangency. Fifty feet (50') may be permitted via site plan approval by City Council, upon recommendation by the Planning & Zoning Commission, provided that the lesser distance of fifty feet (50') is approved in writing by the City Manager, or his/her designee, or, if located on a State roadway, it is approved in writing by the local representative of TxDOT.

U. Submittal Requirements

To facilitate understanding of the request during the review and public hearing process the concurrent submission of a Concept Plan for the proposed project shall be required along with the PD – ED zoning application.

- 1. Concept Plan – This Plan shall be submitted by the applicant at the time of the PD – ED zoning request. The Plan shall show the applicant's intent for the use of the land within the proposed PD – ED District in a graphic manner and, as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s) that further describe and explain the following requirements:
 - a. A Concept Plan shall be submitted with any zoning district allowed under this Ordinance and shall clearly show all pertinent aspects of the type and nature of the proposed development. The Concept Plan shall show the types of use(s) proposed; access, topography and boundaries of the PD – ED area; existing physical features of the site; existing and proposed streets, alleys, easements and lot lines; location of existing or proposed public facilities; building heights and locations; parking areas and ratios; fire lanes; screening and landscaped areas; project phasing and scheduling; and other pertinent development data to adequately describe the proposed development.
 - b. A detailed Site Plan and Preliminary Plat shall be submitted in accordance with this Ordinance for approval within one (1) year from the approval date of the Concept Plan for all or some portion of the PD – ED District covered by the overall PD – ED Concept Plan. If the detailed Site Plan and Preliminary Plat are not submitted within one (1) year, then the PD –

ED Concept Plan may be subject to review by the Planning and Zoning Commission and the City Council to determine its continued validity. If the City determines that the PD – ED Concept Plan is no longer valid or that the proposed development is no longer viable, then a new PD – ED Concept Plan, along with a PD – ED zoning application to amend the PD – ED Ordinance and its accompanying Concept Plan, must be submitted for review and approval prior to detailed Site Plan and Preliminary Plat review/approval and any subsequent issuance of a building permit for any portion of the PD – ED District.

- c. PD – ED Site Plan (detailed) and Preliminary Plat - Submission and approval of the detailed PD – ED Site Plan shall be in accordance with this Ordinance and shall accompany the Preliminary Plat. The detailed PD – ED Site Plan will establish the final plans for development of the PD – ED District, or any portion thereof, and it shall substantially conform to the Concept Plan and development data approved on the City Council. A PD – ED Site Plan, along with the required engineering and architectural site construction plans and Preliminary Plat, may be submitted for only the sections or lots that are proposed for immediate development rather than for the entire PD – ED District. Building façade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Façade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The City Manager, or his/her designee, may require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process.
- d. Lapse, Extension or Reinstatement of PD – ED Concept Plan or PD – ED Site Plan shall be in accordance with the provisions of Article VIII (Concept Plan/Site Plat) of this Ordinance.

V. Approval Process and Procedures

- 1. The procedure for establishing a PD - ED District shall follow the procedures for zoning amendments as set forth in Section IV.1 of this Zoning Ordinance.
- 2. The Ordinance establishing the PD – ED District shall not be adopted until the accompanying Concept Plan is approved by the City Council, and until all other procedural requirements set forth in the Zoning Ordinance are satisfied.
- 3. When considering a PD – ED zoning request the Planning and Zoning Commission and/or City Council may require a written report from the City Manager, or his/her designee, discussing the project’s impact upon planning, engineering, water and wastewater utilities, electric, sanitation, building

inspection, tax, police, fire and traffic, as well as written comments from applicable public agencies (e.g., School District, TxDOT, etc.). In the event written comments and advisement are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, make a recommendation to the City Council without said comments or advisement.

4. Upon final approval of the PD – ED District, in accordance with the provision of this Ordinance, shall be prefixed by a “PD – ED1” or “PD – ED2” designation and assigned a unique identification number (e.g., PD – ED1-1, PD – ED2-1) or title (e.g., PD – ED1-Target, PD – ED2-Hampton Plaza) and shall also be referenced on the Official Zoning Map. A list of such PD – ED Districts, showing the developer’s (i.e., zoning applicant’s) name, acreage and location of the property, base zoning district(s), PD – ED ordinance adoption date, uses permitted and any other special stipulations of each PD – ED District, shall be maintained in the City Secretary’s office.
5. Prior to the adoption of this Ordinance, the City Council previously established certain PD - ED districts, some of which are to be continued in full force and effect.

IX.4.4 SUP – Specific Use Permits

A. Purpose and Intent

1. Nature of Conditional, or Specific, Use - A conditional, or specific, use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section, along with the Comprehensive Master Plan, sets forth the standards used to evaluate proposed conditional uses and the procedures for approving Specific Use Permit applications.
2. Permit Required - No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a Specific Use Permit (SUP) is issued in accordance with the provisions of this Section. An application for a Specific Use Permit shall be accompanied by a Concept Plan or a detailed Site Plan prepared in the manner described in Article VIII of this Zoning Ordinance. The Concept Plan or Site Plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in Article VIII.

B. Status of Conditionally Permitted Uses

The following general rules apply to all conditional uses:

1. The designation of a use in a zoning district as may be permitted by SUP in Section XI.4.4 of this Ordinance does not constitute an authorization or assurance that such use will be approved.
2. Approval of a Specific Use Permit shall authorize only the particular use for which the SUP is issued. An SUP may only be issued to the identified property and to the applicant. Any change in applicant shall render the SUP null and void. An SUP cannot be transferred to any other owner, applicant or property.
3. No use authorized by a Specific Use Permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new Specific Use Permit in accordance with the procedures set forth in this Section and Section XI.4.4 of this Ordinance.
4. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, and any permits that may be required by regional, State or Federal agencies.

C. Application for Specific Use Permit

1. Application Requirements - An application for a Specific Use Permit may be submitted by the property owner or by the property owner's designated representative to the City. The application shall be accompanied by a Concept Plan or Site Plan prepared in accordance with the requirements of Article VIII herein. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a Specific Use Permit.
2. Subdivision Approval - If the proposed use requires a division of land or requires platting the property, an application for subdivision approval (e.g., Site Plan or Preliminary Plat) shall be submitted in conjunction with the application for a Specific Use Permit (see Subdivision Regulations). Approval of the Specific Use Permit shall not become effective until final approval of the subdivision application provided that, if the land is to be divided and developed in phases, the approval of the Specific Use Permit shall take effect upon Final Plat approval of the phase of the subdivision containing the property on which the conditional use is to be located.

D. Procedures for Specific Use Permits

1. Planning & Zoning Commission Recommendation - Upon receipt of the recommendation from the City Manager, the Planning and Zoning Commission shall advertise, post and conduct a Public Hearing in order to

formulate its recommendations to the City Council on the Specific Use Permit application. Following the Public Hearing and determination of conformance with the Comprehensive Master Plan, the Planning and Zoning Commission shall recommend approval, approval subject to modification, or denial of the proposal to the City Council in accordance with Section II.1.7. If the appropriateness of the use cannot be assured at the location, the Planning and Zoning Commission shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.

2. City Council Action - The City Council shall be the final decision-maker on applications for Specific Use Permits. Following a duly advertised and posted Public Hearing, consideration of the Planning and Zoning Commission's recommendations and determination of conformance with the Comprehensive Master Plan, the City Council shall approve, modify or deny the proposal for a Specific Use Permit in accordance with Section XI.4.4. If the appropriateness of the use cannot be assured at the location, the application for Specific Use Permit shall be denied as being incompatible with existing uses or with other uses permitted by right in the district.

E. Standards

1. Factors for Consideration - When considering applications for a Specific Use Permit, the Planning and Zoning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the Concept Plan/Site Plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning and Zoning Commission and the City Council shall specifically consider the extent to which:
 - a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Master Plan;
 - b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 - c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in Article XV of this Ordinance;
 - d. The proposed use is compatible with and preserves the harmony, character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:

- i. Situational suitability, which may include but are not limited to, lighting, noise restrictions, hours of operation, business regulations and loading zones.
 - ii. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - iii. Off-street parking and loading areas;
 - iv. Refuse and service areas;
 - v. Utilities with reference to location, availability, and compatibility;
 - vi. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - vii. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - viii. Required yards and open space;
 - ix. Height and bulk of structures;
 - x. Hours of operation;
 - xi. Exterior construction material and building design; and
 - xii. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
2. Conditions - In approving the application, the Planning and Zoning Commission may recommend, and the City Council may impose, such additional conditions (e.g., hours of operation, etc.) as are reasonably necessary to assure compliance with these standards and the purpose and intent of this Section, in accordance with the procedures in Article IV. Such additional conditions shall exceed the minimum standards contained herein or in any other applicable City code or ordinance, and they cannot, in effect, relax or grant relief from any of the City's minimum standards (see

Subsection C below). Any conditions imposed shall be set forth in the ordinance approving the conditional use, and shall be incorporated into or noted on the Concept Plan or Site Plan for final approval. Other than additional conditions specifically amended or altered in the approving ordinance and/or Site Plan, all other district regulations of the base zoning district shall apply. The City Manager or his/her designee shall verify that the Plan incorporates all conditions set forth in the ordinance authorizing the conditional use, and shall sign the Plan to indicate final approval. The City shall maintain a record of such approved conditional uses and the Site Plans and conditions attached thereto.

3. Prohibition on Waivers and Variances - The foregoing additional conditions (i.e., standards of development for the SUP) shall not be subject to variances that otherwise could be granted by the Zoning Board of Adjustment, nor may conditions imposed by the City Council subsequently be waived or varied by the ZBA. In conformity with the authority of the City Council to authorize conditional uses, the City Council may waive or modify specific standards otherwise made applicable to the use by this Ordinance, to secure the general objectives of this section; provided, however, that the City Council shall not waive or modify any approval factor set forth in Subsection A of this Section.
4. General Provisions of Specific Use Permit

A Specific Use Permit shall contain the following provisions, among any others deemed necessary and advisable by the City Council for the conduct of operation of a particular use and to ensure continuation of situational suitability.

- a. The Specific Use Permit is specific to an identified physical or legal location and to the owner/applicant and shall not be transferred to any other location, entity or person without the approval of the City Council in accordance with the procedures for approval of a new SUP; and
- b. Any violations of the terms and conditions of the Specific Use Permit shall render the "SUP" null and void without further notice or hearing.

F. Expiration and Extension

A Specific Use Permit may be rescinded by the City Council, on its own motion and at its discretion, for failure to commence development or for failure to extend the time for performance for the Concept Plan or Site Plan approved along with the SUP ordinance (see Article IV and VIII).

G. Amendment

No proposed or existing building, premise or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the Specific Use Permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this section, and the Specific Use Permit and approved Concept Plan or Site Plan are amended accordingly.

H. Other Regulations

The Zoning Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Permit.

I. Use Regulations

Uses allowed by SUP are specified in Section XI.1 (Use Charts).

J. Identification of Specific Use Permits

All SUPs approved in accordance with the provisions of this Ordinance, as may be amended, shall be prefixed by an "SUP" designation and assigned a unique identification number (e.g., SUP-1, SUP-2, SUP-3, and so on), and shall also be referenced on the Zoning Map. A list of such SUPs, showing the developer's (i.e., zoning applicant's) name, acreage and location of the property, base zoning district(s), SUP ordinance adoption date, uses permitted and any other special stipulations of each SUP, shall be maintained in the City Secretary's office

K. Prior Specific Use Permit Ordinances Remaining In Effect

Prior to adoption of this Ordinance, the City Council previously established certain SUPs, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance, specified in Appendix A-1, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective SUPs shown on the Zoning Map as of the effective date of this Ordinance. Each prior SUP ordinance is hereby assigned a unique identification number (e.g., SUP-1, SUP-2, SUP-3, and so on) as shown in Appendix A-1, and subsequent SUP ordinances adopted after the effective date of this Ordinance shall be similarly numbered for identification purposes.

SECTION 5 OBSOLETE DISTRICTS

The zoning regulations of this Section shall apply only to Planned Development districts approved prior to the effective date of this Ordinance. This Section contains the following types of obsolete zoning regulations:

A. Obsolete Districts

The SF-5, BP and HC districts have been removed from the remainder of this Ordinance and shall not henceforth be applied to any property in the City. The standards of these districts shall continue to apply only in Planned Development districts approved prior to the effective date of this Ordinance that reference the regulations of these districts in the adopting ordinance.

B. Modified Dimensional Regulations

Some of the dimensional regulations for single-family detached dwellings have been modified as of the effective date of this Ordinance. The original regulations existing prior to the effective date of this Ordinance and retained in this Section shall continue to apply only to Planned Development districts approved prior to the effective date of this Ordinance that reference the dimensional regulations of such districts in the adopting ordinance.

C. Obsolete Use

Some Planned Development districts approved prior to the effective date of this Ordinance authorize the development of single-family detached (medium density) dwellings. The development standards for single-family detached (medium density) dwellings contained in this Section shall continue to apply to such districts.

D. Obsolete Planned Development standards

Prior to the effective date of this Ordinance, the City's zoning ordinance contained specific development standards for uses other than single-family detached (medium density) dwellings in planned development districts. These standards applied in Planned Development districts where no other standards were specifically referenced in the adopting ordinance. These standards shall continue to apply to such districts, but shall not be applicable to Planned Development districts approved after the effective date of this Ordinance.

ARTICLE X ZONING DISTRICT MAP

SECTION 1 PURPOSE

The zoning regulations and districts as herein established have been prepared in consonance with the adopted Comprehensive Plan. The regulations are designed to promote the health, safety, morals and general welfare of the City of Glenn Heights. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to insure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, circulation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

SECTION 2 ZONING MAP

X.2.1 Division of City into Boundaries

The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon a Zoning District Map (“Zoning Map”) of the City, adopted as part of this Ordinance as fully as if the same were set forth herein in detail.

X.2.2 Original Zoning Map

One original of the Zoning Map shall be filed in the office of the City Secretary and labeled as “Official Zoning Map of the City of Glenn Heights, Texas, Ordinance No. O-14-08”. This original copy shall be the Official Zoning Map and shall bear the signature of the Mayor and attestation of the City Secretary, and shall bear the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Section VII.4 of the Zoning Ordinance, Ordinance No. O-14-08 of the City of Glenn Heights, Texas, adopted on the 19th day of May, 2008.” This original copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling. Reproductions for informational purposes may be made of the Official Zoning Map.

X.2.3 Replica Zoning Map

An additional copy (“replica copy”) of the Official Zoning Map shall be placed in the office of the City Manager or his/her designee. The replica copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments, including annexations.

Any changes or amendments made to the Zoning Map shall be made on the replica copy promptly after the amendment has been approved by the City Council, together with a

descriptive entry on the map that shows the ordinance number and the date upon which each official action was taken by the City Council to amend the Zoning Map, and the effective date of such Map change.

SECTION 3 ZONING DISTRICT BOUNDARIES

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

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following City limits shall be construed as following City limits.
- D. Boundaries indicated as following stream lines shall be construed to follow such stream lines, and in the event of change in the stream line shall be construed as moving with the actual stream line.
- E. Boundaries indicated as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines.
- F. Boundaries indicated as parallel to or extensions of features indicated above in A through E shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.
- G. Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- H. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
- I. Where physical features on the ground are at variance with information shown on the official zoning district map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Sections 5.1 and 5.2, the property shall be considered as classified,

- A, Agricultural District, in the same manner as provided for newly annexed territory.
- J. If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as “A”, (Agricultural) in the same manner as provided for newly annexed territory until such time as the property can be rezoned.
- K. Zoning changes which are still valid and which were made between the effective date of the previous Zoning Ordinance (Ordinance. O-10-08, as amended), adopted on April 21, 2008, and the effective date of this Ordinance are indicated in approximate locations on the Zoning Map. For exact legal descriptions refer to adopting ordinances for each particular permanent zoning change.

ARTICLE XI PERMITTED USES

SECTION 1 USE CHARTS

The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The following legend indicates the status of each land use in a corresponding District.

X	Permitted
	Not Permitted
S	Specific Use Permit

For clarification and understanding of each use set out below, see Definitions Article XIX.

If a use is not listed or if the designation remains blank, it is not allowed in the zoning district or districts. (see the legend above).

	A	SF-E	SF-1	SF-2	SF-3	SF-4	SFPH	MF	MH	TC	O	NS	R	C	I	PD	PDED
Accessory Bldg >650sf	S	S	S	S	S	S		S			X	X	X	X	X	X	
Accessory Bldg w/main	X	X	X	X	X	X		X			X	X	X	X	X	X	
Accessory Residence	S	S	S	S	S	S										S	
Accessory Use	S										S	S	S	S	S	X	X
Adm/Corporate Hdqts											X		X	X	X	X	
Adult Day Care	S	S	S	S	S							S				S	
Airport																X	
Amusement Park, Perm														S	S	X	
Amusement, Comm (Ind)													S	X	X	X	X
Amusement, Comm (Out)														X	X	X	
Animal Clinic (Inside)												S	S	X	X	X	
Animal Pound, Muni														X	X	X	
Antenna, CB/Amateur	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Antenna, Commercial											S	S	S	S	S	X	
Antenna, Satellite Dish	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X	X	X
Antique Shop										S		S	X				X
Apartment House								X								X	X
Appliance Store, Home													X	X	X	X	X
Appliance, Service/Repair														X	X	X	S
Assembly Hall										S						X	
Assembly, Electronics															X	X	
Assisted Living Facility	S	S	S					S								S	
Athletic Stadium/Field	S	S	S	S	S	S		S			S	S	X	X	X	S	S
Auto Assembly															X	X	
Auto Body Repair, inside														X	X	X	
Auto Center													X	X	X	X	
Auto Leasing/Rental											S		S	X	X	X	X
Auto Painting, inside															X	X	
Auto Parts, Inside													X	X	X	X	X
Auto Parts, Outside																	
Auto Rebuilding															X	X	
Auto Repair Garage/Shop															X	X	
Auto Repair, Major															X	X	
Auto Repair, Minor														X	X	X	
Auto Service, Garage													S	X	X	X	
Auto Service, Office													S	X	X	X	
Auto Service Station, Gas												S	S	X	X	X	X
Auto Storage																	
Auto Upholstery															X	X	
Automobile Sales, New													S	X	X	X	
Automobile Sales, Used													S	X	X	X	
Automobile Sales/Service													S	X	X	X	
Automobile, Oil and Lube												S	X	X	X	X	X
Bakery/Confectionery												X	X	X	X	X	S
Bank										S	X	X	X	X	X	X	X
Bank, Automatic Teller										S	X	X	X	X	X	X	X
Bar										S		S	S	S	S	S	X
Barber Shop/College										S		X	X	X	X	X	X
Basement/Cellar	X	X	X	X	X												
Batch Plant, Asphalt Perm																	
Batch Plant, Asphalt Temp	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
Batch Plant, Concrete Perm																	
Batch Plant, Concrete Temp	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
Bath House																	

	A	SF-E	SF-1	SF-2	SF-3	SF-4	SFPH	MF	MH	TC	O	NS	R	C	I	PD	PDED
Battery Manufacturing																	
Beauty Shop										S	S	X	X	X		X	X
Bed and Breakfast	S	S															
Big Box (Anchor)										S			S	S	S	S	X
Boarding House																S	
Boat Sales														S	S	S	
Boat Storage, Dry	S													S	S	S	
Book Bindery														X	X	X	
Bottling Works														S	X		
Building Material, Inside														X	X	X	X
Building Material, Outside														S	S	S	
Building, Public Agency										S	X	X		X	X	X	X
Building, Temporary																	
Bus Stop										S	X	X	X	X	X	X	X
Business Service											X	X				X	X
Cabinet Shop/Upholstry														X	X	X	
Camping Sites																	
Car Wash, Automated												S		X	X	X	X
Car Wash, Manual												S	X	X	X	X	
Caretaker/Guard Quarters	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X
Carnival, Temporary													S	S	S	S	
Carport	S	S	S	S	S	S	S	X	S		S	S	S	S	S	S	S
Carting														S	X	X	
Cemetery, Human															S	X	
Child Care (in home)	S	S	S	S	S	S											
Church/Rectory	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X	X	X
Clothing/Apparel Store										S			X	X	X	X	X
Club, Private										S	S	S	S	S	S	S	S
Club, Country Private																X	X
Club, Fraternal										S	S	S	S	S	S	S	S
Club, Night										S		S	S	S	S	S	X
College/University	S	S	S	S	S	S		S			S	S	X	X	S	X	
Common Area	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X	X	X
Community Center, Priv	S	S	S	S	S	S		S				X	X	X	X	X	
Community Center, Publ										S	X	S	S	X		X	X
Community Home	X	X	X	X	X	X	X	X	X								
Construction Yard, Temp																	
Continuing Care Facility								S								S	
Contractor's Shop														X	X	X	
Convalescent/Nurse Home								S						S		X	
Convenience Store										S	S	S	S	S	S	S	X
Credit Union										S	X	X	X	X	X	X	X
Cultural Establishment	S	S	S	S	S	S		S		S	S	S	S			X	X
Dairy Processing															S	X	
Dance Hall														S	S	S	S
Day Care, Registered	S	S	S								S	S	S			S	
Dental Clinic/Office										S	X	X	X	X	X	X	X
Department Store										S			X	X		X	X
Distribution Ctr/Warehs															X	X	
Draperly Manufacturing														X	X	X	
Draperly Sales										S			X	X	X	X	X
DrugPharmaceutical Mfg															X	X	
Dry Cleaning Plant Comm														X	X	X	
Dry Cleaning Shop Sm										S	S	X	X			X	X

	A	SF-E	SF-1	SF-2	SF-3	SF-4	SFPH	MF	MH	TC	O	NS	R	C	I	PD	PDED
Easement/ROW	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X	X	X
Electric Products Mfg															X	X	
Electrical Substation	S	S	S	S	S	S	S	S	S		S	S	S	S	S	X	
Electric Transmission Line	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
Electronic Manufacturing															X	X	
Electronics Store										S		X	X	X	X	X	X
Engine/Motor Repair														S	X		
Equipment Store/Rental													X	X	X	X	X
Excavation, Sand/Gravel																	
Express Hauling														S	X	X	
Family Home	S	S	S					S									S
Farm Equipt Displ/storage														X	X	X	
Farm, Ranch	X																
Feed Lot																	
Feed/Grain Store													X	X	X	X	S
Field Const. Office Temp	S	S	S	S	S	S	S	S			S	S	S	S	S	S	S
Fitness Facility/Personal										S		X	X			X	X
Flea Market																	
Florist Shop										S	X	X	X				X
Food Product Mfg										S					X	X	
Food/Convenience Store										S	S	S	S	S		S	X
Foundry Casting, Non-Fer																	
Frozen Food Locker															X	X	
Funeral Home/Mortuary													S	X	X	X	
Fur Goods Mfg															X	X	
Furniture Mfg															X	X	
Furniture Store										S			X	X	X	X	X
Garage Apartment	S	S	S														
Garage, Com'l Parking										S			S	S	S	X	X
Garage, Detached	X	X	X	S	S	S										X	
Garage, Public										S	X		X	X	X	X	X
Garden Center/Shop										S			X	X	X	X	X
Garden, Orchard	X	X	X	X	X	X			X					S	S	X	
Gasoline/Petro Drilling	S														S		
Gasoline/Petro Storage	S														S		
Gasoline/Petro Distrib	S														S		
Gift Shop/Novelty										S	S	S	S			S	S
Glass Products Mfg															X	X	
Golf Course, Miniature	S											S	S	X	S	X	
Golf Course, Municipal	S											S	X	X	X	X	
Golf Course, Private	S											S	S	S	S	S	
Golf Course, Putting	S											S	S	X	S	X	
Golf Driving Range	S											S	S	X	S	X	
Greenhouse/Nursery	S													X	X	X	
Grocery Store										S		S	S	S		S	X
Grooming Shop, Animal												S	S	S		X	X
Gymnastic/Dance Studio										S		X	X	X			
Hardware Sales, Inside										S		S	X	X		X	X
Hardware Sales, Outside																	
Hauling/Storage Company														X	X		
Health Center											X	X	X	X		X	
Heavy Machinery Sales														X	X	X	
Heavy Machinery Service														X	X		
Heliport/Helistop	S										S		S	S	S	X	

	A	SF-E	SF-1	SF-2	SF-3	SF-4	SFPH	MF	MH	TC	O	NS	R	C	I	PD	PDED
Home Improvement Ctr													X	X	X	X	X
Home Occupation	X	X	X	X	X	X	X	X	X							X	
Hospital											S		S	S	S	S	
Hospital,Acute/Chronic/Rehab											S		S	S	S	S	
Hotel/Motel											S			S	S	S	S
Hotel/Motel < 75 Rooms																	
Hotel/Motel Residence																	S
Household Care Facility								S								S	
HUD Code Manuf'd Home									X							X	
HUD Code M'd Home, Sales																	
HUD Code M'd Home Subdivision									X								
Independent Living Facil	X	S	S													X	
Industrial Park															X	X	
Industrial, General															X	X	
Indust/Prefab Housing									X								
Instrument/Meter Mfg															X	X	
Insurance Agent Office										S	X	X	X	X	X	X	X
Insurance Estimator										S	X	X	X	X	X	X	X
Interior Decorator Office										S	X	X	X	X	X	X	X
Jail/Prison/Holding Facility																X	
Kennels	S													S	S	X	
Key Shop/Locksmith												X	X	X	X	X	
Kiosk										S	S	S	S	S	S	S	S
Kiosk, Recycling														S	S	S	
Laboratory, Medical											X			X	X	X	
Laboratory,Science/Rese	S										S			S	S	S	
Laundromat												X		X	X		
Laundry, Commercial														X	X	X	
Law Office										S	X	X				X	X
Leather Goods Fabrication															X	X	
Leather Goods Shop										S		S	X	X			X
Library, Public	X	X	X	X	X	X		X		X	S	X	X	X	X	X	X
Light Fabrication/Assembly															X	X	
Light Manufacturing															S	X	
Light Sheet Metal Products															X	X	
Lumber Yard, Inside														X	X	X	X
Lumber Yard, Outside														S	S	S	
Machinery Sales/Service															X	X	
Manufacturing, General															S	X	
Massage Establishment																	
Mausoleum															S	X	
Medical Clinic/Office										S	X	X	X	X	X	X	X
Medical Supplies Store											X	X	X	X		X	X
Model Home	X	X	X	X	X	X	X										
Modular Home									X								
Monopole											S	S	S	S	S		
Mortuary													S	X	X	X	
Motor Freight Company															S		
Motorcycle Sales/Service														X	X	X	
Motor Raceway/Track																	
Multi-Family Bldg								X									
Multi-Family Residence								X									
Multi-Use Entertainment														S		X	
Municipal Building										S	X	X	X	X	X	X	X

	A	SF-E	SF-1	SF-2	SF-3	SF-4	SFPH	MF	MH	TC	O	NS	R	C	I	PD	PDED
Municipal Facility/Use	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X	X	X
Museum Private	S	S	S	S	S	S		S		S	X	X	X	X	X	X	X
Music/Art Studio										S	X	X	X			X	X
Musical Instrument Mfg															X	X	
NS Use, <5000sf										S	S	S	S	S	S	S	S
Newspaper Printing												X	X	X	X	X	
Novelty Mfg															X	X	
Nursery/Greenhouse	S													X	X	X	X
Nursing Facility, Skilled														S		X	
Office Center										S	X	X	X	X	X	X	X
Office Showroom													S	X	X	X	
Office Warehouse														S	S	X	
Office, Business General										S	X	X	X	X	X	X	X
Office, Field Construction	X	X	X	X	X	X	X	X		S	X	X	X	X	X	X	X
Office, Professional										S	X	X	X			X	X
Oil Field Equipment Storage															X	X	
Open Space	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X	X	X
Optical Goods Mfg														X	X	X	
Optician/Optomtrist										S	X	X	X	X	X	X	X
Osteopathic Clinic/Office										S	X	X	X	X	X	X	X
Paint Shop														S	X	X	
Paper Products Mfg															X	X	
Park and Ride														X	X	X	
Park/Playground	X	X	X	X	X	X	X	X	X	S	X	X	X	X		X	X
Parking Lot, Off-Street										S	X	X	X	X	X	X	X
Parking Lot, Permit'd Use											X	X	X	X	X	X	
Parking Lot, Com'l											X					X	X
Parking Lot, Truck															X		
Patio Home							X									X	X
Pawn Shop																	
Pet Shop										S		S	X	X		X	X
Petroleum Extraction															S		
Pharmacy/Drug Store										S		S	S	S		S	X
Philanthropic Institution										S	X	X	X	X	X	X	X
Photographer Studio										S	X	X	X	X	X	X	X
Plant, Commercial General															S	X	
Plastic Products, Mfg															X	X	
Portable Building, Sales														S	S	X	
Print Shop										S	S	S	X	X	X	X	X
Produce Stand	X											S		S	S		
Produce Stand, Temp	X											S	S	S	S	X	
Professional Service										S	X	X	X	X	X	X	X
Propane Sales														S	S		
Psychologist/Psychiatrist										S	X	X	X	X	X	X	X
Public Agency Bldg/Facil										S	S	S	S	S	S	S	S
Quarry, Rock																	
Radio Broadcasting/Twr	S													S	S		
Real Estate Sales										S	X	X	X	X	X	X	X
Recreation Center	S	S	S	S	S	S		S			S	X	X	X	X	X	
Recreation Facility, Private	S	S	S	S	S	S		S			X	X	X	X	X	X	
Recreation Facility, Public	X	X	X	X	X	X		X			X	X	X	X	X	X	
RV/Campers Sale/Lease														S	X	X	
Rehabilitation Care								S								S	
Rehabilitation Care Instit								S								S	

	A	SF-E	SF-1	SF-2	SF-3	SF-4	SFPH	MF	MH	TC	O	NS	R	C	I	PD	PDED
Rental, Tool/Machinery														X	X	X	
Rental, Trailer														X	X	X	
Rental, Truck/Bus														X	X	X	
Rental/Sales, Trailers														X	X	X	
Repair Shop, Truck/Bus															X		
Residential, MF Dwelling								X								X	X
Residential, SF Attached	X	X	X	X	X	X	X	X	X							X	X
Residential, SF Detached	X	X	X	X	X	X	X	X	X							X	X
Residential, Two-Family								X								X	X
Resort																X	X
Restaurant, Dine-in										S	S	S	S	S	S	S	X
Restaurant, Drive-In										S	S	S	S	S	S	S	X
Restaurant, Drive-Thru										S	S	S	S	S	S	S	X
Restaurant, Accessory										S	S	S	S	S	S	S	X
Retail Service, Accessory										S	X	X	X	X	X	X	X
Retail Stores, General										S	X	S	S	S	S	S	S
Retail Stores and Shops										S	X	X	X	X	X	X	X
Retirement Home	X	S	S					S								X	
Salvage/Reclamation																	
Salvage/Junk Yard																	
Sand/Gravel Extraction																	
Sanitarium														S		X	
Sanitary Landfill																	
Savings and Loan										S	X	X	X	X	X	X	X
School, Boarding Private														X		X	
School, Business													X	X	X	X	
School, Commercial/Trade														S	S	S	
School, Parochial	X	X	X	X	X	X		X			X	X	X			X	
School, Private										S				X		X	
School, Public	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X
Sexually Oriented Busi															S		
Shoe Manufacturing															X	X	
Shopping Center										S	S	S	S	S	S	S	X
Single-Family Residence	X	X	X	X	X	X	X	X	X							X	X
Skating Rink, Ice/Roller													S	S		S	S
Skating Rink, Roller													S	S	S	X	S
Sporting Goods										S		X	X	X		X	X
Sporting Goods Mfg															X	X	
Stable, Commercial	X													X	X	X	
Stable, Private	X															X	
Stadium/Playfield, Private														X	X	X	
Station, Train, RR, Bus																X	
Storage Yard															X	X	
Storage,Open/Outside														X	X	X	
Storage/Wholesale Wrh														X	X	X	
Studio, Radio/Television										S	X			X	X	X	S
Swimming Pool, Com'l														X	X	X	
Swimming Pool, Private	X	X	X	X	X	X	X	X	X								
Telemarketing Center											X	X		X	X	X	
Telephone Exch/Switching	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	
Tennis Court, Private	X	X	X													X	
Terminal, Bus													S	X	X	X	
Terminal, Freight															X	X	
Terminal, Truck															X	X	

	A	SF-E	SF-1	SF-2	SF-3	SF-4	SFPH	MF	MH	TC	O	NS	R	C	I	PD	PDED
Terminal, Baggage														X	X	X	
Terminal/Transfer Stor'g														X	X	X	
Theater, Drive-In													S	S	S	X	
Theater, Indoor										S			X	X	X	X	X
Tire Dealer, Inside													S	X	X		
Tire Dealer, Outside																	
Tire Retreading/Capping															X	X	
Tire Sales/Service													X	X	X	X	
Trailer Court																	
Trailer Park/RV Park																	
Trailer Sales/Display																	
Transit Station/Turnaround															X	X	
Transmission Lines	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	
Transportation Structure														X	X	X	
Truck/Bus Repair														X	X	X	
Truck Sales, Heavy															X	X	
Utilities, Municipal	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Utility Distribution	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	
Utility Service Yard, Publ															S	X	
Utility Structure														X	X	X	
Utility, other than listed	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X
Utility, Private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Vehicle Service, For Hire														S			
Veterinarian Clinic														X	X	X	
Warehouse, Freight															X	X	
Warehouse, Mini															X	X	
Warehouse, Storage												S		S	S	X	
Warehouse, Wholesale Hvy															X	X	
Warehouse, Wholesale Lt														X	X	X	
Washateria/ Self-Serve												X		X	X	X	
WWTP	S	S	S	S	S	S		S	S		S	S	S	S	S	X	
Wholesale Distribution Ctr															X	X	
Wind System, Small	S	S	S														
Wrecking Yard																	
Zero Lot Line Residence							X									X	X

SECTION 2 CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land use will develop and arise in the future, and forms of land use not anticipated may seek to locate in the City of Glenn Heights and the possible change in intensity of use for a listed use may occur. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use, or modification for listing of a use of land, shall be made as follows:

A. Initiation

1. A person, City department, the Commission or the City Council may propose zoning amendments to regulate new and previously unlisted uses.
 2. A person requesting the addition of a new or unlisted use shall submit to the City Manager or his/her designee, all information necessary for the classification of the use, including but not limited to:
 - a. The nature of the use and whether the use involves dwelling activity, sales, services or processing;
 - b. The type of product sold or produced under the use;
 - c. Whether the use has enclosed or open storage and the amount and nature of the storage;
 - d. Anticipated employment typically associated with the use;
 - e. Transportation requirements;
 - f. The nature and time of occupancy and operation of the premises;
 - g. The off-street parking and loading requirements;
 - h. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
 - i. The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and
 - j. Impervious surface coverage.
- B. The City Manager or his/her designee shall refer the question concerning any new or unlisted use to the Commission requesting an interpretation as to whether a new use shall be permitted or into which zoning district a new use may be placed. The referral of the use interpretation question shall be accompanied by a

statement of facts from the applicant, if requested by a City department, from the City Manager or his/her designee. This statement of facts shall be directed by items delineated in Section 2.A.2 above. An amendment to this Ordinance shall be required as set forth in Section IV.1.

- C. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted, whether by right or by SUP.
- D. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall, by zoning ordinance amendment, approve or deny the recommendation of the Planning and Zoning Commission or make such determination concerning the proper placement of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the Use Charts of the Zoning Ordinance according to Article IV after notification and public hearing as required.
- E. Standards for new and unlisted uses may be interpreted by the City Manager or his/her designee as those of a similar use. When determination of the appropriate zoning district and minimum requirements cannot be readily ascertained, the same process outlined in paragraphs A, B, and C of this Section shall be followed for determination of the new standards. The decision of the City Manager or his/her designee may be appealed according to the process outlined in Subsections B, C and D above.

SECTION 3 SPECIAL RESIDENTIAL USES

XI.3.1 Home Occupation Regulations

A. Purpose

Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

B. Special Provisions for Home Occupations

1. Home occupations shall be permitted as accessory use in single-family residential zoning districts Agriculture “A”, Single-Family – E “SF-E”, Single-Family – 1 “SF-1” provided that they comply with all restrictions herein;

2. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;
3. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed five hundred (500) square feet);
4. The occupation shall not employ more than one (1) person who is not a member of the household in which the home occupation occurs;
5. Not more than two (2) patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located;
6. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 7:00 a.m. and 10:00 p.m. for indoor activities;
7. One commercial vehicle, capacity of one ton or less (according to the manufacturer's classification), may be used or parked (behind the front building line) on the property in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback;
8. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one or one-half tons, according to the manufacturer's classification;
9. There shall be no outside storage, including trailers, or outside display related to the home occupation use;
10. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or a vocation which is conducted solely for pleasure and not for profit or financial gain;
11. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district;

12. The occupation shall not require the use of chemicals on the property that are noxious or hazardous to the welfare of the neighborhood;
13. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means;
14. Inventory for the home occupation of any commodity for sale located on the premise shall not occupy or utilize floor area exceeding the allowed twenty percent (20%) (and not to exceed five hundred (500) square feet) as identified in Subsection C above; and
15. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

XI.3.2 Applicability of Other Regulations

Home occupations shall also be subject to any and all other provisions of local, State and/or Federal regulations and laws that govern such uses.

XI.3.3 Uses Allowed As Home Occupations

Subject to the provisions of Section XI.3.1(B) above, home occupations may be limited in the Use Charts but can include the following uses:

- A. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
- B. Author, artist or sculptor;
- C. Dressmaker, seamstress or tailor;
- D. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than one pupil at a time;
- E. Individual tutoring and home schooling;
- F. Millinery;
- G. Office facility of a minister, rabbi, priest or other clergyman;
- H. Home crafts, such as rug weaving, model making, etc.;

- I. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provisions of services are personally and physically made on the premises;
- J. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, provided that there are no items stored or displayed outside and provided that the items are not equipped with an internal combustion engine;
- K. Food preparation establishments such as cake making/decorating and catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;
- L. Registered Family Homes (see definition in Section XIX), in compliance with applicable State laws, which are incorporated herein by reference, with no more than four (4) children;
- M. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time; and
- N. Bed and Breakfast Facility (see definition in Section XIX), provided that no more than five (5) guests are accommodated/served at a time.

XI.3.4 Uses Prohibited As Home Occupations

Home occupations shall not, in any event, be deemed to include the following uses:

- A. Animal hospitals or clinics, commercial stables, or kennels;
- B. Schooling or instruction, except swimming/water safety classes and home schooling, with no more than one pupil at a time;
- C. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility;
- D. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
- E. Office facility for a doctor, dentist, veterinarian or other medical-related profession;

- F. On-premises retail or wholesale sales of any kind, except for items that are produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales (see Section XI.3.3(I));
- G. Commercial clothing laundering or cleaning;
- H. Mortuaries or funeral homes;
- I. Trailer, vehicle, tool or equipment rentals;
- J. Repair shops or services, except as specifically provided in Section XI.3.3(J);
- K. Drapery or furniture upholstery shops;
- L. Antique, gift or specialty shops;
- M. Repair shops for any items having internal combustion engines; and
- N. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.

XI.3.5 Home Occupation Uses Not Classified

Any use that is not either expressly allowed nor expressly prohibited in Sections XI.3.3 and XI.3.4, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance , upon recommendation by the Planning and Zoning Commission, and approval by the City Council as required for any zoning amendment. .

XI.3.6 Effective to this Section Upon Existing Home Occupations

- A. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section VI.2.1 provided that the owner/proprietor of such home occupation register his/her business with the City within ninety (90) days of the effective date of this Ordinance, and provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required upon registration.
- B. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the City as described in Subsection A above.

SECTION 4 MODULAR OR INDUSTRIALIZED HOUSING

XI.4.1 A modular home may be permitted in the Manufactured Home “MH” Residential Zoning District only provided that the following requirements are met:

- A. The dwelling meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.
- B. Conforms to all applicable zoning standards for the respective zoning district.
- C. Is affixed to a permanent foundation.
- D. The Building Official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Occupations Code, Chapter 1202, as it exists and as it may be amended.

ARTICLE XII RESIDENTIAL DESIGN AND CONSTRUCTION STANDARDS

XII.1.1 Minimum Exterior Construction Standards

A. Minimum Masonry Requirements

The exterior veneer of a primary structure and all detached garages shall meet the following provisions:

1. **Total Masonry Content:** The total exterior walls of each primary structure shall have one hundred percent (100%) of the total wall area constructed of masonry construction to include any one or a combination of brick, stone, granite or marble; excluding doors and windows.
2. **Calculating Masonry Percentage:** The percentage of a façade that must meet the masonry requirement shall be the total exterior wall surface area minus area devoted to windows, to doors, to porches covered and set-in the back wall of the main structure, covered patios, dormers and gables.
3. **Exceptions to Exterior Building Materials:** Exceptions to the exterior building material requirements may be considered on a case-by-case basis. All requests for alternative exterior building materials shall be noted and described on the Zoning Application and Site Plan with elevation drawings, colors and sample materials to be submitted to the Planning and Zoning Commission and the City Council for consideration and possible approval. Requests for use of alternate materials shall not exceed ten percent (10%) of the total wall space. Any exceptions to the exterior building materials must be recommended by Planning and Zoning Commission and approved by City Council by Ordinance and shall include attached elevations and color photographs of materials, evidence of life span of material and any other information required by City Council.

Consideration for exceptions to the exterior building material requirements shall be considered by City Council and approval shall be based only if the alternative exterior material is determined to be equivalent or superior than the masonry materials as specified in G.1.a above, and

- a. Exceptions based on architectural considerations may be approved for, but not limited to, Gingerbread, Victorian, English Tudor or Log designs;
- b. Exceptions may be based on a unique design and mixture for an entire subdivision that carries through with a theme (e.g., ranch-style); and/or
- c. Compatibility with surrounding developed properties.

B. Roof Pitch

A minimum 6:12 roof pitch is required for each dwelling unit excluding the MH Provisional District

C. Roofing System Required

Installed roofing must consist of shingles, metal slate or other long-term material. In no instance shall wood shingles be allowed. Shingles must be of a dimensional design and have a minimum manufacturers rating of thirty (30) years. Metal roofs shall either be a baked-on color finish or anodized aluminum with specific exclusion to galvanized metal roofing. Roofing systems or materials exceeding the standards established herein may be used pursuant to approval by the City Manager or his/her designee.

D. Garages and Carports

All garages and carports shall be constructed to comply with the minimum masonry requirements.

E. Chimney Design

The exterior veneer of a chimney constructed as part of the exterior wall of a residential structure must be constructed of like and similar brick or other masonry material to that of the primary structure. No exterior veneer of a chimney shall be constructed of wood or lumber products. Fireplace chimneys must comply with all building and fire codes.

XII.1.2 Mail Boxes

Location, height and distance from the roadway of all mailboxes must be approved by the U. S. Post Office.

- A. Single-Unit Mailbox - The exterior veneer of the support structure for mailboxes installed to serve a single lot or tract must be constructed of like and similar natural or manmade masonry material to that of the majority of the primary structure located on the lot or tract served by said mailbox.
- B. Multi-Unit Mailboxes - The exterior veneer of the pedestal and exterior cabinet for each multi-unit mailbox must be one hundred percent (100%) brick or other such manmade masonry material approved in this Ordinance.
- C. Concrete Foundation Required: Each single-family or multi-unit mailbox must be constructed with a concrete foundation of not less than three inches (3") in thickness and in conformance with the City's adopted standard construction details.

XII.1.3 Accessory Buildings

Accessory buildings, other than agricultural structures, with a floor area of two hundred fifty (250) square feet or larger must be “site built” and conform to the following conditions:

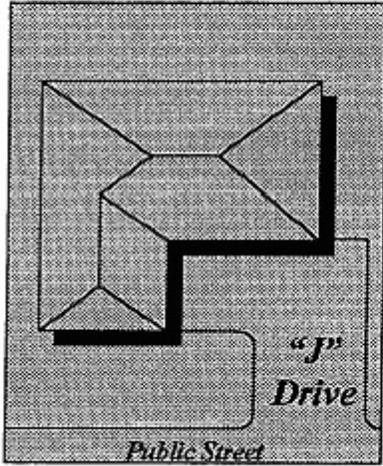
- A. The exterior must be constructed of like and similar materials to those of the primary structure.
- B. In Single-Family Residential Districts A, SF-E and SF-1 the accessory building, including any item attached to its roof, shall not exceed a maximum height of fifteen feet (15’) at its tallest point. In SF-2, SF-3, SF-4 and MH the maximum height shall be ten feet (10’) at its tallest point.
- C. The accessory building shall be constructed with a roof pitch matching that of the primary structure.
- D. Accessory buildings located closer than ten feet (10’) from a side or rear lot line of a corner lot, must be screened from the side and rear with an opaque fence of a minimum six feet (6’) in height.

XII.1.4 Driveway

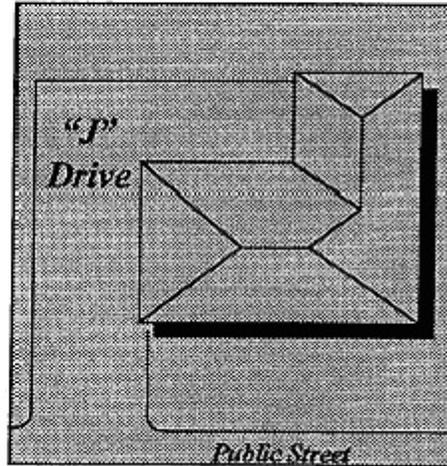
- A. Driveways must contain a minimum concrete paved width of 12 feet from the curb to the required driveway apron.
- B. No garage shall open to the road frontage giving public view into the interior. Front-entry, J-lot garages must be side-loaded and not swing-loaded (i.e., the garage entrance is located away from the front door of the home such that a vehicle entering the garage, or parking in front of it, does not pass/park in front of the front door, the garage door faces a side lot line rather than the front door of the residence). (See diagram in this Section of this Ordinance.)
- C. A concrete paved area (“driveway apron”) must be constructed immediately adjacent to the entry of each garage. Each driveway apron must have a minimum concrete paved width of twenty-five feet (25’) as measured parallel to the garage door opening and a minimum concrete paved depth of twenty-five feet (25’) as measured perpendicular to the garage door opening. Driveway apron construction must meet or exceed the city’s adopted building regulations for paving of residential driveways.
- D. A minimum distance of 27 feet as measured from the side lot line to the garage door opening is required in addition to an adequate, paved turnaround (e.g., hammerhead) for on-site maneuvering.

Unacceptable

Acceptable



FRONT ENTRY



SIDE/REAR ENTRY

XII.1.5 Sidewalks

In all Single-Family Residential Districts except Agricultural “A” and the Provisional Districts, SF-4 and MH, an uninterrupted concrete sidewalk, a minimum width of four feet (4’), shall be constructed parallel with the residential street connecting one property with the next for a continuous pedestrian walking path. In the MF Provisional District the sidewalk paralleling the parking lot shall be a minimum of six feet (6’) wide allowing for head-in parking and a two foot (2’) bumper overhang.

In all Single-Family Residential and Provisional Districts a concrete walkway with a minimum paved width of four feet (4’) shall either be constructed from the front sidewalk to the front door of each primary structure or may be constructed to attach to the driveway if the driveway is increased in width by an additional three feet (3’) in concrete paved width.

XII.1.6 Lighting

In all Single-Family Residential Districts except Agricultural “A” and all Provisional Districts (SF-4, MF and MH) lighting is required to be approved with the Site Plan and designed and constructed to the following standards:

- A. Metal standards (poles). The use of fiberglass poles is prohibited;
- B. High Pressure Sodium bulbs (100 watt in residential areas and 250 watt at major intersections);

- C. Poles shall be an average of three hundred feet (300') apart; no less than two hundred feet (200') and no more than four hundred feet (400');
- D. Streetlights shall be at each intersection and at the intersections (i.e., street intersection and street and alley intersections);
- E. A lighting plan must be approved by the City for streetlights and for any other lighting in the project (e.g. park lighting, parking lot lighting), this shall include the streetlight locations, type of pole, the type of head and the size of the bulb (this plan can and should be produced by the utility company);
- F. All electrical wiring for street lighting facilities shall also be installed with underground; and
- G. Other regulations as may be included in this Ordinance (See Section XIV.1.3 and XVII.8).

XII.1.7 Special Requirements

- A. Recreational vehicles, travel trailers, camper trailers, campers, trailers, boats, boat trailers, motor homes or other recreational vehicles or equipment may not be used for on-site dwelling purposes, and shall be parked and stored on an improved surface and behind the rear building façade of the main structure (i.e., the house) and screened from public view at all times of the year by a fence or perennial vegetation.
- B. Electrical fencing and barbed wire allowed in the Agricultural "A": district on parcels of three (3) acres or larger for containment of farm animals and is prohibited in any other zoning district.
- C. Open storage is prohibited (except for usable materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment that is in usable and running condition, etc., which cannot be stored in any required setback and which shall be screened from view of public streets and neighboring properties).
- D. The elimination of any required garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the then required size (i.e., that has the same number of parking spaces) is built elsewhere, simultaneously with the garage enclosure, on the same lot as the primary structure within the proper setbacks, not exceeding the maximum lot coverage, etc.
- E. Swimming pools, spas and hot tubs shall comply with the Standard Swimming Pool Code and the Uniform Swimming Pool, Spa and Hot Tub Code, as adopted and as may be amended, and the City of Glenn Heights' Codes and Ordinances

pertaining to same. All swimming pools shall be enclosed behind the main structure.

- F. Site Plan approval shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) within a residential district. Any nonresidential land use which may be permitted in this district shall conform to the "NS"-Neighborhood Service district standards with respect to building setbacks, landscaping, exterior building construction, screening requirements, lighting, signage, etc.
- G. All utility service lines shall be constructed underground.

ARTICLE XIII PROVISIONAL DISTRICT SPECIAL REQUIREMENTS

SECTION 1 RECREATIONAL FACILITIES

Each Provisional District shall provide recreational facilities designed for use by the residents and guests of residents of the project.

- A. Recreational facilities shall consist of swimming pools for projects with thirty (30) or more dwelling units and a swimming pool for each additional one hundred (100) dwelling units or fraction thereof.
- B. One playground area shall be provided for each fifty (50) dwelling units, or fraction thereof. The playground shall contain a minimum of five (5) pieces of play equipment. The playground equipment shall be of heavy-duty and weather-resistant construction, such as is normally used in public parks or on public school playgrounds.

SECTION 2 COMMUNITY BUILDING

Each complex or subdivision shall have a community building that meets all required exterior construction standards and is available for use by all residents and guests of residents of the project.

SECTION 3 SWIMMING POOLS

Swimming pools, spas and hot tubs shall comply with the Standard Swimming Pool Code and the Uniform Swimming Pool, Spa and Hot Tub Code, as adopted and as may be amended, and the City of Glenn Heights' Codes and Ordinances pertaining to same. All swimming pools shall be enclosed behind the main structure.

SECTION 4 USABLE OPEN SPACE

Each lot or parcel of land, which is within a Provisional District, shall provide, within the same project, usable open space (as defined below) in accordance with the following requirements:

Number of Bedrooms or Sleeping Rooms	Amount of Open Space for Each Sleeping Room
1 or Less	600 Sq. Ft.
Each Additional Bedroom over 1	300 Sq. Ft.

An area of common usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walkways, recreational facilities, water features, playgrounds and decorative objects such as art work or water fountains. Usable open space shall not include: rooftops, accessory buildings, parking areas, driveways, turnaround areas, or the right-of-way or easement for streets or alleys.

- A. At the time of Site Plan approval, the Planning and Zoning Commission may recommend and the City Council may approve credit for usable open space requirements under the following conditions:
1. Up to three (3) square feet for each one (1) square foot of area provided for the following recreational facilities:
 - a. Swimming pools, tennis courts, racquetball courts, or similar facilities.
 - b. Decks, patios, or lounge area adjacent to or within ten feet (10') of swimming pools.
 - c. Children's play areas developed with play equipment as identified in Section XIII.1.B above.
 - d. Portions of recreational buildings dedicated to the use of residents and guests of residents of the complex or subdivision.
 2. Partial or full credit may be given for on-site open space that exceeds the minimum slope (as defined in this Section, above), if it is determined that such areas are environmentally or aesthetically significant and their preservation would enhance the development and community. In determining environmental and aesthetic significance, the Planning and Zoning Commission will consider:
 - a. Preservation of significant trees or other natural vegetation.
 - b. Contribution to on-site retention of storm water or natural control of drainage.
 - c. Presentation of vistas and other qualities.
 - d. Buffer or transition between the multi-family use and other uses.
 3. Within useable open space areas, there shall be at least one (1) large shade tree for every one thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum three-inch (3") caliper, and at least twenty-five percent (25%) of the trees shall be non-deciduous (for qualifying tree species, see Section XVII.2 for the City's Approved Plant List).
 4. Available off-site open space may be credited for up to one third (1/3) of the usable open space requirement if:
 - a. Fifteen percent (15%) or more of the project boundary is adjacent to and has direct access to park land.

- b. There are defined pedestrian connections between the project and park land.
 - c. Permanent usable open space is within one hundred feet (100') of the development that is available for use by the general public.
 - d. The design of the development provides a significant visual and pedestrian connection to public park land.
5. The combined credit for areas calculated at a three-to-one basis and off-site parks or usable open space shall not exceed fifty percent (50%) of the total usable open space requirement for each development within a Provisional District.

ARTICLE XIV NON-RESIDENTIAL DESIGN AND CONSTRUCTION STANDARDS

XIV.1.1 Driveway Spacing

- A. Arterial street – One driveway per two hundred (200) linear feet of frontage.
- B. Collector street – One driveway per one hundred (100) linear feet of frontage.
- C. Local street – One driveway per fifty (50) linear feet of frontage, unless a platted lot's frontage is less than fifty feet (50') but is in conformance with the minimum lot frontage, in which case one driveway shall be allowed per platted lot.
- D. Minimum distance from driveway to street corner – Two hundred (200) linear feet for arterial or collector streets or seventy-five (75) linear feet local/residential streets as measured from the street corner radius point of tangency. Anything less than the minimum distances as stated above may be permitted via Site Plan approval by City Council, upon recommendation by the Planning & Zoning Commission, provided that the lesser distance is subject to generally established engineering practices and is approved in writing by the City Manager or his/her designee (such as the City's Chief of Police) or, if located on a State roadway, it is approved in writing by the local representative of the Texas Department of Transportation.
- E. In the event lots are too narrow to accommodate the required driveway spacing the City will require shared driveways between projects and encourages shared parking lots.

XIV.1.2 Sidewalks

In all Non-Residential Districts and all Planned Developments an uninterrupted concrete sidewalk, a minimum width of six feet (6') shall be constructed parallel with all streets and thoroughfares.

XIV.1.3 Lighting

In all Non-Residential Districts lighting is required to be approved with the Site Plan and designed and constructed to the following standards:

- A. Metal standards (poles). The use of fiberglass poles is prohibited;
- B. High Pressure Sodium bulbs (100 watt in residential areas and 250 watt at major intersections);
- C. Poles should a minimum of three hundred feet (300') apart but no less than two hundred feet (200');

- D. Streetlights shall be at each intersection and at the intersections (i.e., street intersection and street and alley intersections);
- E. A lighting plan must be approved by the City for streetlights and for any other lighting in the project (e.g. park lighting, parking lot lighting), this shall include the streetlight locations, type of pole, the type of head and the size of the bulb (this plan can and should be produced by the utility company);
- F. All costs shall be born by the developer;
- G. All electrical wiring for street lighting facilities shall also be installed with underground; and
- H. Other regulations as may be included in this Ordinance (See Section XII.1.6 and XVII.8).

XIV.1.4 Swimming Pools

Swimming pools, spas and hot tubs constructed in a non-residential district shall comply with the Standard Swimming Pool Code and the Uniform Swimming Pool, Spa and Hot Tub Code, as adopted and as may be amended, and the City of Glenn Heights' Codes and Ordinances pertaining to same. All swimming pools shall be enclosed behind the main structure.

XIV.1.5 Site Plan Review

Review and approval of a Site Plan by the Planning and Zoning Commission and the City Council (in accordance with Section VIII.13) shall be required for any tract/lot within the a non-residential district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City Council.

XIV.1.6 Building Façade Plans (Elevations)

Building facade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Facade plans shall clearly show how the building(s) will look from all sides, with particular detail given as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The City Manager or his/her designee may, as he/she deems appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process. Building façade plans (elevations) shall be acted upon by the Planning and Zoning Commission and require approval of the City Council. The Plans shall be made an exhibit to the ordinance approving the zoning and/or project.

XIV.1.7 Specific On-Site Storage Prohibited

Recreational vehicles, travel trailers, motor homes or storage units may not be used for on-site dwelling, residential or nonresidential purposes and shall not be stored on premises. In the Commercial “C” and Industrial “I” districts the storage of any of these items require a Specific Use Permit (SUP).

XIV.1.8 Signs

All signs shall comply with the City of Glenn Heights’ Sign Ordinance as adopted and as may be amended.

ARTICLE XV SUPPLEMENTAL DEVELOPMENT REGULATIONS

XV.1.1 Public and semi-public institutional uses such as hospitals, churches, and schools located in any District shall have a minimum site area of one (1) acre.

XV.1.2 Only one main building for single-family and two-family use, with permitted accessory buildings, may be located upon a lot or unplatted tract.

XV.1.3 Whenever two or more main buildings or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the Site Plan for such development is approved by the Planning and Zoning Commission so as to comply with the City Subdivision Regulations requirements for platting. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

XV.1.4 Measurement

- A. Measuring Setbacks – All setback measurements shall be measured from the property line.
- B. Configuration of Lots – Flag lots (i.e., lots with minimal, or panhandle-type, frontage) and through (i.e., double-frontage) lots (particularly within residential zoning districts) shall be prohibited. (Also see Subdivision Regulations for regulations pertaining to the configuration of lots.)
- C. Building Setbacks – All setbacks established on a recorded plat shall be enforced, even if they are less than or they exceed the required setbacks in this Ordinance. Setbacks established on a recorded plat shall only be changed through Replat proceedings as setout in the City’s Subdivision Regulations.

XV.1.5 Front Yard

- A. On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a Final Plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the Plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard.
- B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

- C. Where a building line has been established by a Plat approved by the City Council or by ordinance, and such line required a greater or lesser front yard setback than is prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such authorizing ordinance or Plat provided no such building line shall be less than twenty feet (20').
- D. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or covered terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard setback for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard setback to a height greater than thirty inches (30") above the average grade of the yard. Open porches extending into the front yard setback shall not be enclosed. Fireplaces, bay windows and other similar construction not exceeding seven feet (7') in width may extend two feet (2') into a required setback; provided the total length of all such projections into a setback shall not exceed one third (1/3) the length of the exterior wall.
- E. Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street.) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision Plat. The same shall be enforced on a street curvilinear in design. (The term "curvilinear in design" shall refer to any street segment which is designed with a degree of curvature not less than 3° 30' and not greater than 22° 55', and which shall offset a minimum distance of thirty feet (30'), said offset being measured perpendicular to the initial tangent line of the curve. Computation of percentage of curvilinear streets shall utilize the centerline of all interior streets.) Lot widths for all lots shall be as set forth in the respective zoning district for each lot.
- F. The minimum front yard setback requirements may be reduced by five feet (5') in all Single-Family Districts provided that at least fifty percent (50%) of the structures on a given block are set back an additional five feet (5') from the original setback. The average setback would equal the original setback requirements. The purpose of this requirement is to encourage a variety of front yard setbacks along a street creating a more pleasing appearance of houses in the subdivision. In no case shall the setback be less than twenty feet (20'). The desired setbacks for each lot shall be designated on the approved Final Plat.
- G. Gasoline service station pump islands that parallel a public street may not be located less than eighteen feet (18') to the front property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this

Ordinance are met), but shall not be closer than fifteen feet (15') to any property line that is not adjacent to a public street. An unenclosed canopy for a gasoline filling station pump island may extend beyond the front building line but shall never be closer than ten feet (10') to any property line or street right-of-way line.

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

XV.1.6 Front Yard Accessory Building Setbacks

Attached front accessory buildings shall have a front yard not less than the main building and as specified in the particular district. Detached accessory buildings shall be located in the area defined as the rear yard (setback), with a minimum setback of sixty feet (60') from the front property line.

XV.1.7 Side and Rear Yards

- A. In the Planned Development District the minimum rear yard for residential uses shall be in accordance with the defining base district unless the Site Plan approval requires a greater depth.
- B. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after the effective date of this Ordinance, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/flood plain area, or other similar phenomenon. In such case, a building line may be designated by the City Manager or his/her designee with a minimum side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards). On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district unless otherwise established on the filed Plat (in which case replatting is necessary to change the setback lines, per the Subdivision Regulations).
- C. Every part of a required side and rear yard setback shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and roof eaves and other architectural features not to exceed twelve inches (12") into the required side or rear yard setbacks. Air conditioning compressors and similar equipment are not permitted in the side yard setbacks. Open porches and patios (on ground floor only) extending into a side or rear yard setbacks shall not be enclosed, but upper story balconies may not encroach into a side or rear yard setback. A canopy may project into a required side or rear yard setback provided that it is not enclosed, and provided that it is at least five feet (5') from the property line. No obstruction of setbacks, as discussed herein, shall be permitted in the SF-PH district.

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

XV.1.8 Conforming Lot Coverage or Floor Area Ratio

Any existing building at the effective date of this Ordinance, having a greater percentage of lot coverage or a higher floor area ratio than herein prescribed, shall be considered conforming.

XV.1.9 Special Height Regulations

In the districts where the height of buildings is restricted to two (2) or more stories or thirty-five feet (35') or less, cooling towers, roof gables, chimneys and vent stacks may extend an additional height and not to exceed forty feet (40') above the average grade line of the building. Water stand pipes and tanks, church steeples, domes, and spires, ornamental cupolas, City and school buildings, and institutional buildings may be erected to exceed the particular zoning district, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

XV.1.10 Communications, Antennas and Support Structures/Towers

A. Applicability

1. These regulations apply to all commercial and amateur antennae and support structures, unless exempted in Subsections 2 and 3 below.
2. Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antennae, and amateur radio antennae meeting the following requirements do not require a permit unless mounted on a pole or mast that is twenty feet (20') or more in height:
 - a. In any zoning district, antennae that are one meter (i.e., 39 inches) or less in diameter;
 - b. In a non-residential zoning district, antennae that are two meters or less in diameter;
 - c. In any zoning district, antennae designed to only receive television broadcasts;
 - d. In any zoning district, amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and

- e. In any zoning district, amateur radio ground-mounted whips and wire antennae, unless mounted upon a pole or mast over twenty feet (20') in height.
3. Antennas mounted on existing City water towers shall be exempt from the requirements of this Ordinance, provided a license or lease authorizing such antenna(s) has been approved by the City Council. All other antennas or towers, located on property owned, leased or otherwise controlled by the City of Glenn Heights shall be subject to the requirements herein.
 4. Support structures or antennae legally installed before the effective date of this Ordinance are not required to comply with this Ordinance, but must meet all applicable State, Federal and local requirements, building codes and safety standards.
- B. SPECIAL DEFINITIONS - For the purpose of this Section, the following special definitions shall apply:
1. Antenna, Microwave Reflector & Antenna Support Structure - An antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.
 2. Antenna (Non-Commercial/Amateur) - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered as a non-commercial antenna.
 3. Antenna (Commercial) - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna.

4. Collocation - The use of a single support structure and/or site by more than one communications provider.
5. Communications Operations (Non-Commercial/Amateur) - The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.
6. Communications Operations (Commercial) - The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.
7. Height - The distance measured from the finished grade of the lot/parcel to the highest point on the support structure or other structure, including the base pad and any antennae.
8. Radio, Television or Microwave Tower - See “Antenna, Microwave Reflector & Antenna Support Structure”.
9. Telecommunications Tower or Structure - See “Antenna, Microwave Reflector & Antenna Support Structure”.
10. Temporary/Mobile Antenna - An antenna and any associated support structure/equipment (including, but not limited to, a support pole, a vehicle, etc.) that is placed and/or used on a temporary basis only (i.e., not intended to be permanent), usually in conjunction with a special event, news coverage or emergency situation, or in case of equipment failure or temporary augmentation of permanent communications equipment.
11. Wireless Communication Tower or Structure - See “Antenna, Microwave Reflector & Antenna Support Structure”.

C. General Requirements

1. Antennae and support structures may be considered either principal or accessory uses.
2. Antenna installations shall comply with all other requirements of the Zoning Ordinance and the Code of Ordinances with the exception of those specifically cited within these regulations.
3. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest

point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures that exceed fifty feet (50') in height, or to antennae placed wholly within or mounted upon a building.

4. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
5. All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable Federal, State and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within six (6) months (i.e., 180 calendar days) or as may otherwise be required by the applicable regulating authority.
6. A building permit is required to erect or install an antenna, antenna support structure and related structures/equipment, unless the particular antenna is exempt from these regulations. All installations shall comply with applicable Federal, State and local building codes and the standards published by the Electronic Industries Association. Owners/users shall have thirty (30) days after receiving notice that an installation is in violation of applicable Codes in order to bring it into full compliance.
7. Antennae (amateur or commercial) shall not create electromagnetic or other interference with the City of Glenn Heights', the County's, or any other government agency radio frequencies and public safety operations, as required by the FCC. Antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.
8. No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.
9. Safeguards shall be utilized to prevent unauthorized access to an antenna installation (e.g., on a water tower or utility structure, a free-standing installation, etc.). Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes or other similar climbing device, if utilized, shall be removed immediately following use.

10. Temporary antennae shall only be allowed in the following instances:
 - a. In conjunction with a festival, carnival, rodeo or other special event/activity;
 - b. In case of an emergency (e.g., severe weather, etc.) or a news coverage event;
 - c. When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified prior to the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven (7) days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth (8th) day following initial placement of the antenna.

11. Collocation is greatly encouraged by the City.
 - a. All new support structures over fifty feet (50') in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.
 - b. A support structure which is modified or reconstructed in order to accommodate collocation shall be of the same type, design and height as the existing structure, and it may be moved on the same property within fifty feet (50') of its original location provided that it is not moved any closer to residentially zoned or use of property (if the structure was allowed by SUP, then its new location shall be within the physical/land boundaries of the SUP). The original (i.e., former) support structure shall be removed from the property within ninety (90) days following completion of the new structure.
 - c. Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.

12. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning district. They shall also be of a neutral color and shall use exterior finish colors and materials that are compatible with nearby structures. A six-foot (6') solid masonry wall may be used to screen the area provided exterior finish materials are compatible with nearby structures. The use of a wood fence for screening is prohibited; however, a wrought iron

fence with masonry columns may be used in conjunction with a dense, opaque evergreen landscaped screen with an initial planting height of three feet (3'), and which will attain an ultimate height of six feet (6') within two (2) years.

13. Satellite dishes and other similar antennae shall be permitted on the roof of a building, as long as satellite dishes do not exceed one meter (39") in diameter and antennae do not extend over ten feet (10') above the roof of the building. A letter certifying the roof's/building's structural stability shall be written and sealed by a registered architect or engineer, and shall be submitted to the City Manager or his/her designee prior to any approval of a roof-mounted antenna. Roof-mounted antennas that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.
14. Only one (1) amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two (2) satellite dishes may be allowed if both units are no larger than one meter (39") in diameter (only one allowed if over one meter in diameter). Satellite dishes in any residential district shall not exceed twelve feet (12') in diameter must be approved by the City prior to installation. A written request shall be submitted to the City Manager or his/her designee prior to applying for a permit. The City Manager or his/her designee may require additional information to ensure the safety of the structure. The City Manager or his/her designee may or may not approve the request. In the event the request is approved, installation of the satellite dish shall be screened, behind the main building and meet all other requirements of this and other City Ordinances and Codes.
15. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial (i.e., for-profit) in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.
16. Any publicly owned antennae or antenna support structures shall be permitted in any zoning district (e.g., public safety communications, etc.).
17. In all residential zoning districts (including Agricultural, SF-E, SF-1, SF-2, SF-3, SF-4, SF-PH, SF-PH, MF and MH), commercial antennae and antenna support structures are prohibited, except as specified within this Section.

- a. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure.
 - b. A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and it is not readily visible/identifiable as an antenna from public roadways or from neighboring residential properties.
18. In nonresidential zoning districts (including O, NS, R, TC, C, and D), commercial antennae and antenna support structures are allowed as follows:
- a. Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Specific Use Permit (SUP) provided the structure conforms in all other aspects of the base zoning district's regulations, and provided that all applicable setback requirements are satisfied. In all nonresidential zoning districts, antenna support structures must meet all setback requirements, particularly from residential zoning districts.
 - b. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure.
 - c. A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design, and it is not readily visible/identifiable as an antenna from public roadways or from neighboring residential properties.

XV.1.11 Minimum Dwelling Unit Area

Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

XV.1.12 Open Storage Areas

Open storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to outside display (see definition of outside display in Article XIX; see screening requirements in Section XVII.5.3; and see special requirements for outside display in various zoning districts).

XV.1.13 Sight Visibility

- A. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding, landscaping or other feature obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection. Whenever an intersection of a street(s), alley, and/or driveway occurs, a triangular visibility area shall be created. Landscaping, fences, signs, walls, earthen berms and other features within the triangular visibility area shall be designed so as to provide unobstructed cross-visibility at a level between thirty inches (30") and eight feet (8') above the ground. The triangular areas are defined as follows:
1. Alley intersects a public street right-of-way - The areas on both sides of the intersection of an alley and a public street shall have a triangular visibility area with two (2) sides of each triangle being a minimum of ten feet (10') in length from the point of intersection, and the third side being a line connecting the ends of the other two (2) sides.
 2. Street intersection or intersection of private driveway onto a public street - These areas shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length along the right-of-way lines (or along the driveway curb line and the street right-of-way line) from the point of the intersection, and the third side being a line connecting the ends of the other two (2) sides.
- B. Shrubs and plant materials that are typically less than thirty inches (30") in height at maturity may be located within sight visibility areas provided that they are kept maintained at a maximum height of thirty inches (30").
- C. A limited number of single-trunked trees having a clear trunk (i.e., no branching) height of at least eight feet (8') may be located within sight visibility areas provided that they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area defined above, and provided that they are spaced and positioned such that their trunks will not produce a visibility inhibiting, "picket-fence" effect when they attain mature size.

XV.1.14 Nonresidential Structures in Residential Districts

Nonresidential structures (e.g., churches, schools, day care centers, etc.) which are permitted in residential zoning districts (A, SF-E, SF-1, SF-2, SF-3, SF-4, SF-PH, MF and MH) shall be designed and constructed such that they conform to the development standards set forth in the Neighborhood Service (NS) zoning district (i.e., with respect to maximum height, minimum lot size, minimum front/side/rear setbacks, screening, exterior building construction, etc.) unless otherwise stated in this Ordinance or in an ordinance establishing a PD.

ARTICLE XVI OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 1 PURPOSE

XVI.1.1 Special Off-Street Parking Provisions - Residential Districts

- A. All required enclosed off-street parking spaces within Single-Family residential districts shall be located behind all front building lines. A minimum of two (2) spaces shall be enclosed and two (2) additional spaces on an approved paved driveway.
- B. Additional parking spaces, in excess of those required in Subsection A above, shall have a minimum paved surface of eight feet by twenty feet (8'x20') and in no instance shall all development on the site/lot, including the "additional parking spaces", occupy more than the maximum lot coverage as defined in the specific Residential Districts.
- C. Required off-street parking shall be provided on the same lot/site as the use it is to serve.
- D. No required parking shall be allowed except on a paved concrete or asphalt surface as defined and according to the City's adopted Standard Construction Details.
- E. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle, as defined in this Ordinance.

XVI.1.2 Nonresidential and MF Districts - Special Off-Street Parking Provisions

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section XVII.8.
- B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided as set forth in Section XVI.1.11 (Fire Lanes).
- C. In Office, Retail, Town Center, Commercial and Industrial Zoning Districts, all required parking, maneuvering, loading and storage areas shall be provided on paved concrete. Paved concrete shall be in accordance with the City's Standard Construction Details as adopted and as may be amended. All driveway approaches shall be of reinforced concrete as described above, and shall be curbed to City standards. No paved parking space or area shall be designed such that a vehicle has to back up into a public street or across a public sidewalk, except for single-family dwellings, which are only allowed to egress onto a local (50' right-

of-way) or residential collector (60' right-of-way) street but not onto any larger or more heavily traveled street.

All parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

- D. Each standard off-street surface parking space shall be in accordance with the design standards for space size and design as set forth below. Concrete paving standards are as defined in Subsection C above. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:
1. Standard: Nine feet by twenty feet (9' X 20'), exclusive of access drives and aisles, shall have a wheel stops and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way or adjacent property the length of the standard space length may be reduced to eighteen feet (18').
 2. Compact: Eight feet by sixteen feet (8' X 16'); must be clearly designated with appropriate signage and pavement markings. Compact parking spaces may only make up ten percent (10%) of the total required parking spaces.
 3. Parallel: Eight feet by twenty-two feet (8' X 22'); must be clearly striped with appropriate pavement markings and shall only make up ten percent (10%) of the total required parking spaces.
- E. All parking, loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device (e.g., curb, wheel stop, etc.) installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent any parked vehicle from overhanging a public right-of-way line, public sidewalk or private property. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot (4') minimum sidewalk width. This requirement shall apply only where spaces are adjacent to the walks, right-of-way, and landscaping on private property. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space or for circulation within the parking lot. All entrances into parking lots shall be at least fifty feet (50') from the beginning point of any street corner radius. All entrances into parking lots shall be at least twenty-four feet (24') in width, or a maximum of forty-five feet (45') in width or fifty feet (50') for a divided entrance. Divided entrances into

parking lots shall have a minimum ingress lane of eighteen feet (18') in width, a minimum landscaped median width of five feet (5'), and a minimum egress lane of twenty-two feet (22').

- F. In all nonresidential and multi-family zoned districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic. Any driveway onto a State- or County-controlled roadway shall be reviewed and approved by the appropriate entity(s) (i.e., TxDOT, Dallas County, Ellis County, etc.) and written evidence of such approval shall be submitted to the City of Glenn Heights prior to release for construction of the driveway or for improvements on the site.
- G. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be maintained so as to comply with all public health and sanitary regulations. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and ease of egress from the site without having to back up further than twenty feet (20') and without having to go the wrong way in a traffic aisle. Masonry screening or City Council approved landscape screening of all refuse storage facilities is required on three (3) sides with gates concealing the fourth (4th) side.
- H. Parking space(s) for persons with disabilities and other associated provisions (e.g., clear and unobstructed pathways into building, crosswalks across parking lots, etc.) shall be provided according to current building codes, State laws, and requirements of the Americans with Disabilities Act (ADA). Parking spaces for persons with disabilities shall be as close as possible to the main entrance of the building, and shall be appropriately and clearly marked.
- I. In all nonresidential and multi-family zoned districts, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing of vehicles or equipment, for the placement of signs or refuse facilities, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).
- J. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of a revised site plan.

XVI.1.3 Off-Street Stacking Requirements for Drive-Through Facilities

- A. A stacking space shall be an area on a site measuring eight feet by twenty feet (8' X 20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least eight feet (8') in width and with negotiable geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.
- B. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces. One (1) escape lane shall be provided.
- C. For each service window of a drive-through restaurant, a minimum of five (5) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One (1) escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu-order board).
- D. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three (3) stacking spaces for each service window shall be provided.
- E. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
- F. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
- G. For each wand-type self-service (open) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.
- H. For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay itself.
- I. Dead-end parking areas shall be avoided if possible. If dead-end parking is necessary, then it shall be designed such that it is no more than three (3) parking spaces deep unless adequate turnaround space is provided. A minimum five-foot

(5') deep hammerhead back-up space shall be provided at the end of any dead-end parking area.

- J. All parking structures must conform to the construction and design standards of the Zoning District in which they are located.
- K. For multi-family uses (i.e., apartment complexes), all parking spaces shall be located behind the required front setback line on all street frontages.

XVI.1.4 Off-Street Loading Space - All Districts

A. All retail and similar nonresidential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks. Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure. The minimum dimensions of a “regular” loading space shall be twelve feet by thirty feet (12' x 30'), and a “large” loading space shall be at least twelve feet by sixty-five feet (12' x 65'). Loading spaces or berths shall be provided in accordance with the following schedule:

- 1. Office uses, or portion(s) of building devoted to office uses:

0 to 9,999 square feet:	0 spaces
10,000 to 49,999 square feet:	1 regular space
50,000 to 99,999 square feet:	1 regular space and 1 large space
100,000 to 150,000 square feet:	2 regular spaces and 1 large space
Each additional 50,000 square feet, or portion thereof, over 150,000 square feet:	1 additional regular space

- 2. Retail/commercial and restaurant uses, or portion(s) of building devoted to retail/commercial and restaurant uses:

0 to 3,999 square feet:	0 spaces
4,000 to 9,999 square feet:	1 regular space
10,000 to 29,999 square feet:	1 regular space and 1 large space
30,000 to 99,999 square feet:	2 regular spaces and 1 large space
100,000 to 200,000 square feet:	2 regular spaces and 2 large spaces
Each additional 100,000 square feet, or portion thereof, over 200,000 square feet:	1 additional large space

3. Industrial or warehouse uses, or portion(s) of building devoted to industrial or warehouse uses:

0 to 10,000 square feet:	2 large spaces
Each additional 15,000 square feet, or portion thereof, over 10,000 square feet:	1 additional large space

4. Schools: 1 large space per main school building on the campus

- B. In all nonresidential zoning districts, loading docks or service/delivery entrances shall not be constructed facing any public street (except for large industrial uses; see paragraph below), and shall not be visible from any public street. Such loading areas shall be screened from view of any public street by the building itself, or by a masonry screening wing wall at least twelve feet (12') in height with large evergreen trees and shrubs planted in front of it such that limited portions of the wing wall will be visible when the trees and shrubs are mature. Such masonry wing wall shall match the exterior construction materials and colors of the main building, and shall be located no closer than one hundred feet (100') to any public street right-of-way line.

For large industrial or warehouse uses in the "I" zoning district only, the loading docks may face a public street, and shall not be required to provide a masonry screening wing wall, provided that a minimum thirty-foot (30') wide landscape buffer area is provided adjacent to the street right-of-way line. One (1) large shade tree (minimum 3" caliper, and minimum 10' planted height) shall be provided within the landscape buffer area for every twenty feet (20') of street frontage, or one (1) small ornamental tree (minimum 1.5" caliper, and minimum 7' planted height) shall be provided for every twelve feet (12') of street frontage (or some combination thereof). At least fifty percent (50%) of the required street buffer trees shall be large shade trees, and the rest of the trees may be small ornamental trees. In addition, a solid massing of large evergreen shrubs and three- to four-foot tall berms shall be provided to further screen loading area from view of the street.

- C. Loading docks for any establishment which customarily receive goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent or within three hundred feet (300') to a residential use or district shall be designed and constructed so as to enclose the loading operation on at least three sides in order to reduce the effects of the noise of the operation on adjacent residences. Other screening/buffering alternatives may be required and approved on the Site Plan provided that the City Council makes a finding that the alternative method of screening/buffering will be adequate to protect nearby residences.
- D. Non-residential districts with loading docks shall not design and construct parking and loading facilities in a manner that there is a dead-end loading dock area.

Maneuvering space and clearances shall be provided. In no instance shall a loading facility allow for trucks backing into roadways or interfering with the flow of traffic due to ingress and egress of the parking and loading facility. Adequate clearances shall be designated on the Site Plan.

- E. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through or “circular” drive for each ten (10) students cared for (excluding child care in a residence). An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.
- F. For large shopping centers only, loading spaces that are adjacent and easily accessible to several buildings or uses, including buildings and uses on separate lots, shall be allowed to satisfy the loading requirements for the individual buildings or uses, provided that:
 - 1. The number of spaces satisfies the requirements for the combined square footages for the buildings or uses in question, and
 - 2. For loading spaces to be shared among separate lots, they must be in reasonably close proximity to all potential users and an agreement granting mutual use by the owners of each building shall be executed, filed of record in deed records of the County where the property is located, in conjunction with the filing of the Final Plat. Such Shared Use Agreement must be submitted and approved at the time of Final Plat, with a file-marked copy provided to the City.

XVI.1.5 Parking Access from a Public Street - All Districts

- A. In all Districts (except all residential Districts) the Site Plan and Paving Plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the City Manager or his/her designee. When requested, the applicant shall submit a traffic impact analysis, as defined in Article XIX of this Ordinance, performed by a certified Professional Traffic Operations Engineer (PTOE) for the purpose of determining how the impact of projected volumes of traffic entering or leaving the proposed development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of way and paving in the form of a deceleration lane, a turn lane, or other roadway improvements may be required to be furnished by the developer in order to reduce such interference and to help ensure traffic safety and efficiency. The dedication of additional right-of-way or street paving may also be required, and shall be determined at the time of Site Plan and Preliminary Plat approval.

- B. In the approval of a Development Plan (Site Plan), consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site. Such drives shall have curbs or other barriers to prohibit access from parking areas and other drives.
- C. The radius of all drive approaches shall be constructed so that the curb return shall not extend beyond any projection of the property line which the drive does not cross, except by platted easement or written agreement of both property owners filed for record with the County Clerk with proof supplied to the City.
- D. Vehicular access to nonresidential uses shall not be permitted from alleys serving residential areas, and shall not be configured as “head-in” parking spaces that are accessed directly from the street.

XVI.1.6 Parking Requirements Based on Use

In all Districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements, unless a shared agreement is approved by City Council:

- A. Automobile Carwash (full service) and detail shop: One (1) space per five hundred (500) square feet of gross floor area
- B. Automobile Parts Sales (indoor): One (1) space per five hundred (500) square feet of gross floor area
- C. Automobile Sales and Service: See Motor-Vehicle Sales
- D. Bank, Savings and Loan, or similar institution: One (1) space per three hundred (300) square feet in addition to required queuing spaces (see Section XVI.1.5(B))
- E. Bed and Breakfast facility: One (1) space per guest room in addition to the requirements for a normal residential use
- F. Bowling Alley or Center: Six (6) parking spaces for each alley or lane
- G. Business or Professional Office (general): One (1) space per three hundred (300) square feet of gross floor area except as otherwise specified herein
- H. Carwash (self-service): One (1) space per washing bay or stall in addition to the washing areas/stalls themselves and required queuing spaces
- I. Church, Rectory, or other place of worship: One (1) parking space for each three (3) seats in the main auditorium/sanctuary (see Section XVI.1.7(B))

- J. College, University or Technical School: One (1) space for each three (3) students, based upon maximum enrollment or design capacity, whichever is greater
- K. Commercial Amusement (indoor): One (1) space per one hundred (100) square feet of gross floor area, or as follows:
1. Racquetball or handball courts: Three (3) spaces for each court
 2. Indoor tennis courts: Six (6) spaces for each court
 3. Gymnasium, skating rinks, and martial arts schools: One (1) space for each three (3) seats at a maximum seating capacity (based upon maximum occupancy), plus one (1) space for each two hundred (200) square feet
 4. Swimming pool: One (1) space for each one hundred (100) square feet of gross water surface and deck area
 5. Weight lifting or exercise areas: One (1) space for each one hundred (100) square feet
 6. Indoor jogging or running tracks: One (1) space for each one hundred (100) linear feet
 7. Motion picture theaters (which do not include live performances): One (1) space for each three (3) seats for single-screen theaters and/or one (1) space for each five (5) seats for motion picture theaters with two (2) or more screens (see Section XVI.1.7(B))
 8. Amusement Center: One (1) space for each game table and one (1) space for each amusement device
 9. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurant, office, etc.), shall be calculated in with the minimum specified for those individual uses
- L. Commercial Amusement (outdoor): Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5,000) square feet of building and recreational area
- M. Commercial uses: One (1) space per two hundred fifty (250) square feet of floor area
- N. Community Center, Library, Museum, or Art Gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional

- parking provided on the basis of one (1) space for each four (4) seats that it contains (see Section XVI.1.7(B))
- O. Convenience Store (with gasoline pumps): One (1) space per two hundred (200) square feet of floor area, plus one (1) parking space for each side of a gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.
 - P. Country Club, Golf Club: One (1) parking space for each one hundred, fifty (150) square feet of floor area or for every five (5) members, whichever is greater
 - Q. Dance Hall, Dance/aerobics Studio, Assembly or Exhibition Hall Without Fixed Seats: One (1) parking space for each one hundred (100) square feet of floor area thereof
 - R. Day Nursery, Day Care Center: One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per teacher, plus one (1) space for each bus or van stored on the property (and sized to accommodate the vehicle); also see queuing requirements in Section IX.1.7(B))
 - S. Dwelling units (all except MF): Two spaces for each unit
 - T. Dwelling units, Multi-Family: Two (2) spaces per one and two bedroom units and two and one-half (2 1/2) spaces per three bedroom unit and one (1) space for visitor parking for each five units
 - U. Fast-Food or Drive-In Restaurant: One (1) parking space per one hundred (100) square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see Section XVI.1.3(C))
 - V. Fraternity, Sorority, or Dormitory: One (1) parking space for each two (2) beds
 - W. Furniture or Appliance Store, Hardware Store, Wholesale Establishments, Machinery or Equipment Sales and Service, Clothing or Shoe Repair or Service: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000)
 - X. Gasoline Station: One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each side of a gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as

spaces for the parking requirement. A minimum of six (6) spaces for employees. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling

- Y. Golf Course: Three (3) parking spaces per hole or green plus requirements for retail, office and club house areas and one (1) space per each two (2) employees
- Z. Golf Driving Range: One and one-half (1 1/2) spaces for each driving tee
- AA. Health Club, Health Spa or Exercise Club – One (1) space per one hundred fifty (150) square feet of floor area
- BB. Hospital: One (1) space per employee on the largest shift, plus one and one-half (1-1/2) spaces per each bed or examination room, whichever is applicable
- CC. Hotel or Motel: One (1) parking space for each sleeping room or suite or two (2) spaces for any guest room provided with full kitchen facilities, plus one (1) space for each four (4) seats (based on maximum occupancy) of commercial area contained therein, plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas, plus one (1) space for every two (2) employees during peak (i.e., busiest) time periods when the hotel/motel is fully occupied
- DD. Institutions of a Philanthropic Nature: Ten (10) spaces plus one (1) space for each employee
- EE. Library or Museum: Ten (10) spaces plus one (1) space for every three hundred (300) square feet
- FF. Lodge or Fraternal Organization: One (1) space per two hundred (200) square feet
- GG. Lumber Yard/Home Improvement Center: One (1) space per four hundred (400) square feet display area, plus one (1) space per one thousand (1,000) square feet of warehouse
- HH. Manufactured/Mobile Home or Manufactured/Mobile Home Park: Two (2) spaces for each manufactured/mobile home unit, plus one visitors/supplemental parking for each dwelling unit, plus additional spaces as required herein for accessory uses.
- II. Manufacturing or Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, Warehouse, Printing or Plumbing Shop, or Similar Establishment: One (1) parking space for each employee on the maximum working shift, plus space to accommodate all trucks and other vehicles (in

appropriate sizes) used in connection therewith, but not less than one (1) parking space for each one thousand (1,000) square feet of floor area

- JJ. Medical or Dental Office: One (1) space per one hundred fifty (150) square feet of floor area; facilities over twenty thousand (20,000) square feet shall use the parking standards set forth for hospitals
- KK. Mini-Warehouse: Four (4) spaces per complex, plus one (1) additional space per five thousand (5,000) square feet of storage area, plus two (2) spaces for an on-site manager's residence (if applicable), plus one (1) appropriately sized space for any type of vehicle to be stored on-site (e.g., rental trucks, boats, RVs, etc.)
- LL. Mortuary or Funeral Home: One (1) parking space for each one hundred (100) square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary (see Section IX.1.7(B)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway
- MM. Motor-Vehicle Salesroom and Used Car Lots: One (1) parking space for each five hundred (500) square feet of sales floor/office or other indoor uses, or one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor storage, sales and parking areas, plus one (1) parking space per repair bay in service areas (indoors or outdoors), plus one (1) parking space per service/towing vehicle to be stored on-site (required parking spaces are in addition to those to be used for the storage/display of vehicles for sale/lease)
- NN. Nursing Home, Convalescent Home, or Home for the Aged: One (1) space per five (5) beds, plus one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses, plus one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms and other similar ancillary uses, plus one (1) space for every two (2) employees at full occupancy
- OO. Office (Administrative or Professional): One (1) space for each three hundred (300) square feet of floor area
- PP. Outdoor Display: One (1) space for each six hundred (600) square feet of open sales/display area
- RR. Pawn Shop: One (1) space for each two hundred (200) square feet of floor area
- SS. Places of Public Assembly not listed: One (1) space for each three (3) seats provided (see Section XVI.1.7(B))

- TT. Restaurant, Private Club, Night Club, Café or Similar Recreation or Amusement Establishment: One (1) parking space for each one hundred (100) square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see Section XVI.1.3(C))
- UU. Retail Store or Personal Service Establishment, except as otherwise specified herein: One (1) space per two hundred (200) square feet of gross floor area in addition to any required stacking spaces for drive-through facilities
- VV. Rooming/Boarding House or Group Quarters: One (1) parking space for each sleeping room, plus one (1) parking space for each host resident or employee during maximum (i.e., peak) shift
- WW. School, Elementary (grades K-6): One (1) parking space for each fifteen (15) students (design capacity)
- XX. School, Secondary or Middle (grades 7-8): One (1) parking space for each twelve (12) students (design capacity)
- YY. School, High School (grades 9-12): One space for each one and one-half (1.5) students, faculty and staff (design capacity)
- ZZ. Storage or Warehousing and Light Manufacturing: One (1) space for each two (2) employees on duty at peak shifts, or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater
- AAA. Telemarketing: One (1) space for each two hundred and fifty (250) square feet for floor space
- BBB. Terminal Facilities (Truck, Bus Depot, or Other): For warehouse and staging/loading areas, one (1) space for each two (2) employees on duty at peak shifts, or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater; for bus depot or other human transportation use, one (1) space per one hundred (100) square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above)
- CCC. Theater (indoor or outdoor), Auditorium (except school), or Sports Arena, Stadium: One (1) parking space for each three (3) seats or bench seating spaces (see Section XVI.1.7(B))
- DDD. Veterinarian Clinic: One (1) space per three hundred (300) square feet of gross floor space

- EEE. Warehouse, Wholesale, Manufacturing and Other Industrial Type Uses: One (1) space for each two (2) employees on duty at peak shifts, or one thousand (1,000) square feet of gross floor area, whichever is greater

XVI.1.7 Rules for Computing Number of Parking Spaces and Miscellaneous Off-Street Parking Requirements

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. "Floor area" shall mean the gross floor area of the specific use.
- B. "Seat" shall be interpreted as follows:
 - 1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length; and
 - 2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area (including aisles).
- C. Where fractional spaces result, the parking spaces required shall be constructed to be the next higher whole number.
- D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the City Manager or his/her designee, in accordance with the requirements for the most closely related use specified in this Section. In the event the applicant disagrees with this determination, then he/she may submit a request for determination by the Planning and Zoning Commission and the City Council using the same process as provided in Article IV for classifying new and unlisted uses.
- E. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area, number of employees, number of dwelling units, seating capacity or otherwise, then said building or use shall be required to conform with the parking requirements herein for the entire building or use.
- F. In the case of mixed uses in the same building or on the same premises (such as retail or office), the off-street parking spaces required shall equal the sum of the requirements of the various uses computed separately. No parking space for one

particular use shall be allowed to count toward the parking requirement for some other use on the premises except in the case of a shared parking arrangement (see Subsection G below).

G. Shared parking, with determination to be feasible, may be allowed in the case of mixed uses (different/separate buildings) under the following conditions:

1. Up to sixty percent (60%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours.
2. Shared parking must be on the same parking lot and specifically recommended by the Planning and Zoning Commission and City Council at the time of the Site Plan approval under the shared parking provisions. Such approval may only be denied by the City Council and additional parking obtained by the owners in the event that the City Council determines that such joint use is resulting in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety, or welfare.
3. To assure retention of the shared parking spaces, each property owner shall properly draw and execute an irrevocable mutual parking agreement, approved by the City Attorney, expressing the same, shall file this agreement in the deed records of the County where the property is located, and shall provide a copy of the filed agreement to the City of Glenn Heights prior to the filing of the Final Plat and shall be a condition of Final Plat approval.

H. Compact Car and Parallel Parking Spaces – In the O, NS, R, C and IP districts only, and for nonresidential uses (e.g., school, church, day care facility, etc.) that are allowed in residential zoning districts, compact car and/or parallel parking spaces may be permitted when approved as part of a detailed Site Plan by the Planning and Zoning Commission and the City Council, providing at least one of the following conditions apply:

1. Where it is necessary to preserve the natural landscape and native trees, a maximum of ten percent (10%) of required parking may be designated for compact cars and/or parallel parking spaces (either one, or in combination).
2. For parking lots larger than one hundred (100) spaces involving a shopping center, a maximum of ten per cent (10%) of the required parking may be for compact cars and/or parallel parking spaces (either one, or in combination).
3. For parking lots larger than one hundred (100) spaces involving large single-tenant industrial or office buildings, a maximum of ten percent (10%) of the

required parking may be for compact cars and/or parallel parking spaces (either one, or in combination).

The City shall not be responsible for policing the use of compact car or parallel parking spaces on private property, or for citing violations thereof.

XVI.1.8 Location of Parking Spaces

All residential parking spaces required herein shall be located on the same lot with the building or use served. In the case of nonresidential building/uses the required parking shall be within no more than two hundred feet (200'), except as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required additional spaces may be located not to exceed two hundred feet (200') from any nonresidential building served and as set forth in the mutual parking agreement.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Planning and Zoning Commission and the City Council is required, the parking spaces must be located on an immediately contiguous lot or tract or on a lot or tract within two hundred feet (200') of such building or structure, and shall be filed with the appropriate County and a file-marked copy shall be included with the application for a building permit according to either:
 1. A permanent, irrevocable easement of the parking facilities in favor of the premises benefitted and shall be dedicated and recorded as a condition of such use; or
 2. An irrevocable mutual parking agreement with the approval first of the City Attorney and also by the City as a condition of such use. The agreement shall be recorded in the Deed Records of the County where the property is located.

XVI.1.9 Use of Parking Spaces - All Districts

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or permanent display of goods, materials, or products for sale/lease/rent, refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures.

XVI.1.10 Handicap Parking

Handicap parking space(s) shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans Disability Act

(ADA) of 1991, as may be amended, accessibility guidelines or the Uniform Federal Accessibility Standards, as all such standards currently exist and as may be amended.

XVI.1.11 Fire Lanes

Fire lanes shall be provided in all multi-family, single-family attached, manufactured (mobile) home and nonresidential developments, as required by the adopted Fire Code of the City (also see the Subdivision Regulations for certain fire lane regulations). Fire lanes shall be a minimum width of twenty-four feet (24') of paving, or as may be amended by the Fire Code or NCTCOG amendments. The fire lanes shall also have a minimum inside turning radius at curves of twenty feet (20'), or as required by the Fire Code and/or the Fire Chief of the City of Glenn Heights. The minimum overhead vertical clearance over fire lanes shall be fourteen feet (14') for a linear distance of fifty feet (50') on each side (i.e., in front of and behind, as a fire apparatus would traverse underneath) of any overhead structure (e.g., canopy, roof overhand, vertical height control device, etc.)

XVI.1.12 Parking Regulations for Special Motor Vehicles

- A. For purposes of these regulations, the term “special motor vehicles” is defined as including boats, boat trailers, travel trailers, pickup campers and coaches (designed to be mounted upon automotive vehicles), motorized dwellings (RVs), tent trailers and the like, as well as cases or boxes used for transporting such vehicles, whether occupied by such vehicles or not. No such vehicles shall be used for living, sleeping or housekeeping or similar purposes when parked or stored on a residential lot, or in any location not approved for such use, except as specified in this Ordinance.
- B. No special motor vehicle, heavy load vehicle (as defined in this Ordinance) or recreational vehicle shall be left unattended or parked for more than twenty-four (24) hours within any parking lot, parking space(s), drive aisle, vacant or unused property, or pervious/unpaved surface area (except an appropriately zoned and approved/paved parking lot for such vehicles).
- C. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any special motor vehicle, limousine, RV, trailer, boat, wrecker, truck tractor rig or trailer, camper or camper shall, or other similar recreational, dwelling or business vehicle.
- D. No heavy load vehicles are allowed to be stored or parked in residential areas on a regular or repetitive basis.

ARTICLE XVII MINIMUM ZONING DESIGN CRITERIA

SECTION 1 LANDSCAPING REQUIREMENTS

XVII.1.1 Purpose

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area that, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is hereafter required of new development.

XVII.1.2 Scope and Enforcement

The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new, or altered (i.e., exceeding thirty percent (30%) of the original floor area) construction occurring within the City, except that single-family dwellings shall be exempt. Additionally, any use requiring a Specific Use Permit or a PD zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district. The provisions of this Section shall be administered and enforced by the City Manager or his/her designee. The landscape standards in this Section apply only to nonresidential and multi-family developments (including uses such as schools and churches within a residential zoning district).

If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this Section, the City Manager or his/her designee shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have thirty (30) calendar days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this Ordinance.

XVII.1.3 Permits

No permits shall be issued for building, paving, grading or construction until a detailed Landscape Plan is submitted along with the Site Plan and Engineering/Construction Plans, and until the Landscape Plan is approved by the City Manager or his/her designee. A Landscape Plan shall be required as part of the Site Plan submission, as required in Section VIII.4.1. The Landscape Plan may be shown on the Site Plan (provided the Site Plan remains clear and legible) or may be drawn on a separate sheet. Prior to the issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the Landscape Plan.

In any case in which a Certificate of Occupancy is sought at a season of the year in which the City Manager or his/her designee determines that it would be impractical to plant

trees, shrubs or groundcover, or to successfully establish turf areas, a letter of agreement from the property owner is submitted to the City stating when the installation shall occur and acknowledging noncompliance will result in a violation of this Ordinance. In such instance, all landscaping required by the Landscaping Plan shall be installed within six (6) months (i.e., 180 calendar days) of the date of the letter of agreement.

XVII.1.4 Landscape Plan

Prior to the issuance of a building, paving, grading or construction permit for any use other than single-family detached dwellings, a Landscape Plan shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscaping Plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

- A. Minimum scale of one inch (1") equals fifty feet (50'); show scale in both written and graphic form.
- B. Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).
- C. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), terracing, retaining walls, topography of site, or other landscape features.
- D. Species and common names of all plant materials to be used.
- E. Size of all plant material to be used (container size, planted height, etc.).
- F. Spacing of plant material where appropriate.
- G. Layout and description of irrigation, sprinkler, or water systems including location of water sources.
- H. Description of maintenance provisions.
- I. Name, address and telephone number of the person(s) responsible for the preparation of the Landscape Plan.
- J. Name, address and telephone number of property owner/developer.
- J. North arrow/symbol, and a small map showing where the property is located.

K. Date of the Landscape Plan.

XVII.1.5 General Standards

The following criteria and standards shall apply to landscape materials and installation:

- A. All required landscaped open areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total landscaped area.
- B. Plant materials shall conform to the standards of the approved plant list for the City of Glenn Heights (see Section XVII.2 for the approved plant list) and the current edition of the “American Standard for Nursery Stock” (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- C. Large shade trees shall have an average spread of crown of greater than fifteen feet (15’) at maturity. Trees having a lesser average mature crown of fifteen feet (15’) may be substituted by grouping the same so as to create the equivalent of fifteen feet (15’) of crown spread. Large shade trees shall be a minimum of three inches (3”) in caliper (measured six inches (6”) above the ground) and ten feet (10’) in height at time of planting. Small ornamental trees shall be a minimum of one and one-half inch (1.5”) in caliper and seven feet (7’) in height at time of planting.
- D. Shrubs not of a dwarf variety shall be a minimum of two feet (2’) in height when measured immediately after planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be six feet (6’) high within three (3) years after time of planting (except for parking lot/headlight screens, which shall form a continuous, solid visual screen three feet (3’) high within two (2) years after planting).
- E. Vines not intended as ground cover shall be a minimum of two feet (2’) in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.
- F. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- G. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.

- H. All required landscaped areas shall be equipped with an automatic, underground irrigation system with freeze- and moisture sensors to prevent watering at inappropriate times. Landscaped areas having less than ten (10) square feet in area may be irrigated by some other inconspicuous method. If appropriate xeriscape planting techniques are utilized, the City Council may waive the requirement for an underground irrigation system at the time of Site Plan approval. However, the landscaping shall be required to be maintained in a healthy, living and growing condition, and any irrigation devices shall not be visible from public streets or walkways.
- I. Earthen berms shall have side slopes not to exceed thirty-three and one-third percent (33.3 %) (three feet (3') of horizontal distance for each one foot (1') of vertical height). All berms shall contain necessary drainage provisions as may be required by the City's Engineer.

XVII.1.6 Minimum Landscaping Requirements for Residential Developments

- A. All single-family dwellings shall have installed:
 - 1. Not less than one (1) shrub, per, for every three (3) linear feet of structure width, pursuant to the Approved Plant List in this Ordinance.
 - 2. Not less than three (3) two inch (2") caliper large trees to be located within the front yard and three (3) two inch (2") caliper large trees to be located within the back yard, pursuant to the Approved Plant List in this Ordinance.
 - 3. All lawns shall be hydro mulched or block sodded covering 100% of the front and side yards except for lots that are one-half acre or larger. The minimum amount of hydro mulched or block sodded covering for lots that are one-half acre or larger shall be no less than the required amount of lawn coverage designed for a Single-Family One (SF-1) lot, ensuring the minimum front and side yards are covered.
 - 4. Such required landscaping shall be required on all new construction after the effective date of this Ordinance and such landscaping shall be in a thriving condition at time of final inspection of the main structure.

XVII.1.7 Minimum Landscaping Requirements for Nonresidential and Multi-Family Developments

- A. For all nonresidential and multi-family developments (including schools, churches, day care facilities, and other similar uses in a residential district), at least ten percent (10%) of the lot area shall be permanently landscaped and at least fifty percent (50%) of the required landscaping area shall be in the street yard area (i.e., the area between the building front and the front property line), exclusive of the required vegetation in off-street parking. If the project fronts

more than one (1) street (i.e., it has more than one front yard), each street frontage shall meet the fifty percent (50%) minimum requirement. For gasoline service stations, the requirement is a minimum of fifteen percent (15%) landscaped area for the entire site, including a six hundred (600) square foot landscaped area at the street intersection corner (if any), which can be counted toward the fifteen percent (15%) requirement.

- B. A minimum ten-foot (10') landscape buffer adjacent to the right-of-way (i.e., on private property) of any existing or planned arterial (Type "C" or above) is required, except that any nonresidential parcel that fronts onto Interstate 35 or other future regional thoroughfares shall provide a minimum fifteen-foot (15') landscape buffer. Corner lots fronting two (2) major thoroughfares shall provide the appropriate required landscape buffer on both street frontages (e.g., 10' on arterials, and 15' on Interstate 35 or other future regional thoroughfares). All other street frontages shall observe a minimum five-foot (5') landscape buffer. One (1) large shade tree shall be required per forty (40) linear feet (or portion thereof) of street frontage. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement. The landscaped buffer area may be included in the required landscape area percentage.
- C. Landscape areas within parking lots should generally be at least one parking space in size, with no landscape area less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide, shall equal a total of at least sixteen (16) square feet per parking space, and shall be evenly distributed throughout the interior of the parking lot (i.e., not just concentrated around the edge). There shall be a landscaped area with at least one (1) tree within sixty feet (60') of every parking space. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces for parking lots having more than twenty (20) spaces. Each tree shall be planted with and maintain an open sight line (i.e., no branches) of at least eight feet (8'). Within parking lots, landscape areas should be located to define parking areas and to assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of all parking rows, and shall contain at least one (1) tree. All landscape areas shall be protected by a raised monolithic concrete curb or wheel stops, and shall remain free of trash, litter, and car bumper overhangs.
- D. All existing trees that are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing drip line of the tree. All new trees shall be provided with a permeable surface under the drip line a minimum of five feet (5') by five feet (5').
- E. A minimum of fifty percent (50%) of the total trees required for the property shall be large shade trees as specified on the approved plant list (see Section XVII.2). Only small ornamental trees, shrubs and groundcovers (i.e., no large shade trees) shall be used under existing or proposed overhead utility lines.

- F. The use of terracing and retaining walls is encouraged in order to add character and interest to the area.
- G. Necessary driveways from the public right-of-way shall be permitted through all required landscaping in accordance with City regulations.

XVII.1.8 Tree Preservation

- A. For properties where there are existing large quality trees (i.e., preferred tree species, which are listed in Section XVII.2, Approved Plant List, that are 8” in caliper size or greater); developers shall make best efforts to preserve such trees to the greatest extent possible. Plans showing the general locations, canopy coverage, quantities and species of large quality trees shall be reviewed by City staff along with the Preliminary Plat and associated Engineering/Construction Plans for single-family detached residential development projects, and along with Site Plan review (and associated review of the Landscape Plan and Engineering/Construction Plans) for nonresidential, multiple-family, and single-family attached development projects. Large quality trees that will be removed during construction shall be mitigated at the following rates:
 - 1. Small trees (i.e., existing trees that are 8.0” to 12.0” in caliper size) – Replacement trees shall be planted that equal or exceed a one and one-half to one (1.5:1) ratio of the total aggregate value of trunk diameters.
 - 2. Medium trees (i.e., existing trees that are 12.1” to 18.0” in caliper size) – Replacement trees shall be planted that equal or exceed a two and one-half to one (2.5:1) ratio of the total aggregate value of trunk diameters.
 - 3. Large trees (i.e., existing trees that are 18.1” or greater in caliper size) – Replacement trees shall be planted that equal or exceed a four to one (4:1) ratio of the total aggregate value of both trunk diameter and height.
- B. New trees that are planted as required by this Ordinance shall qualify as replacement trees required above, provided that they are of a large tree species shown on the Approved Plant List (Section XVII.2 of this Ordinance). In the event the mitigation of trees is not practical at the site of the project the City shall make arrangements for mitigation to take place within the City but off-site (i.e., City park, street medians, etc.).
- C. The following existing trees shall not be required to be preserved (but may be preserved and protected, if the developer chooses to do so):
 - 1. Tree species that are not listed on the Approved Plant List (these may include hackberry, bois d’arc, Chinese tallow, post oak, mesquite, etc.); and
 - 2. Trees of any species that are less than 8.0” in caliper size.

- D. During any construction or land development, the developer shall clearly mark maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any trees that are designated for preservation.
- E. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees that are being preserved. Neither shall the developer allow the disposal of any waste/toxic material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain.
- F. No attachment or wires of any kind, other than those of a protective or supportive nature, shall be attached to any tree.

XVII.1.9 Sight Distance and Visibility

- A. Rigid compliance with these landscaping requirements (and with any other provision of this or other City ordinances such as those pertaining to signage, fences, screening, etc.) shall not be such as to cause visibility obstructions and/or blind corners at intersections (see Section XV.1.13 for visibility requirements at street intersections and corners).
- B. Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any vehicular pavement (to avoid visibility problems when plant materials mature).
- C. In the event other visibility obstructions are apparent in the proposed Landscape Plan, as determined by the City Manager or his/her designee, the sight distance and visibility requirements set forth herein may be slightly varied (i.e., modified) by City staff, if necessary and if such modification will not cause a traffic or safety hazard due to visibility.

XVII.1.10 Maintenance

The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass six inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials that die shall be replaced with plant material of similar variety and size, within ninety (90) days. Trees with a trunk diameter in excess of six inches (6") measured twenty-four inches (24") above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three

inches (3”) measured twenty-four inches (24”) above the ground on a caliper-inch for caliper-inch basis (e.g., for a 6” tree, two 3” replacement trees shall be required). A time extension may be granted by the City Manager or his/her designee, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his/her agent.

Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties of Section XX.4.

SECTION 2 APPROVED PLANT LIST

XVII.2.1 Large Trees (within parking areas or as street trees)

Texas Ash (*Fraxinus texensis*)
White Ash (*Fraxinus americana*)
Bald Cypress (*Taxodium distichum*)
Pond Cypress (*Taxodium mucronatum*)
American Elm (*Ulmus americana*) (*Existing specimens are to be preserved since they are among Glenn Heights’s largest native shade trees, but not recommended for planting.*)
Lacebark Elm (*Ulmus parvifolia*)
Cedar Elm (*Ulmus crassifolia*) (*Avoid Winged Elm [Ulmus alata], which is similar but not adapted.*)
Ginkgo (*Ginkgo biloba*)
Chinquapin Oak (*Quercus muehlenbergii*)
Live Oak (*Quercus virginiana*)
Shumard Oak (*Quercus shumardii*)
Chinese Pistache (*Pistacia chinensis*)
Black Hickory (*Carya texana*)
Eastern Red Cedar (*Juniperus virginiana*)

XVII.2.2 Large Trees (best in non-vehicular areas)

Arizona Cypress (*Cupressus glabra*)
Southern Magnolia (*Magnolia grandiflora*)
Bur Oak (*Quercus macrocarpa*)
Pecan (*Carya illinoensis*)
Common Persimmon (*Diospyros virginiana*)
Western Soapberry (*Sapindus Drummondii*)
Sweetgum (*Liquidambar styraciflua*)
Thornless Honey Locust (*Gleditsia triacanthos v. inermis*)

XVII.2.3 Small Trees

Eve’s Necklace (*Sophora affinis*)
Possumhaw/Deciduous Holly (*Ilex decidua*)
Yaupon Holly (*Ilex vomitoria*)
Crape Myrtle (*Lagerstroemia indica*)

Southern Wax Myrtle (*Myrica cerifera*)
Lacey Oak (*Quercus glaucooides*)
Vasey Oak (*Quercus pungens* var. *vaseyi*)
Aristocrat Pear (*Pyrus calleryana* 'Aristocrat') (*Avoid Bradford Pear [P. c. 'Bradford']*)
Eldarica Pine (*Pinus eldarica*)
Mexican Plum (*Prunus mexicana*)
Golden Rain Tree (*Koelreuteria paniculata*)
Redbud (*Cercis canadensis*)
Prairie Flameleaf Sumac (*Rhus lanceolata*)
Rusty Blackhaw Viburnum (*Viburnum rufidulum*)
Desert Willow (*Chilopsis linearis*)
Carolina Buckthorn (*Rhamnus caroliniana*)
Mexican Buckeye (*Ungnadia speciosa*)

XVII.2.4 Evergreen Shrubs (acceptable for low [5' or less] screening)

Dwarf Abelia (*Abelia grandiflora* 'Edward Goucher')
Japanese Boxwood (*Buxus microphylla* var. *japonica*)
Berries Jubilee Holly (*Ilex cornuta* 'Berries Jubilee')
Carissa Holly (*Ilex cornuta* 'Carissa')
Dazzler Holly (*Ilex cornuta* 'Dazzler')
Dwarf Burford Holly (*Ilex cornuta* 'Dwarf Burford')
Dwarf Chinese Holly (*Ilex cornuta* 'Rotunda')
Dwarf Yaupon Holly (*Ilex vomitoria* 'Nana')
Nandina (*Nandina domestica*)

XVII.2.5 Evergreen Shrubs (acceptable for minimum 6' screening)

Glossy Abelia (*Abelia grandiflora*)
Cleyera (*Ternstroemia gymnanthera*)
Burford Holly (*Ilex cornuta* 'Burford')
Chinese Horned Holly (*Ilex cornuta*)
Needlepoint Holly (*Ilex cornuta* 'Needlepoint')

XVII.2.6 Large Evergreen Shrubs/Small Trees (for screening over 6' tall)

Leyland Cypress (*Cupressocyparis leylandii*) (30-40') (*There may be problems with fungus – use sparingly*)
Nellie R. Stevens Holly (*Ilex cornuta* 'Nellie R. Stevens') (10-15 ')
Cherry Laurel (*Prunus caroliniana*) (12-20')
Glossy Ligustrum (*Ligustrum lucidum*) (20-25')
Little Gem Magnolia (*Magnolia grandiflora* 'Little Gem') (to 20')
Chinese Photinia (*Photinia serrulata*) (12-20') (*Avoid Red-Tip Photinia [P. x fraseri]*)
Elaeagnus pungens 'Fruitlandii'
Mary Nell Holly (*Ilex cornuta* x *latifolia* 'Mary Nell')

XVII.2.7 Other Shrubs

Barberry (Berberis spp.)
American Beautyberry (Callicarpa americana)
Indian Hawthorn (Raphiolepis indica) (*May be prone to freezing in this area – use sparingly*)
Harbour Dwarf Nandina (Nandina domestica ‘Harbour Dwarf’)
Wilson Holly (Ilex x altaclarensis ‘Wilsonii’)
Savannah Holly (Ilex “Savannah”) (*Requires acidic soil – use sparingly*)
Rose-of-Sharon (Hibiscus syriacus) (*Not very drought tolerant in this area – use sparingly*)
Autumn Sage (Salvia gregii)
St. Johnswort (Hypericum patulum ‘Henryi’)
Spiraea spp.
Chastetree (Vitex agnus-castus)
Juniper (Juniperus spp.)
Loropetalum
Possumhaw/Deciduous Holly (Ilex decidua)
Prairie Flameleaf Sumac (Rhus lanceolata)
Evergreen Sumac (Rhus virens) (*Tends to get very thin as it gets taller – use sparingly, and not for screening*)

XVII.2.8 Ground Covers

Purpleleaf Honeysuckle (Lonicera japonica ‘Purpurea’)
English Ivy (Hedera helix) (shade only)
Asian Jasmine (Trachelospermum asiaticum)
Trailing Juniper (Juniperus spp.)
Mondograss (Ophiopogon spp.)
Vinca minor (Avoid V. major.)
Liriope muscari (Avoid L. spicata.)
Hardy Plumbago (Ceratostigma plumbaginoides)

Notes:

Other native or locally adapted plant materials that are proved to be durable, long-lived and low maintenance in the Glenn Heights area (and as may be designated as viable xeriscape materials in “Landscape Water Conservation ... Xeriscape”, published by the Texas Agricultural Extension Service) may be approved as qualifying “approved plants” on the project’s landscape plan which is processed during site plan and plat approval for the project.

SECTION 3 UTILITIES

All utility service lines shall be constructed underground.

SECTION 4 ACCESSORY BUILDINGS AND DWELLING UNITS

XVII.4.1 Accessory Buildings in Residential Districts

- A. In a residential or multi-family district, an accessory building is a subordinate or incidental building, attached to or detached from the main building without kitchen facilities but may include a separate bath, not used for commercial purposes and not rented or used as a dwelling unit. Accessory buildings shall be located toward the rear portion of the property, generally behind the main building(s), and accessory buildings that exceed two hundred fifty (250) square feet in floor area shall be “site built” (i.e., cannot be a pre-manufactured or “kit” building), and shall conform with applicable exterior construction requirements for accessory buildings (see Section XII.1.3) and shall be designed and constructed so that they are in keeping with the general architecture of the adjoining residential development. Accessory buildings of any size shall conform to applicable setbacks for the appropriate zoning district and shall conform to all applicable City building codes.

- B. Accessory buildings shall not be permitted without a main building or primary use being in existence. In the event the main or primary building becomes dilapidated, substandard or destroyed, or removed, and not replaced within six (6) months of the destruction or removal, the Accessory Building must be removed, unless additional time for the construction of the main structure is granted by the Board of Adjustment after application, hearing and evidence of the financial ability and work plan for the construction of such main building.

XVII.4.2 Accessory Buildings in Nonresidential Districts

- A. In any non-residential district, an accessory building or incidental accessory use is a subordinate building or use, the use of which is incidental to and used only within or in conjunction with the main building. The accessory shall not have kitchen or bath facilities. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings shall be located toward the rear portion of the property, generally behind the main building(s), and accessory buildings that exceed two hundred fifty (250) square feet in floor area shall be “site built” (i.e., cannot be a pre-manufactured or “kit” building), and shall conform with applicable exterior construction requirements for accessory buildings (see Section XII.1.3) and be designed and constructed so that they are in keeping with the general architecture of the adjoining residential development.

- B. Accessory buildings of any size shall conform to the same setbacks as the main building (see Section XV.1.6), and shall conform to all applicable City building codes.

- C. Accessory buildings shall not be permitted without a main building or primary use being in existence. In the event the main or primary building becomes dilapidated, substandard or destroyed, or removed, and not replaced within six (6) months of the destruction or removal, the Accessory Building must be removed, unless additional time for the construction of the main structure is granted by the Board of Adjustment after application, hearing and evidence of the financial ability and work plan for the construction of such main building.

XVII.4.3 Accessory Dwelling Units

Accessory dwelling units shall only be allowed in Agricultural “A”, Single-Family Estate “SF-E” and Single-Family – One “SF-1” Districts and shall require a Specific Use Permit. Accessory dwelling units are for guests on a temporary and intermittent residential use only and may be on the same lot as the main dwelling unit provided it meets the following standards:

- A. Accessory dwelling buildings must be designed and constructed so that they are in keeping with the general architecture of the adjoining residential development.
- B. As a separate dwelling unit, the accessory dwelling building shall only be occupied by a blood relative or guest of those in the main resident and an independent water meter shall be required.
- C. Accessory building shall be constructed of similar and complimentary material and color to main structure.
- D. The accessory dwelling unit must be constructed to the rear of the main dwelling. Accessory dwelling units shall be allowed in the residential districts of “A”, “SF-E” or “SF-1” only and shall comply with all required setbacks and total lot coverage.
- E. An accessory dwelling unit shall not exceed six hundred fifty square feet (650 sq. ft).
- F. The accessory dwelling unit may be constructed only with the submission and approval of a Specific Use Permit and Site Plan. Failure to comply with the requirements of the SUP shall render it null and void and the City may take all necessary action to render the accessory dwelling unit uninhabitable by removal of kitchen and plumbing facilities.
- G. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be rented or leased.

XVII.4.4 Special Regulations for Accessory Buildings and Dwelling Units

- A. All detached accessory buildings shall in no instance be less than sixty feet (60') feet from the front building line or in front of the main building.
- B. All side and rear yard setbacks shall be in accordance with the requirements for that zoning district.
- C. Garages or carports, with required minimum exterior construction, located and arranged so as to be entered from an interior side yard shall have a minimum of twenty-five feet (25') from the side lot line. Carports or garages arranged to be entered from the side yard, facing a public street, or from a rear or side alley shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25'), whichever is greater.
- D. Carports, with required minimum exterior construction, shall be measured from the columns supporting the roof nearest to the street or alley.
- E. Accessory buildings shall not exceed the height allowed in the specific zoning district, except taller accessory buildings may be allowed in nonresidential districts by Specific Use Permit (SUP) only.

SECTION 5 WALLS, BUFFER-YARDS AND SCREENING REQUIREMENTS

XVII.5.1 Purpose

The purpose of the screening wall or buffer-yard is to provide a visual and protective barrier between properties and uses. Screening will encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards. All screening shall be constructed on the property line of the party responsible for construction and maintenance. To the greatest extent possible, natural vegetation and topography shall be preserved along property lines.

XVII.5.2 Screening Options

In areas required to be screened from adjoining properties, the City of Glenn Heights recommends three (3) options for screening and buffer zones. Any one, or where appropriate, a combination thereof, of the following options shall be permissible. However, the City has a preference for areas where each option should be utilized. Use of a screening option outside the designated preference shall require Planning and Zoning Commission and City Council approval.

Option 1 – Where a screening wall is required for purposes of security and acting as a visual barrier between uses and districts, the City prefers:

Masonry columns, a minimum of twelve feet (12') apart, with wrought iron panels and a live vegetative screen may be constructed on the property line separating districts in which screening is required. The masonry columns shall be a minimum of six feet (6') in height and a maximum of eight feet (8') in height and no less than twenty-four inches by twenty-four inches (24" x 24"). An engineered concrete footing and masonry wall of approximately eighteen inches (18") in height shall be constructed at ground level between masonry columns. Above the eighteen inch (18") masonry wall wrought iron panels shall be installed to a minimum height of six feet (6'). Engineering plans for the wall, columns and foundation is required to be submitted at the time of the Site Plan.

Option 2 – Where a screening wall is required for purposes of making an area aesthetically pleasing and buffering between districts or uses (i.e., between residential and non-residential), the City prefers:

Buffer-yards shall be located within and along the outer perimeter of a lot or boundary line. Buffer-yards shall include earthen berms with live vegetation plantings on the top and mingled around the berms. Earthen berms shall be approximately six feet (6') in height with three feet (3') horizontal distance for every one foot (1') vertical height (slopes not to exceed 33 1/3 %). (See Section XVII.1.5(I) – dimensions of earthen berms). Plantings shall be comprised of plants from the approved plant list in Section XVII.2 of this Ordinance. The trees and shrubs shall consist of species that will reach a minimum height of eight feet (8') for trees and three feet (3') for shrubs within two (2) years. There shall be a mixture of trees and shrubs sufficient to provide a full blind between properties. Earthen berms shall be constructed in such a manner that a hike and bike trail of a minimum width of six feet (6') can be constructed to wind between the berms. The hike and bike trail is also required. Buffer-yards may overlap drainage and/or utility easements; however plantings shall not impede the flow of water within a drainage easement. Buffer-yards shall not be located on any portion of an existing or dedicated public street or right-of-way. Refer to Section XVII.1, Landscaping, for additional requirements.

Option 3 – Where a screening wall is required for purposes of creating a sound and light barrier between residential and non-residential districts or uses, the City prefers:

A solid brick/masonry screening wall, excluding prefabricated panels, of not less than eight feet (8'), in height shall be erected on the property line separating districts in which screening is required. All masonry walls shall be constructed on an engineered foundation. Engineering plans for the wall, wall foundation and columns and column foundations are required to be submitted at the time of the Site Plan. All masonry screening walls shall be constructed in a manner that there is architectural interest (i.e., a combination of brick and stone, a complimentary blend of colors, a custom pattern of brick laying, etc.) Ornamental lighting and detailing (such as trimmings, copings, sculptural elements, etc.) that are placed on top of the masonry support columns may exceed the wall height by up to twelve inches (12") provided that they are integrated into and complementary to the design of the screening wall, and provided that light fixtures do not illuminate adjacent property or cause a nuisance to adjoining neighbors.

In any case where live vegetation is used, it must be maintained and properly irrigated to ensure longevity. In the event live vegetation becomes diseased or dies, it shall be replaced as soon as practicable with like vegetation during the next growing season for the species.

XVII.5.3 Screening of Nonresidential, Multi-Family Areas and Manufactured Home

- A. In the event a multi-family or manufactured home district (Provisional District) PD sides or backs upon a single-family residential district (including PDs), or in the event a non-residential district (including PDs) sides or backs upon any type of residential district (including PDs; except Agricultural).
 - 1. The owner of the multi-family or manufactured home property shall be responsible for and shall build and maintain the required screening wall or buffer-yard on the property line dividing the property from the single-family or duplex residential district.
 - 2. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall or buffer-yard.
 - 3. Any screening wall or fence required under the provisions of this Section or under a Specific Use Permit, Planned Development district, or other requirement shall be constructed of required materials as stated in Section XVII.5.2 above. Screening walls or fences, except the buffer-yard concept, may not contain un-gated openings and shall be finished on both sides with the same or similar masonry materials and colors as the main building on the property that is responsible for the screening wall. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.
- B. In non-residential, multi-family and manufactured home districts, no fence, wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence/wall is required to screen the development from an adjacent residential area (particularly if the residence has, or could have, a back yard fence that would be exposed to view from the street if the required screening wall were not extended out to the street right-of-way line). In this case, the screening fence/wall shall be extended out to the street right-of-way line by the developer of the nonresidential, multi-family or manufactured home development, and the fence/wall shall be finished on both sides in a manner/color that is compatible to the exterior finish materials used on the main buildings. Screening fences/walls shall be placed such that they do not impede visibility for vehicles entering or exiting the nonresidential, multi-family or manufactured home development (see Section XV.1.13 for sight visibility requirements).

- C. Buffer-yards may be allowed in the front yard or side yard of non-residential, multi-family and manufactured home districts in a manner that they do not impede visibility for vehicles entering and exiting the nonresidential, multi-family or manufactured home development (see Section XV.1.13 for sight visibility requirements). With the construction of buffer-yards in the front yard and/or side yard, it shall be required that masonry monument signs, approximately eight feet (8') tall by ten feet (10') long with up-lighting on the face of the sign, shall be constructed immediately interior of the public right-of-way for identification of property occupant.
- D. All screening walls or fences require permits.
- E. See Section XV.1.13 for sight visibility requirements for fences, screening walls and buffer-yards.
- F. Open storage of materials, commodities or equipment (see Section XI.1, Use Charts, for zoning districts permitting outside storage) shall be screened with a minimum six-foot (6') fence or wall (as defined in Section XVII.5.2 above), and shall not be visible from the street or from adjacent property. (See definition of outside storage in Section XIX.)
- G. In districts permitting open storage, screening shall be required for those areas used for open storage. A six-foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened, or around the immediate area to be used for open storage (whichever will provide effective screening from any public right-of-way or adjacent property), by one or a combination of the following methods:
1. Solid masonry (brick or concrete block) of materials and colors that match the exterior of the main building; or
 2. Masonry columns and wrought iron panels with solid landscape screening.
- No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require a Specific Use Permit.
- H. Refuse storage areas which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential, multi-family and manufactured/mobile home uses shall be visually screened by a minimum six-foot (6') solid masonry wall on at least three sides. The fourth side, which is to be used for garbage pickup service, must provide a gate to secure the refuse storage area. Alternate equivalent screening methods may be approved through the Site Plan approval process, Section VIII.13.3. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Reinforced concrete paved areas, minimum of five inches (5") thick, shall be provided for refuse facilities and their approaches for loading and unloading.

- I. Plans and specifications for screening and/or fencing around ground-mounted utility structures (e.g., transformers, natural gas regulating stations, etc.) shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter/document from the utility company, to the City Manager or his/her designee for review and approval prior to construction of said screening/fencing.

SECTION 6 ALTERNATE BODIES OF WATER

- A. An alternate body of water shall be defined as any at- or below-grade pond, lake or open tank that is not constructed as a swimming pool (i.e., concrete- or gunite-lined pool, or a prefabricated masonry, plastic or plexiglass pool) and that contains water in any portion of it at a depth of one and one-half feet (1.5'), or a greater depth, at any given time.
- B. No alternate body of water shall be constructed, maintained or operated in any zoning district except Agricultural (A) without issuance of a Specific Use Permit (SUP) or without specific incorporation into the ordinance and development standards of an approved Planned Development (PD) district.
- C. Construction of any approved alternate body of water shall require issuance of a grading permit from the City prior to any construction activity on the site, and shall be designed such that it facilitates, and will not hinder, storm water drainage in the area.
- D. Any approved alternate body of water (i.e., by SUP or in a PD district) shall be shown on the Plat (and on the Site Plan, if such is required for the development), and language shall be shown on the Plat and Site Plan (if applicable) that describes ownership and maintenance responsibility for such body of water.
- E. Any approved alternate body of water (i.e., by SUP or in a PD district) shall comply with all City, County, State and Federal laws pertaining to safety, and shall have the following safety features:
 1. Shall be lighted at night for pedestrian and user safety (not required in the Agricultural district) unless it is secured by fencing;
 2. Shall include an adequate water circulation device (e.g., pump, fountain, aerator, etc.) that will minimize stagnation and the growth of algae and other undesirable aquatic growths; and
 3. Shall be posted with visible signage that prohibits swimming and wading, and that warns users of potential dangers (i.e., no lifeguard on duty, the presence of aquatic wildlife, etc.).

SECTION 7 PERFORMANCE STANDARDS – NOISE, SMOKE, LIGHTING, PARTICULATE MATTER, ETC.

XVII.7.1 All Uses Must Conform

In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by County, State and Federal agencies. All uses, including those which may be allowed by PD or SUP, shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.

XVII.7.2 Must Comply With Federal and State Regulations

All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.

XVII.7.3 Noise

At no point at the bounding property line of any use shall the sound pressure level of any operation or land use exceed the decibel limits specified in the Octave Band groups designated in the following table:

A. Maximum Permissible Daytime* Octave Band:

Decibel Limits at the Bounding Property Line**

Octave Band (cps)	37	75	150	300	600	1200	2400	4800	9600	A Scale
Decibel Band Limit (db re 0.0002 Microbar)	86	76	70	65	63	58	55	53	65	

Note -- “A scale” levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.

* “Daytime” shall refer to the hours between sunrise and sunset on any given day.

** “Bounding Property Line” shall be interpreted as being at the near side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

- B. The following corrections shall be made to the table of octave band-decibel limits above in determining compliance with the noise level standards:
1. When noise is present at nighttime, subtract (-7db.)
 2. When noise contains strong pure-tone components or is impulsive (i.e., when meter changes at 10 decibels or more per second), subtract (-7db.)
 3. When noise is present for not more than the following, add (+10db):
 - a. ½ minute in any ½-hour period
 - b. 1 minute in any 1-hour period
 - c. 10 minutes in any 2-hour period
 - d. 20 minutes in any 4-hour period
- C. Measurement of noise shall be made with a sound level meter on octave band analyzer meeting the standards prescribed by the American Standards Association.
- D. Exemptions - The following uses and activities shall be exempt from the noise level regulations herein specified.
1. Noises not directly under control of the property owner or user.
 2. Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (i.e., daylight hours).
 3. Noises of safety signals, warning devices and emergency pressure relief valves.
 4. Transient noise of moving sources such as automobiles (i.e., not to include idling automobiles), trucks, and airplanes.
 5. Events sanctioned by the City of Glenn Heights.

XVII.7.4 Smoke and Particulate Matter

No operation or use shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants that at the emission point or within the bounds of the property are:

- A. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed by the ASTM except

for when the presence of uncombined water is the only reason for failure to comply, or when such contaminants are emitted inside a building which prevents their escape into the atmosphere.

- B. The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the operation's site per any one hour.
- C. Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1000 cubic feet of air.

XVII.7.5 Odorous Matter

- A. No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
- B. The odor threshold as herein set forth shall be determined by observation by the City Manager or his or her designee. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing Materials (ASTMD) shall be followed.

XVII.7.6 Fire or Explosive Hazard Material

- A. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Chief of the City of Glenn Heights.
- B. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City of Glenn Heights' adopted Fire Code or are approved by the Fire Chief.
- C. Commercial fireworks displays shall be allowed in accordance with the City's ordinances as adopted and as may be amended.

XVII.7.7 Toxic and Noxious Matter

No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed 10 percent (10%) of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Occupational Health Regulation No. 3," a copy of which is hereby incorporated by reference.

XVII.7.8 Vibration

No operation or use shall at any time create earthborn vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table in the frequency ranges specified:

<u>Frequency Cycles Per Second</u>	<u>Displacement in Inches</u>
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

SECTION 8 LIGHTING AND GLARE STANDARDS

XVII.8.1 Purpose

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of property by their owners and occupants while requiring adequate levels of lighting for security purposes.

XVII.8.2 Nonresidential Site Lighting and Glare Standards

- A. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.

B. All off-street parking areas for non-residential, multi-family, single-family attached and manufactured housing uses shall be illuminated beginning at sunset and continuing until sunrise, but such parking area lighting shall be designed such that it minimizes light overspill onto adjacent properties. Lighting within the parking areas shall meet the following minimum requirements:

1. Intensity

- a. Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third (1/3) of the average, whichever is greater.
- b. Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.

2. Height

- a. On tracts or lots over five (5) acres in size, the maximum height for poles with lights is thirty-five feet (35').
- b. On tracts or lots less than five (5) acres, the maximum height of poles with lights is twenty-five feet (25').
- c. Special lighting or lighting higher than the heights above may be approved as specifically noted on a Site Plan.

XVII.8.3 Residential Lighting and Glare Standards

A. Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

1. Direct lighting over eight feet (8') in height is shielded from adjacent property.
2. No light source shall exceed thirty-five feet (35') in height. Street lights and other traffic safety lighting are exempt from this standard.
3. Lighting shall not directly shine on adjacent dwellings.

XVII.8.4 Luminaries

Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in Section XVII.8.5 below.

XVII.8.5 Special or Temporary Lighting -- Low Wattage

Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used.

SECTION 9 REQUIRED VISUAL SIGHT DISTANCE

XVII.9.1 Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping, or other feature obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection. Whenever an intersection of a street(s), alley, and/or driveway occurs, a triangular visibility area shall be created. Landscaping, fences, signs, walls, earthen berms and other features within the triangular visibility area shall be designed so as to provide unobstructed cross-visibility at a level between thirty inches (30") and eight feet (8') above the ground. The triangular areas are defined as follows:

- A. Street intersection or intersection of private driveway onto a public street – These areas shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length along the right-of-way (or along the driveway curb line and the street right-of-way line) from the point of the intersection, and the third side being a line connecting the ends of the other two (2) sides.
- B. Alley intersects a public street right-of-way – The areas on both sides of the intersection of an alley and a public street shall have a triangular visibility area with two (2) sides of each triangle being a minimum of ten feet (10') in length from the point of intersection, and the third side being a line connecting the ends of the other two (2) sides.
- C. Fences, walls, and hedges three feet (3') in height or less may be located in the visual clearance areas of all districts provided that they are kept maintained at a maximum height of three feet (3').
- D. A limited number of single-trunked trees having no branching below the height of eight feet (8') may be located within sight visibility areas provided that they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area defined above, and provided that they are spaced and positioned such that their trunks will not produce a visibility inhibiting, "picket-fence" effect when they attain mature size.

XVII.9.2 Nonresidential Structures in Residential Districts – Nonresidential structures (e.g., churches, schools, day care centers, etc.) which are permitted in residential zoning districts (A, SF-E, SF-1, SF-2, SF-3, SF-PH, PD) shall be designed and constructed such that they conform to the development standards set forth in the Neighborhood Service (NS) zoning district (i.e., with respect to maximum height, minimum lot size, minimum front/side/rear setbacks, screening, exterior building construction, etc.) unless otherwise stated in this Ordinance or in the ordinance establishing a PD.

SECTION 10 SUPPLEMENTAL STANDARDS FOR USES SELLING ALCOHOLIC BEVERAGES

XVII.10.1 Any use or business which sells alcoholic beverages shall be no closer than 300 feet to church or public hospital, or to a day care or child care facility, as defined in Tex. Human Res. Code sec. 42.002 or successor statute, measured along property lines along public streets from front door to front door and in a direct line across intersections.

XVII.10.2 To the extent allowed by applicable law, as it exists and as it may be amended, any use or business which sells alcoholic beverages shall be no closer than 1,000 feet to a public school or private school as measured in a direct line from property line of the school to property line of the use or business, and in a direct line across intersections, if the board of trustees of the school district or the governing body of a private school requests such separation in writing. Otherwise, the distance shall be as provided in section X.11.1.

XVII.10.3 The distance standards in section X.11.1 do not apply to a day care or child care facility if the use or business selling alcoholic beverages and day care or child care facility are on different stories of a multi-story building, or are located in separate buildings and the use or business or the day care or child care facility is located on the second story or higher of a multi-story building.

XVII.10.4 The sale of beer and wine is expressly prohibited in residential areas.

XVII.10.5 If the establishment derives seventy-five percent (75%) or more of its gross revenue from the on-premise sale of alcoholic beverages, the applicant must obtain a SUP for such use in accordance with the procedure set forth for SUPs in zoning districts that permit the use with an SUP.

ARTICLE XVIII TEMPORARY USES AND PERMITS

XVIII.1.1 Temporary Uses

The temporary uses addressed in this section shall be permitted, as a Temporary Use Permit, "TUP", in all zoning district categories unless otherwise indicated in this Ordinance. The applicant for a temporary use permit must meet all of the conditions for such temporary use as set forth in this Section. Temporary use permits may be issued by the City Manager or his/her designee subject to the provisions of this Section. An appeal to the City Council may be made by an applicant whose temporary use permit was denied by the City Manager. The appeal shall be submitted within 10 calendar days of the City Manger's decision and be in writing and accompanied by the appropriate fee. Any exceptions to the terms and provisions of this Section must be approved by the City Council, which the Council may authorize if it determines that an exception or waiver of the provisions of this Section is warranted due to special conditions. All temporary use permits shall contain a specified time limit for the discontinuance of the temporary use.

XVIII.1.2 Asphalt or Concrete Batching Plant

A temporary asphalt or concrete batching plant permit may be approved by the City Manager, subject to the conditions of this section. Any exceptions to the following conditions shall require approval of the City Council:

- A. The batching plant site shall comply with all applicable provisions of city, state and federal laws.
- B. The batch plant shall not be located within one thousand feet (1000') of an inhabited residence.
- C. Hours of operation and hauling shall be limited to Monday through Friday, 7:00 a.m. to 6:00 p.m. and Saturday, 9:00 a.m. to 5:00 p.m. Aggregate trucks shall be prohibited from hauling to or from the site on Sunday.
- D. The batch plant permit shall be valid for a three-month period. No extensions will be allowed without approval of the City Council.
- E. No portion of the batch plant or its operation shall be located on a public or private street, or on land dedicated to the city for parks and open space.
- F. The batch plant shall only furnish concrete, asphalt, or both, to the specific project for which the temporary permit is issued. The placement of a temporary batching plant for a private project is restricted to the site of the project.
- G. The temporary plant shall be operated in a manner that eliminates unnecessary dust, noise and odor (as illustrated by, but not limited to, covering trucks, hoppers,

chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).

- H. A bond issued to the City of Glenn Heights, in the amount determined by the City Manager or his or her designee, shall be required prior to the issuance of the TUP for the restoration of the site. The site must be clear of all equipment, material and debris as well as all contaminated soil, chemicals and hazardous waste within seven (7) calendar days of completion of the project. In the event the site has been restored the bond will be returned to the applicant. In the event the site has not been restored to the satisfaction of the City Manager, the City will make every attempt to have the repairs complete within a period of one hundred and eighty (180) days thereupon returning any dollar amount in excess of the bond.
- I. A bond issued to the City of Glenn Heights, in an amount determined by the City Manager or his or her designee, shall be required prior to the issuance of the TUP for the repair of all public improvements that are damaged by any and all equipment necessary for and during the operation of the temporary batching plant. The applicant may choose to make the necessary repairs or replacements within thirty (30) calendar days of completion of the project for the return of the bond. In the event these repairs and replacements have not been made to the satisfaction of the City Manager the City will make every attempt to have the repairs complete within a period of one hundred and eighty (180) days thereupon returning any dollar amount in excess of the bond.
- J. Upon issuance and expiration of the temporary permit and cessation of activities, the City Building Official and permittee shall walk the site to verify compliance with these special conditions.
- K. Every attempt should be made by the applicant to ensure that no residential street is utilized for ingress and egress to the batch plant.

XVIII.1.3 Sales Trailer

- A. A temporary permit allowing sales from a modular trailer (mobile office) shall be valid until the issuance of a Certificate of Occupancy for a model home or for one hundred fifty (150) days, whichever comes first. There shall be no extensions of such temporary permit. A trailer shall not be used for living or sleeping purposes.
- B. The trailer must be removed within thirty (30) days after the issuance of a Certificate of Occupancy for a model home or one hundred fifty (150) days, whichever comes first.
- C. The trailer must be single-wide with a maximum length of seventy (70) feet.
- D. The trailer must have ground anchors for every ten feet (10') of the length of the trailer.

- E. The trailer must have skirting around the trailer to conceal the undercarriage.
- F. The trailer must be located in a platted subdivision on a lot which is owned by the applicant, builder, or developer and be located behind the front yard building lot line.
- G. Location of the trailer and landscaping plans must be approved by the City Manager or his/her designee.
- H. At a minimum, landscaping shall include foundation plantings for the front of the trailer to conceal the skirting, and the front yard (twenty-five feet (25') or building line whichever is greater) and side yards (four feet (4') minimum) must be grassed. Side yards must have a one to five (1-5) gallon shrubs every three feet (3') with seasonal flowers between.
- I. A temporary three-foot (3') wide concrete sidewalk to the parking area is required from the trailer to the curb.
- J. Building permit fees for the temporary sales trailer will be required and assessed according to the fee schedule and any necessary utility connection fees shall be paid.
- K. Temporary off-street parking of an approved all-weather surface shall be provided at a minimum rate of two spaces per proposed model home on the same side of the street as the models. Parking must also include at least one hard surface (i.e.-concrete, asphalt etc.) parking space for handicap citizens.
- L. Upon issuance and expiration of the temporary permit and cessation of activities, the City Building Official and permittee shall walk the site to verify compliance with these special conditions. Upon the expiration of the temporary permit or the completion of the model home, whichever comes first, the City Building Official and permittee shall walk the site and verify that all temporary facilities have been removed.

XVIII.1.4 Model Homes

The construction of model homes after approval of the Final Plat and prior to the acceptance of public improvements by the City shall be subject to the conditions of this section. Any exceptions to the following conditions shall require the approval of the City Council:

- A. No model home may be constructed prior to the approval of the Final Plat and issuance of a building permit by the City.
- B. No model home shall be sold until a Final Certificate of Occupancy has been issued for the structure.

- C. The developer/owner shall file a hold harmless agreement, in a form acceptable to the City Attorney, with the City agreeing to fully indemnify and release the City from all claims, suits, judgments and demands against the City which have accrued or which may accrue, and to hold the City harmless from all claims, suits, judgments and demands against the City, either severally or jointly, which have accrued or which may accrue as a result of the improvements, including sidewalks, streets, water and sewer lines, installations of electricity and other utilities, not having been fully inspected and approved by the City.
- D. The hold harmless agreement shall also indicate that the City shall assume no liability for the development or construction of the development or the improvements. The City only grants permission for the construction and showing of the model homes and in no way shall be held liable for the development of the subdivision/project or for any injury or damages which may result from the improvements, including those mentioned in Subsection C of this Section, not having been fully inspected and accepted by the City.
- E. Upon expiration of the temporary permit and cessation of activities, the city building official and permittee shall walk the site to verify compliance with these special conditions.
- F. Failure to fully construct a model home within six (6) months of the issuance of the building permit shall constitute a substandard structure and a public nuisance that may subject the structure to proceedings associated with the repair or demolition of substandard structures and to permit a lien to be placed upon the property.

XVIII.1.5 Seasonal Sales

A temporary use permit may be issued by the City Manager or his or her designee for a seasonal sales use. The City Manager or his or her designee shall consider each request independently and may or may not approve the request. Temporary Use Permits for seasonal sales shall be subject to the following conditions:

- A. Temporary use permits shall be issued only for the seasonal sales merchandise such as Christmas trees, pumpkins, landscape vegetation and fresh produce.
- B. The outdoor display and sales of seasonal items such as mentioned in Subsection A above shall only be allowed in non-residential districts.
- C. A temporary permit shall only be issued to any applicant and for any property twice per calendar year and only for thirty (30) day periods.
- D. The use shall not involve more than one tent or temporary building on a lot.
- E. The applicant shall have written permission from the property owner.

- F. No structure or activity relating to the temporary use shall be located within the required yard setbacks, easements, pedestrian walkways or rights-of-way.
- G. All outdoor display shall be removed within two (2) calendar days after the expiration of the permitted time.
- H. Upon both the issuance and expiration of the temporary permit and cessation of activities, the City Building Official and permittee shall walk the site to verify compliance with these special conditions.

XVIII.1.6 Carnival, Circus, Tent Revival or Special Event

A temporary use permit for a carnival, circus, tent revival or special event may be issued by the City Manager or his or her designee, subject to the following conditions:

- A. Coordination with the City Manager or his or her designee shall begin a minimum of ninety (90) days prior to submission of an application for TUP. Application for a permit shall be made no less than ten (10) business days prior to the date such temporary carnival, circus, tent revival or special event shall commence operation.
- B. The fee for such permit shall be charged according to the fee schedule. Nonprofit organizations shall be exempt from permit fees upon submission of evidence of the nonprofit status of the organization.
- C. The application for a permit shall contain the following:
 - 1. Name, address and telephone number of person, organization or company conducting the event.
 - 2. Dates and time of operation of the carnival, circus, tent revival or special event.
 - 3. A plan showing in detail the different component parts of the temporary carnival, circus, tent revival or special event, including all shows, concessions, amusements, businesses, and the locations of each on the property.
 - 4. A written lease or agreement from the owner of such property stating permission to the applicant to operate a temporary carnival, circus, tent revival or special event on the property.
 - 5. A written agreement with the City, signed by all parties, dictating all pertinent understanding regarding reimbursement to the City for expenses incurred relevant to this event.
 - 6. Proposed location and size of parking area.

7. Location and quantity of sanitary facilities, including but not limited to toilets and hand washing stations.
 8. The approximate number of persons who are attending and, if applicable, the number and types of animals and vehicles that will constitute such event.
 9. The location and orientation of loudspeakers or sound amplification devices, if any.
 10. Proof of public liability insurance with minimum combined limits of five million dollars (\$5,000,000). The City of Glenn Heights shall be named as an additional insured on the policy.
 11. Any other information the City shall deem necessary under the standards for issuance.
- D. Safe and orderly movement of normal vehicular and pedestrian traffic shall not be interrupted. However, street closures may be coordinated with and approved by the City Manager or his or her designee.
- E. The temporary use shall not impede the movement of firefighting equipment, police, ambulances or public works.
- F. Police security (State certified Police Officer) must be provided at the applicant's expense. However, the Glenn Heights' Chief of Police shall have the discretionary authority to determine the number of Officers and hours of operation when said Police security shall be necessary.
- G. Waste from animals shall be removed frequently but no less than daily from the premises. Reduction of odor and insurance of a sanitary environment shall determine the frequency of animal waste removal. Animals shall not be kept closer than three hundred feet (300') to any residence or commercial establishment during non-operating hours of such event. Should the event involve the use of wild animals as defined by state law and city ordinances, regulations associated with such animals shall apply and require compliance.
- H. The application shall be reviewed by the Building Official and Police and Fire departments for security, fire and safety related issues.
- I. The permit will be valid for a maximum period of ten (10) consecutive days which time includes event set up, take down and clean up.
- J. The City will review the permit application in conjunction with the City's Special Event Ordinance as it exists and as it may be amended.

- K. Prior to the opening of the carnival, circus, tent revival or special event and upon expiration of the temporary permit and cessation of activities, the City Building Official and permittee shall walk the site to verify compliance with these special conditions.

XVIII.1.7 Refreshment Stands

A temporary use permit for a refreshment stand may be issued by the City Manager or his or her designee, subject to compliance with the following conditions:

- A. A portable building may be used on a temporary basis as a refreshment stand for a period not to exceed six (6) months on the same lot or parcel within any consecutive twelve (12) month period, measured from the date of the issuance of the temporary permit.
- B. It shall be the responsibility of the applicant to comply with all provision of this Section.
- C. A deposit in a sum according to the fee schedule shall be required at the time the temporary permit for the refreshment stand is obtained to ensure the removal of the stand if the use is discontinued and the stand is not removed from the site within ten (10) calendar days of the expiration or abandonment of the permit. Such deposit will be refunded once the stand has been removed, prior to ten (10) calendar days after the permit expires, and all other requirements have been met. Failure to timely remove the stand and otherwise comply with these requirements shall cause the deposit to be forfeited and deposited into the City's general fund.
- D. All other applicable permits relative to providing food service must be obtained and satisfy all applicable state and local regulations associated with food sanitation. Failure to so comply may render the permit null and void and require immediate cessation of food service.
- E. A refreshment stand and all appurtenances thereto, shall comply with all applicable requirements of the zoning district in which it is located. Such facility shall not be required, however, to meet the landscaping, exterior masonry or underground utility requirements of the applicable zoning district.
- F. A refreshment stand may only be located on parking spaces of retail and/or commercial property, provided that such spaces are not necessary to meet the minimum parking requirements of the other uses on the lot or parcel.
- G. A refreshment stand in a portable building shall not be located within, nor encroach upon, a fire lane, maneuvering aisle, vehicle stacking space or required landscaping areas of the lot or parcel upon which the facility is placed. The

location of such facility shall comply with all visibility obstruction regulations of the City.

- H. A Site Plan shall be submitted providing a well-delineated “safety” area to keep vehicles from entry into the stand and table area. Such Site Plan shall be prepared to scale and reviewed and approved by the Building Official and the Fire Marshal.
- I. The refreshment stand shall be located on an approved concrete surface.
- J. The refreshment stand shall be no more than a maximum of eight feet by twelve feet (8’ x 12’) in size.
- K. The refreshment stand shall obtain a health permit and meet all health requirements promulgated by the Dallas or Ellis County (whichever is applicable) health regulations and the Texas State Department of Health and as set forth in the City’s regulations governing same. Failure to so comply shall render the permit null and void and require the immediate cessation of food services.
- L. Upon both the issuance and expiration of the temporary permit and cessation of activities, the City Building Official and permittee shall walk the site to verify compliance with these special conditions.

ARTICLE XIX BASIC DEFINITIONS AND INTERPRETATIONS

SECTION 1 GENERAL DEFINITIONS

XX 1.1 For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. Words and phrases that are not defined below shall be given their common, ordinary meaning unless the context clearly requires otherwise. The word "shall" is mandatory and not directory; while the word "may" is merely directory.

(1) ACCESSORY BUILDING

A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises and not exceeding the maximum lot coverage. Accessory buildings must meet all requirements of the zoning district in which they are located. Accessory buildings generally include parking garages, adjacent farm structures, home workshops and tool houses, storage sheds, home greenhouses, etc. Farms with working barns may be exempt if the land is subject to an agricultural use exemption; proof of receipt of such an exemption from the applicable appraisal district must be available for inspection. Accessory Buildings may only exist in conjunction with a primary structure and may not be constructed in the absence of a primary structure, unless provided by ordinance. In the event a primary structure is destroyed, the accessory building may continue to exist in the absence of the primary structure for six months provided a primary structure is being re-constructed. Failure to timely construct a primary structure requires the removal of the accessory structure. Accessory structures shall not include structures commonly known as sea boxes, PODs, trailer containers, railroad boxes and the like.

(2) ACCESSORY RESIDENCE / GUEST HOUSE

Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling and shall not exceed six hundred fifty (650) square feet in size (a/k/a Guest House) (Article XVII).

(3) ACCESSORY USE

A use that is customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith. The land and building area used for the accessory use must be significantly less than that used for the primary use and gross receipts, if any, must be significantly less than those

derived from the primary use. Accessory uses must comply with the requirements of the zoning district in which they are located.

(4) ACCOUNTANT OR BOOKKEEPING OFFICE

See Business Office, General.

(5) ADMINISTRATIVE OR CORPORATE HEADQUARTERS

The center of operations or administration for a legal entity, that may conduct its primary operations in another location, and designate the location as its principal place of business for legal transactions.

(6) AIRPORT

A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers and regulated by state and federal entities with jurisdiction over airspace.

(7) ALLEY

A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

(8) AMERICANS WITH DISABILITIES ACT (“ADA”)

The applicable federal statute and regulations relative to new construction and rehabilitation as may be required in 42 U.S.C. 1281, et seq., Pub. L. 101-336 and implementing regulations at 28 C.F.R. parts 35 and 36, and similar regulations as they exist and as they may be amended.

(9) AMORTIZATION

The required removal of a nonconformity after a stated period of time without compensation.

(10) AMUSEMENT OR VIDEO ARCADE, COMMERCIAL

Any building, room, place or establishment of any nature or kind and by whatever name called, that contains at least three (3) amusement devices, such as pinball and video machines are operated for a profit, whether the same be operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. Provided, however, the term “amusement device”, as used herein, shall not include musical

devices, billiard tables which are not coin-operated, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports. May be Indoor or Outdoor; See also, Amusement Park, Permanent

(11) AMUSEMENT PARK, PERMANENT

An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including, but not limited to, batting cages, miniature golf, go-kart tracks and thrill rides..

(12) ANIMAL POUND (MUNICIPAL)

An enclosure, owned by the municipality, under or subject to its control, to house stray or unlicensed animals captured within the municipality. The pound may also be used as a holding pen for animals under observation consistent with state law regulations.

(13) ANTENNA, SATELLITE DISH

An apparatus capable of receiving communications from a transmitter relay located in planetary orbit.

(14) ANTIQUE SHOP, SALES IN BUILDING

A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a building. Antiques are objects which show some degree of craftsmanship, value and is considered a collectible.

(15) APARTMENT HOUSE

See Multiple Family Dwelling.

(16) ARCHITECT'S OFFICE

See Business Office, General.

(17) ASPHALT PAVING

A composite material commonly used for construction of pavement, highways and parking lots, comprised primarily of petroleum based products as a tar like substance used as a binder with an aggregate base. All asphalt paving, residential driveways and parking, shall conform to the standards adopted in the City's Subdivision Regulations and the adopted Standard Construction Details.

(18) ASSEMBLY HALL

A building, or part of a building, in which facilities are provided and used for such purposes as a meeting, gathering, or assembly of persons for civic, educational, political, religious, or social events, including weddings and receptions, and may include a banquet hall, or fraternal organization.

(19) ASSEMBLY OF ELECTRONIC INSTRUMENTS AND DEVICES

An industrial site where technological devices are assembled for the purpose of manipulation of voltages and electric currents through the various devices for the result of performing some useful action.

(20) ASSISTED LIVING FACILITY.

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 personal care services, as defined by Chapter 247 of the Texas Human Resources Code. As part of the Specific Use Permit (SUP), the applicant must maintain a license in good standing issued under Chapter 247 of the Texas Health and Safety Code, for establishing or operating an assisted living facility with the City. The failure to maintain the license shall render the SUP null and void and such person is prohibited from establishing or operating such a facility without a license as stated herein.

(21) ATHLETIC STADIUM OR FIELD

An athletic field or stadium owned and operated by a public agency and/or political subdivision for use by the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

(22) AUTOMOBILE (AUTO)

A self-propelled mechanical vehicle designed for use on streets and highways for the conveying of goods and people including but not limited to the following: passenger cars, trucks, buses, motor scooters and motorcycles.

A motor vehicle subject to registration under Transportation Code, Title 7, Subtitle A, or any other device designed to be self-propelled or transported on a public highway.

(23) AUTOMOBILE ASSEMBLY, PAINTING, UPHOLSTERY AND REBUILDING

Assembly is a system of workers and machinery in which a new product is assembled in a series of consecutive operations; typically the product is attached

to a continuously moving belt. The painting, upholstery and/or rebuilding are the independent rehabilitation of a used automobile product.

(24) AUTOMOBILE CENTER

A business whose primary purpose is to stock automotive parts and accessories and which may provide a limited amount of maintenance services. All services are inside.

(25) AUTOMOBILE LEASING AND RENTING

A location where vehicles (e.g. automobiles, motorcycles and light load vehicles) are stored for leasing or rental purposes.

(26) AUTOMOBILE PARKING LOT OR GARAGE

An area or structure designed for the short-term parking of motor vehicles. See Parking Lot and Parking Garage.

(27) AUTOMOBILE PARTS, SALES IN BUILDING (Inside)

The use of any building or other premises for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

(28) AUTOMOBILE PARTS, SALES IN OPEN (Outside)

The use of any land for the outside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles. This does not include junk or salvage yards.

(29) AUTOMOBILE REPAIR GARAGE OR SHOP

An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles. The car service/bay area shall be screened from view from public roads unless the garage existed before March 31, 2005.

(30) AUTOMOBILE REPAIR, MAJOR

General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision services, including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust-proofing; those uses listed under "automobile repair, minor"; and other similar uses. The car service/bay

area shall be screened from view from public roads (unless the garage existed before March 31, 2005?).

(31) AUTOMOBILE REPAIR, MINOR

Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups and automobile washing and polishing. The car service/bay area shall be screened from view from public roads (unless the garage existed before March 31, 2005?).

(32) AUTOMOBILE SALES LOT (NEW)

A place of business where the primary business is the sales of new automobiles. The place of business and seller of vehicles must comply with the Texas Department of Transportation regulations and licensing requirements.

(33) AUTOMOBILE SALES LOT (USED)

A place of business where the primary business is the sales of used automobiles or light load vehicles. The place of business and seller of vehicles must comply with the Texas Department of Transportation regulations and licensing requirements.

(34) AUTOMOBILE SERVICE STATION (GAS STATION)

Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automobile fuels, lubricants, and automobile accessories, including those operations listed under "automobile repair, minor". Vehicles, which are inoperative or are being repaired, may not remain parked outside an Automobile Service Station for a period greater than seven (7) days.

(35) AUTOMOBILE STORAGE

The storage on a lot or tract, which complies with the Texas Department of Licensing and Regulation licensing requirements of operable automobiles for the purpose of holding such vehicles for sale, distribution or storage.

A garage, parking lot, or other facility owned or operated by a person other than a governmental entity for storing or parking ten (10) or more vehicles per year.

(36) BAKERY AND CONFECTIONERY WORKS

A manufacturing facility for the production and distribution of baked goods and confectioneries.

(37) BANK, (a/k/a SAVINGS AND LOAN, OR CREDIT UNION)

An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or the facilitating of the transmission of funds

(38) BANK, AUTOMATIC TELLER

A stand alone structure or kiosk associated with a Bank, for either pedestrian or vehicular transactions involving the transmission of funds.

(39) BAR

Any establishment including, but not limited to, "night clubs" licensed by the state for the sale of alcoholic beverages that derives more than seventy-five percent (75%) of the establishment's gross revenue from the on-premise sale of alcoholic beverages for on-premise consumption.

For purposes of this definition, "daily gross sales" shall be calculated using the normal selling price of all food, alcoholic beverages and other items sold in the establishment and shall reflect the price normally charged for such items in the establishment for which the daily gross sales figure is calculated, whether such item is actually sold at normal selling price or below normal price. Prices charged during promotions, happy hours, and other occasion when items are sold at reduced prices or served at no charge, shall not be considered "normal selling price" for calculation of daily gross sales.

(40) BARBER SHOP OR COLLEGE

A place where barbering, as defined in Chapter 1601 of the Texas Occupations Code, as it may be amended, is practiced, offered or attempted to be practiced, except when such place is duly licensed as a barber school or college.

(41) BASEMENT OR CELLAR

A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

(42) BATCH PLANT

See Concrete or Asphalt Batching Plant, Permanent and Temporary.

(43) BATH HOUSE

A structure that contains dressing rooms, showers, restrooms and toilet facilities for use with an adjacent public swimming pool, semi-public swimming pool, private swimming pool, spa-pool or public bathing place.

(44) BATTERY MANUFACTURING

See Manufacturing Processes, General

(45) BEAUTY SHOP

A place where cosmetology, as defined by Chapter 1602 of the Texas Occupations Code, as adopted and amended, is practiced.

(46) BED AND BREAKFAST, INN OR FACILITY

A dwelling or group of dwellings at which a meal, usually breakfast, is served and sleeping accommodations are offered and provided to not more than ten (10) rooms or unattached units (e.g. cabins) for transient guests on a nightly basis for compensation. Such term does not include a hotel, motel or boarding house. See tourist home.

(47) BERM

A small fabricated hill or elevated land typically used in place of, or in addition to trees or shrubs to screen a business from public view or to act as a visual, light and noise buffer between uses. A rolling topography is generally created through the use of berms. Berms shall not be more than six feet (6') from the ground to its highest point.

(48) BIG BOX

A structure over 45,000 square feet in size including, but not necessarily limited to, membership warehouses and large retail businesses.

(49) BLOCK

A track of land platted for urban use and generally bound by dedicated public right-of-way, streets, or a combination of streets, parks, cemeteries, or boundary lines of local government.

(50) BOARDING HOUSE

A building, where, for compensation, and by pre-arrangement for definite periods of time, meals or lodging and meals are provided for three (3) persons or more,

but not exceeding twenty (20) persons on a weekly or monthly basis. This term does not include a hotel or motel.

(51) BOAT SALES

A place of business where the primary business is the sales of new and used boats. The place of business and seller of vehicles must comply with the Texas Department of Parks and Wildlife regulations and licensing requirements.

(52) BOOK BINDERY

A facility where books are bound. Bookbinding is the process of physically assembling a book from a number of folded or unfolded sheets of paper and usually involves attaching covers to the text block.

(53) BOTTLING WORKS

A manufacturing facility designed to place a product into a bottle for distribution.

(54) BUFFER ZONE

A tract of land between two differently zoned areas (e.g., a city might position a multi-family residential development between a commercial and single-family residential district).

(55) BUFFER-YARD

A designated area, defined in dimension, on the perimeter of a property which is required to have a screening or buffering of landscaping or screening materials installed and maintained between it and the adjacent property. Normally this will be between properties with differing zoning or uses.

(56) BUILDING

Any structure designed, built or occupied, intended for shelter, housing or roofed enclosure for persons, animals or property. When separated by dividing walls without openings, each portion of such structure so separated may be deemed a separate building.

(57) BUILDING ELEVATION

The view of any building, or other structure from any one of four sides showing features such as construction materials, design, height, dimensions, windows, doors, architectural features and the relationship of grade to floor level.

(58) BUILDING HEIGHT

The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or a deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

(59) BUILDING LINE

A line parallel, or approximately parallel, to the front, side or rear lot line at a specific distance there from, marking the minimum distance from the front, side or rear lot line that a building may be erected.

(60) BUILDING MATERIALS, LUMBER SALES YARDS AND
HARDWARE SALES (INSIDE STORAGE)

The sale of new building materials, unfinished lumber and indoor related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer. Facilities for storage are inside the building.

(61) BUILDING MATERIALS, LUMBER SALES YARDS AND
HARDWARE SALES (OUTSIDE STORAGE)

The sale of new building materials, unfinished lumber and indoor related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer. Facilities for storage are outside the building.

(62) BUILDING OFFICIAL

The building inspector, administrative official or other authorized designee of the City charged with responsibility for issuing permits and enforcing the City of Glenn Heights Zoning Ordinance, Subdivision Regulations and the adopted Building Code.

(63) BUILDING, PRIMARY (MAIN)

A building in which the principal use of the lot on which it is situated is conducted. In a residential district the dwelling unit shall be deemed to be a main building on the lot on which it is situated.

(64) BUS STOP OR SHELTER

A roofed structure with a least three walls located on or adjacent to the right-of-way of a street, and which is designed and used primarily for the protection, convenience and information of bus passengers.

(65) BUS TERMINAL.

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

(66) BUSINESS SERVICE

Establishments primarily engaged in providing services, not elsewhere classified, to business enterprises on a fee contract basis including, but not limited to, advertising agencies, computer programming and software services, and office equipment rental or leasing.

(67) CABINET AND UPHOLSTERING SHOP

An establishment for the production, display and sale of cabinets, furniture and soft coverings for furniture.

(68) CAMPING SITES

Land and facilities designated and permitted as a park or site for temporary dwelling by tent, cabin or recreational vehicle, with or without electrical or plumbing infrastructure and/or designated pad sites.

(69) CAR WASH

Structure used to wash motorcycles, automobiles and light load vehicles.

(70) CAR WASH, AUTOMATED

Facility or structure where chairs, conveyors, blowers, steam cleaners or other mechanical devices are used for the purpose of washing motorcycles, automobiles and light load vehicles and where the operation is generally performed or operated by an attendant.

(71) CAR WASH, MANUAL OR SELF-SERVICE

Facility or structure where washing, drying and polishing of vehicles is done by the owner of the vehicle, as a self-service operation, without the use of chain conveyors, blowers, steam cleaners or other mechanical devices.

(72) CARETAKER/GUARD QUARTERS AS PART OF PERMANENT STRUCTURE

An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a person or persons employed on the premises, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed six hundred fifty (650) square feet.

(73) CARNIVAL, TEMPORARY

A temporary amusement park wherein a special events permit is sought for the purpose of providing entertainment from rides, sideshows and games of skill on public or private property as permitted.

(74) CARPORT

A structure open on a minimum of three sides designed or used to shelter not more than three (3) vehicles and not to exceed twenty-four feet (24') on its longest dimension. Carports shall be constructed as provided by this Zoning Ordinance (Section XII.).

(75) CARTING OR EXPRESS HAULING

The work of taking something away in a cart or truck, transportation of goods and disposing of it.

(76) CEMETERY OR MAUSOLEUM

Property used for the interring of the dead, where bodies or remains are interred in ground (cemetery) or above ground in staked vaults (mausoleum).

(77) CERTIFICATE OF OCCUPANCY

An official certificate issued by the City through the Building Official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use and occupancy of the premises for which it is issued; may also be referred to as an "Occupancy Permit".

(78) CHURCH, RECTORY OR RELIGIOUS INSTITUTION

A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and may be a place of residence for ministers, priests, nuns or rabbis on the premises. A place of worship, including a church, synagogue,

temple, mosque or other building or facility, primarily engaged in religious worship. The term “accessory activities” does not include uses such as schools, recreational facilities, day care or child care facilities, kindergartens, dormitories, or other facilities for temporary or permanent residences, which are connected or related to the church or the principal building on the site, or are located on the same site, even if the curriculum or services offered as part of such use includes religious services or training.

(79) CITY

The City of Glenn Heights, an incorporated home rule municipality and political subdivision of the State of Texas located in Dallas and Ellis Counties.

(80) CITY COUNCIL

The governing body of the City of Glenn Heights, Texas.

(81) CLOTHING OR APPAREL STORE

A retail facility primarily in business for the sale of personal clothing, shoes and other clothing accessories.

(82) CLUB

This term includes assembly halls, private country clubs, fraternal clubs or lodges, private clubs and night clubs and those terms as defined shall govern.

(83) CLUB, FRATERNAL (FRATERNAL LODGE)

An establishment providing meeting or social facilities for a private or nonprofit association, primarily for use by members and guests. Typical uses include, but are not limited to, fraternal lodges and meeting halls.

(84) CLUB, NIGHT

An establishment where there is live entertainment, dancing, karaoke, televised, recorded and/or other performing entertainers.

(85) CLUB, PRIVATE

A place or establishment in which alcoholic beverages are stored, possessed, mixed, consumed or served in broken or unsealed containers, as permitted by the laws of the state, and thirty percent (30%) of the gross receipts are derived from the sale of food. Gross receipts shall be determined by an annual audit provided at the expense of the owner of the private club for review by the City Council. All private clubs require a Specific Use Permit (SUP). Private clubs shall

conform to the requirements of state law including, but not limited to, the Alcohol Beverage Code and shall receive a private club permit from the state within six (6) months after the issuance of a SUP.

(86) COLLEGE OR UNIVERSITY

An academic institution of higher learning accredited or recognized by the State and covering a program or series of programs of academic study.

(87) COMMERCIAL AMUSEMENT (INDOOR)

An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that, for a fee or price of admission, provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, video arcades, and other similar types of uses. See Amusement, Commercial.

(88) COMMERCIAL AMUSEMENT (OUTDOOR)

See Amusement Park, Permanent.

(89) COMMERCIAL PLANT, GENERAL

Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

(90) COMMERCIAL SCHOOL, TRADE SCHOOL OR VOCATIONAL TECHNICAL SCHOOL

Establishments, other than public or parochial schools, private primary and secondary schools or colleges, offering training or instruction on a trade, art or occupation.

(91) COMMISSION

The Planning and Zoning Commission of the City of Glenn Heights.

(92) COMMON AREA

A parcel or parcels of land, or an area of water, or combination of land and water and/or developed facilities, complementary structures or improvements, including

but not limited to vehicular and pedestrian access and recreational facilities within the site.

(93) COMMUNITY CENTER (PUBLIC)

A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a governmental agency or private non-profit agency.

(94) COMMUNITY CENTER, PRIVATE

A building or buildings dedicated to social and/or recreational, athletic, cultural or entertainment activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit and not as a commercial, for profit, business.

(95) COMMUNITY HOME

A community-based residential home qualified to operate by the State of Texas, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded in accordance with Chapter 123 of the Texas Human Resource Code, as it may be amended. Community homes provide for persons who have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a community home, a home must meet the following state statutory requirements, as they may be amended:

- a. Not more than six (6) disabled persons and two (2) supervisory personnel may reside in the community home at the same time.
- b. The home must provide food and shelter, personal guidance, care, rehabilitation services and supervision.
- c. All applicable licensing and other statutory requirements.

To the extent required by law, such use shall be by right in any residential district.

(96) COMMUNITY SERVICES DIRECTOR

An official of the City of Glenn Heights responsible for the planning and zoning functions of the City, Right-of-Way management, building inspections, builder/developer liaison, management of City real estate, public utility liaison and coordinates business development and retention.

(97) COMPREHENSIVE PLAN

The Comprehensive Plan of the City and adjoining areas as adopted by the City Council and the City Planning and Zoning Commission, including all its revisions and parts, consistent with City Charter and Ordinances. This plan provides a guide for the future development of the City with graphic and textual policies that govern the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, and other public and private developments and improvements.

(98) CONCEPT PLAN

Conceptual drawing of a proposed project or development to provide a general understanding and depiction of the intended general use. See also Site Plan.

(99) CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)

A permanent manufacturing facility for the storing of raw materials and production of concrete or asphalt.

(100) CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)

A temporary manufacturing facility for the storing of raw materials and production of concrete or asphalt during construction of a project. Plant shall be removed when the project is completed.

(101) CONCRETE PAVING

All concrete paving, residential and non-residential driveways and streets, shall conform to the standards adopted in the City's Subdivision Regulations and the adopted Standard Construction Details.

(102) CONSTRUCTION YARD (TEMPORARY)

A storage yard or assembly yard for building materials and equipment directly related to a specific construction project and subject to removal at completion of construction.

(103) CONTINUING CARE FACILITY

A facility defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act in which a person provides board and lodging, together with personal care services and nursing services, medical services, or other health-related services, regardless of whether the services and lodging are provided at the same location, under an agreement that requires the payment of a fee and that is effective for the life of the individual or for a period of more than one (1) year,

such individual or individuals being cared for not being related by consanguinity or affinity to the person providing the care (Also see Household Care Facility).

(104) CONTRACTOR'S SHOP AND STORAGE YARD

A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

(105) CONVENIENCE STORE

A retail establishment providing for the sale of consumables, non-prescription drugs, small household items and gifts that are not used or consumed on the premises. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than eight (8) pumps are offered.

(106) CONVENIENCE STORE LESS THAN 2500 S.F.

A retail establishment providing for the sale of consumables, non-prescription drugs, small household items and gifts that are not used or consumed on the premises. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than eight (8) pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet, not including storage areas and administrative offices.

(107) CORNER VISIBILITY

An area to be left without obstruction such that the view of traffic is not impeded.

(108) COUNTRY CLUB (PRIVATE)

A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available to members and their guests.

(109) COURT

An open, unobstructed space, bounded on more than two sides by the walls of a building. An "inner court" is entirely surrounded by the exterior walls of a building. An "outer court" has one side open to a street, alley, yard, or other permanent open space.

(110) COVERAGE

The area physically covered by all buildings located on a lot or parcel, including the area covered by all overhanging roofs.

(111) CULTURAL ESTABLISHMENTS

Establishments such as museums, art galleries, botanical and zoological gardens, and other facilities of a historic, an educational or a cultural interest that possess qualities of significance in history, architecture, archeology, or reflect the cumulative deposit of knowledge, experience, beliefs, values, attitudes, meanings, hierarchies, religion, notions of time, roles, spatial relations, concepts of the universe, and material objects and possessions acquired by a group of people in the course of generations through individual and group striving.

(112) CUL-DE-SAC

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

(113) CURBSTONING

The practice of selling cars on the street or in parking lots, usually by unlicensed dealers.

(114) CURVILINEAR IN DESIGN

A design characteristic consisting of or bounded by curved lines; represented by a curved line.

(115) DAIRY PROCESSING

The homogenization and pasteurization of raw milk for the production of dairy products such as milk, cheese, yogurt, ice cream, etc.

(116) DANCE HALL

A building or part of a building with facilities for dancing.

(117) DAYCARE

Daycare uses include facilities that provide care for children or adults on a regular basis away from their primary residence for less than twenty-four (24) hours per day. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Specific use types include, but are not limited to, the following:

a. Child Care in Residence (accessory use) aka Family Home

A child care facility that regularly provides care in the caretaker's own residence for not more than six (6) children under 14 years of age, excluding the caretaker's own children and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time. This term shall not include overnight lodging, medical treatment, counseling or rehabilitative service establishments and does not apply to any school. Licensure/registration for such facilities shall follow the requirements set forth by the State of Texas.

b. Children's Day Care Center (Registered)

A facility or place designed for the care of less than six (6) unrelated children for some period of time less than twenty-four (24) hours. If such facility provides overnight care, the license must prove authorization for the same.

c. Adult Day Care Facility

A commercial facility or place designed for the care of six (6) or less unrelated adult persons being cared for less than 24 hours, whether or not such care is provided for compensation. Licensure/registration for such facilities shall follow the requirements set forth by the Texas Health and Human Service Department, stating the ownership, operation and numbers of clients applicable to the facility. The City shall require a special use permit (SUP) prior to operation of such a facility, to ensure compliance with all City health and safety codes. This term shall not include group home.

(118) DEAD END STREET

A street, other than a cul-de-sac, with only one outlet for ingress or egress.

(119) DENSITY

The total number of residential units allowed upon a given tract of land usually expressed in total number of units per gross acres of net acre.

(120) DEPARTMENT STORE

A building or use which sells primarily general retail items. No consumption of food or beverage items occur on site but food and beverage sales for off-site consumption is permitted.

(121) DETACHED PRIVATE GARAGE

A detached accessory building or portion of the main building for the primary use as parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

(122) DEVELOPER

A person, partnership, corporation or other legal entity owning or representing a business which is proposing or applying to construct a project or create a subdivision.

(123) DISTRIBUTION CENTER OR WAREHOUSE

A building or facility used for the storage and distribution of whole items/products.

(124) DISTRICT, ZONING

See Zoning District.

(125) DRAPERY MANUFACTURING AND SALES

An establishment used for the production, display and sale of draperies and interior window coverings.

(126) DRUG AND PHARMACEUTICAL MANUFACTURING

See Manufacturing Process, General.

(127) DRUG STORE, PHARMACY

A retail store whose primary purpose is to stock and sell all drug, prescription and health-related products.

(128) DRY BOAT STORAGE

The storage of boats, usually through stacking, in land-based buildings or hardstands.

(129) DRY CLEANING PLANT OR COMMERCIAL LAUNDRY

Dry cleaning plants primarily clean, repair, and press clothes, linens, and other fabric items that cannot be cleaned in water. Dry cleaning involves the use of a variety of chemicals to clean fabrics and must satisfy all applicable federal and

state regulations associated with the use, including but not limited to environmental regulations.

(130) DRY CLEANING, SMALL SHOP

A custom cleaning shop or pick-up station not exceeding 5,000 square feet of floor area, including but not limited to dry cleaning plants having no more than 5,000 square feet of floor area. Such shop must satisfy all applicable federal and state regulations associated with the use, including but not limited to environmental regulations.

(131) DWELLING

Any building or portion thereof, which is designed or used as a living quarters for one or more families, but not including "mobile homes".

(132) DWELLING, MULTIPLE-FAMILY

Attached dwelling units designed to be occupied by three (3) or more families living independently of one another, yet in the same structure with shared, main lobby, entrance and sidewalks. This term does not include hotels or motels.

(133) DWELLING, SINGLE-FAMILY

A detached dwelling designed to be occupied by not more than one (1) family.

(134) DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE)

A dwelling that is part of a structure containing three (3) or more units, each designed for occupancy by one (1) family, and which is located on a separate lot delineated by front, side and rear lot lines.

(135) DWELLING, TWO-FAMILY, (DUPLEX)

A detached dwelling designed to be occupied by two (2) families living independently of each other.

(136) EASEMENT

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

(137) EASEMENT, TRANSPORTATION OR RIGHT-OF-WAY

An easement established on a lot for the purpose of prohibiting or permitting ingress or egress to vehicular traffic.

(138) EASEMENT, UTILITY

An easement granted for installing and maintaining utilities across, over, or under land, together with the right to enter the land with machinery and other vehicles necessary to maintain the utilities. See also Public Easement.

(139) ECONOMIC DEVELOPMENT INCENTIVE POLICY

A policy adopted by the Glenn Heights City Council for the attraction of long-term investment and establishment of new jobs in the City and for the enhancement of the economic base of area taxing entities.

(140) ELECTRIC PRODUCTS MANUFACTURING

See Manufacturing Processes, General.

(141) ELECTRIC TRANSMISSION LINE (HIGH VOLTAGE)

See Transmission Line.

(142) ELECTRICAL SUBSTATION

A subsidiary station in which electrical current is transformed.

(143) ELECTRONIC AND HOME APPLIANCE STORE

A retail business with household electronics (e.g., televisions, stereos, computers, etc.) and appliances (e.g., refrigerators, ovens, ranges, etc.) for sale to the public.

(144) ELECTRONIC MANUFACTURING

See Manufacturing, General.

(145) ENGINE AND MOTOR REPAIR

The adjustment, reconditioning or restoration to working order of engines and motors, other than those related to autos.

(146) ENGINEER, CITY

Any provider of engineering services to the City, designated by resolution or ordinance of the City Council, who is duly authorized under the provisions of the Texas Engineering Registration Act, as may be amended, to practice the profession of engineering, and is a Registered Professional Engineer.

(147) ENGINEERING OFFICE

See Business Office, General.

(148) EQUIPMENT RENTAL

A location where a variety of equipment (e.g. tractors, ditching machine, scaffolding, tillers) are stored for leasing or rental purposes.

(149) EXCAVATION, SAND/GRAVEL

A tract of land used primarily for the extraction of soil, sand, gravel, clay and other similar materials, other than oil and gas, which are processed and sold or used for commercial purposes, but not include the excavation or grading necessary for the development of a lot or tract.

(150) EXTRATERRITORIAL JURISDICTION (ETJ)

The unincorporated area that is contiguous to the corporate boundaries of the City of Glenn Heights within the specified distance from the corporate boundaries as specified in Texas Local Government Code, Chapter 42, as may be amended.

(151) FACADE

All exterior walls of a building exposed to public view or that may be viewed by persons not within the building.

(152) FAMILY

One or more persons related by blood, marriage, or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit. This definition does not necessarily apply during times of declared state emergencies.

(153) FARM, RANCH, GARDEN OR ORCHARD

An area of five (5) acres or more which is used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

(154) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The Federal Emergency Management Agency that regulates flood emergencies and natural disasters, along with other local and federal agencies, and which is under the federal Homeland Security Department.

(155) FEED AND GRAIN STORE

An establishment for the selling of corn, grain and other foodstuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

(156) FEED LOT

An area or building where livestock are kept while being fattened for slaughter.

(157) FENCE

A structure serving as an enclosure, a barrier, or a boundary and constructed according to the City of Glenn Heights regulations. Usually made of metal posts joined together by boards, wire, or rails. Fence is a structure for purposes of substandard structure minimum requirements.

(158) FIELD CONSTRUCTION OFFICE

A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within active development or construction project.

(159) FINAL PLAT

Any plat of any lot, tract, or parcel of land requested to be approved by the Planning and Zoning Commission and City Council and recorded for record in the Deed Records of Dallas or Ellis County, Texas as required by state law.

(160) FIRE PLACE, APPLIANCE STYLE

A fixture that is designed to burn only gaseous products, natural or propane. Gases shall be vented with Type B double wall pipe and/or comply with applicable building codes.

(161) FIRE PLACE, WOOD BURNING

A fireplace that is intended to burn wood, wood logs, paper log rolls, lignite, or other approved solid fuel products. Products shall be vented through approved triple wall pipe. This is sometimes referred to as a "brick fireplace."

(162) FLEA MARKET

An outdoor, or partially indoor premises with a properly issued permit by the City where the main use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken stalls, lots or parcels, not in bulk, for the use or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. The term "flea market" shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal service establishments, food services establishments, retail services establishments, and auction establishments.

This definition does not pertain to retail sidewalk sales or garage sales.

(163) FLOOD INSURANCE RATE MAP (FIRM)

A map indicating property that lies in a floodplain, floodway or property that is otherwise susceptible to flooding due to changes in development patterns.

(164) FLOOD PLAIN

An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM (Flood Insurance Rate Map) of the City of Glenn Heights.

(165) FLOODWAY

Where a creek, river, stream or body of water flows and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation more than a designated height.

(166) FLOOR AREA

The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages and breezeways.

(167) FLOOR AREA RATIO (FAR)

The floor area of a main building or buildings on a lot, divided by the lot area.

(168) FLORIST SHOP

An establishment for the display and retail sale of flowers, small plants and accessories.

(169) FOOD OR CONVENIENCE STORE

A use which occupies less than 25,000 square feet but greater than 2500 square feet and sells food and beverages primarily for off-site consumption, but also sells other products such as gasoline and retail items. No vehicle repair or other automotive services are provided.

(170) FOOD PRODUCTS MANUFACTURING

See Manufacturing Process, General.

(171) FOUNDRY CASTING, NON-FERROUS

A factory that produces castings from non-ferrous alloys. Metals are turned into parts by melting the metal into a liquid, pouring the metal into a mold and then removing the mold material or casting. The alloys contain no iron.

(172) FROZEN FOOD LOCKER

A business primarily for storing food products in a frozen state for customers.

(173) FUNERAL HOME OR MORTUARY

A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

(174) FUR GOODS MANUFACTURING BUT NO TANNING, DYING, OR
SLAUGHTERING

See Manufacturing Process, General.

(175) FURNITURE MANUFACTURER

See Manufacturing Process, General.

(176) FURNITURE, HOME FURNISHINGS, AND EQUIPMENT STORES

This group includes retail stores selling goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

(177) GARAGE (PRIVATE)

An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests.

(178) GARAGE APARTMENT

A dwelling unit for one family erected in conjunction with a garage.

(179) GARAGE, ATTACHED

A building or indoor space that is a part of the main structure in which to park or keep a motor vehicle.

(180) GARAGE, DETACHED

A building or indoor space that is separate and not a part of the main structure in which to park or keep a motor vehicle.

(181) GARAGE PARKING (PRIVATE)

An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests.

(182) GARDEN SHOP, GARDEN CENTER

A facility which is engaged in the display and selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building. Depending on the zoning district a limited amount of display may be outside.

(183) GASOLINE OR PETROLEUM DRILLING OR STORAGE

Gasoline or petroleum drilling and storage shall have the meaning assigned and be subject to the regulations in the City's Drilling Ordinance as it exists and as it may be amended.

(184) GASOLINE SERVICE OR FILLING STATION

See Automobile Service Station.

(185) GENERAL RETAIL

Any use engaged in retail trade, including any use identified as permitted in the Retail Zoning District.

(186) GLASS PRODUCTS MANUFACTURED FROM PREVIOUSLY MANUFACTURED GLASS

The production of glass products using previously manufactured glass tubing. This is typical in the production of glass light bulbs.

(187) GO GREEN INCENTIVES

Financial and procedural incentives offered by the City of Glenn Heights for development that meets or exceeds City-adopted criteria that improve the environment and quality of life while boosting the local economy. This program is adopted through the Zoning Ordinance.

(188) GOLF COURSE (MUNICIPAL)

A golf course owned by a municipality. A city may contract out the day-to-day operations of the course to a golf course management company but as long as it is owned by the city it is called a municipal golf course.

(189) GOLF COURSE (PRIVATE)

An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, used for recreational or competitive golfing activities and which may include clubhouses.

(190) GROCERY STORE

A use which occupies at least 25,000 square feet and sells primarily food for primarily off-site consumption. Other items such as retail products, beverages and gasoline are sold but are not the primary source of revenue for the main use.

(191) GROUP HOME

Shall mean to refer to all types of residential dwellings, whether statutorily permitted or allowed as a use in the City's Zoning Ordinance and shall include but not be limited to Continuing Care Facility, Assisted Living Facility, Community Home, Household Care Facility, Rehabilitation Treatment Facility, and

Rehabilitation Treatment Institution. Unless otherwise required by law, the following shall apply to group homes permitted as a specific use and must be included in the ordinance granting the specific use as a condition of use:

- a. A group home may not be located within one-half mile of an existing group home.
- b. No structural or decorative alternations that will change the single-family character of existing residential use or be incompatible with surrounding residences is permitted, other than as may be required by the Americans with Disabilities Act.
- c. The residents of a group home may not keep for the use of the residents of the home, either on the premises of the home or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.
- d. A group home located in a single family residential district may not be used so as to change the residential character of the single family residential use or be maintained or operated so as to constitute a public nuisance as defined by City ordinances.
- e. Must have at all times a valid residential rental license issued pursuant to City ordinance, as it exists and may be amended.

(192) GYMNASTIC OR DANCE STUDIO

A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

(193) HAULING OR STORAGE COMPANY

See Motor Freight Company.

(194) HEAVY LOAD VEHICLE

A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.

(195) HEAVY MACHINERY SALES AND STORAGE

A building or open area, other than a right-of-way or public parking area, used for the display, sale, rental, or storage of heavy machinery, either machines in general or a group of machines which function together as a unit.

(196) HEIGHT

A measurement taken from the base of the object on the ground to its apex or highest point. If the object being measured is attached to a building, the base of the building to the top of the object is the height.

(197) HELIPORT

An area of land or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

(198) HELISTOP

The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

(199) HOME IMPROVEMENT CENTER

A facility for the retail sale of home, lawn and garden supplies, brick, lumber and other similar lumber materials.

(200) HOME OCCUPATION

Any occupation or activity carried on solely by the inhabitants of a residential dwelling which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising sign other than one non-illuminated nameplate not more than two square feet in area attached to the main or accessory building, and no mechanical equipment is used, except such as is customary for purely domestic or household purposes and *does not* create obnoxious noise or other conditions such as odor, increased traffic, smoke or electrical interference. A beauty or barber shop, tea room or restaurant, rest home or clinic, doctor's office or dentist's office, adult day care, tourist home, or cabinet, metal or auto repair shop, farm, ranch or similar agricultural use *shall not be deemed a home occupation and must follow the restrictions and designations for any such use.*

An occupation, profession, domestic craft or economic enterprise which is customarily conducted in a "residential dwelling" as hereinafter defined, subject to compliance with each of the following conditions:

- (a) "Residential dwelling" shall mean a detached building or structure designed, used and occupied exclusively by members of one (1) family as a residence.

- (b) No person other than members of a family who reside in the residential dwelling shall be engaged in such occupation, profession, domestic craft or economic enterprise; provided, however, the resident may engage the services of one employee.
- (c) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft or economic enterprise shall not exceed twenty percent (20%) of the total of the floor area of the residential dwelling.
- (d) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
- (e) No exterior storage of material, equipment and/or supplies used in conjunction with such occupation, profession, domestic craft or economic enterprise shall be placed, permitted or allowed on the premises occupied by the residential dwelling.
- (f) No offensive noise, vibration, smoke, dust, odors, heat or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.
- (g) The occupation, profession, domestic craft or economic enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.
- (h) Inventory for the home occupation may be stored on the premises provided it does not exceed the twenty (20) percent of total floor area.
- (j) The only equipment to be used in such occupation, profession, domestic craft or economic enterprise shall be that which is ordinarily used in a private home in a like amount and kind.
- (j) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents; provided, however, an additional two cars at one time shall not constitute a traffic hazard in and of itself.
- (k) A home occupation may include but not be limited to the following type activities:
 - (1) Hand-crafted art studios;

- (2) House cleaning services;
 - (3) Instructional arts studio;
 - (4) Professional Office, such as real estate, law office, insurance agent, tax consultant, with the exception of banking and other financial services, employment agencies, medical or dental offices;
 - (5) Office services who render their services off-site;
 - (6) Photography studio;
 - (7) Private music, tutoring or similar lessons;
 - (8) Sale of homemade goods, crafts and similar products assembled on the premises excluding food;
 - (9) Telephone sales business; and
 - (10) Seamstress/alterations.
- (l) Day care services as defined herein shall meet all applicable requirements for such activity as stated herein.
- (m) Nothing shall be done to the residential dwelling to make the dwelling appear in any way as anything but a dwelling.

(201) HOSPITAL

See Medical Facilities.

(202) HOSPITAL, ACUTE CARE

An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.

(203) HOSPITAL, CHRONIC CARE

An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

(204) HOSPITAL, REHABILITATION

An institution that provides long term acute care, inpatient and outpatient rehabilitative services for those who have experienced a stroke, brain injury, neurological disorder or other debilitating conditions on a for profit or not-for-profit basis, and may include physical, occupational or speech therapy.

(205) HOTEL OR MOTEL

A facility offering a minimum of 75 rooms for temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

(206) HOTEL OR MOTEL RESIDENCE

Same as Hotel or Motel, except such rooms are usually rented for longer periods of time (e.g. weekly or monthly). Such facilities often include meeting rooms, clubhouses and recreational facilities intended for the use of the residents and their guests.

(207) HOUSEHOLD APPLIANCE SERVICE AND REPAIR

The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners and hair dryers. See Appliance Service, Repair.

(208) HOUSEHOLD CARE FACILITY

A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly, disabled, orphaned, abandoned, abused or neglected children; victims of domestic violence, or rendered temporarily homeless due to fire, natural disaster or financial adversity, living together with no more than two supervisory personnel as a single housekeeping unit (See also Continuing Care Facility).

(209) HOUSING PREFABRICATION OR INDUSTRIALIZED HOUSING

A residential structure that is: (1) designed for the occupancy of one or more families; (2) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and (3) designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system. Industrialized housing includes the structure's

plumbing, heating, air conditioning, and electrical systems. Industrialized housing does not include: (1) a residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof;(2) housing constructed of a sectional or panelized system that does not use a modular component; or (3) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location. For purposes of permitted residential uses, industrialized housing shall be permitted and treated as a single family or duplex dwelling constructed on site, provided that such Industrialized Housing: (1) has a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located; (2) has exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located; (3) complies with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; (4) is securely fixed to a permanent foundation; and (5) has all local permits and licenses applicable to other single-family or duplex dwellings.

(210) HUD CODE MANUFACTURED HOUSING

See Manufactured Housing.

(211) HUD CODE MANUFACTURED HOME SALES

The use of any building or other premises for the display and retail sale of new or used HUD Code Manufactured homes.

(212) HUD CODE MANUFACTURED HOME SUBDIVISION

Any lot, tract, or parcel of land divided into two (2) or more lots or sites for the purpose of establishing a HUD Code manufactured housing development.

(213) IMPERVIOUS

Surfaces that allow little water to soak into the ground or that is so constructed to allow water run-off (e.g., buildings, cement driveways or streets).

(214) INDUSTRIAL PARK

A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

(215) INDUSTRIAL, GENERAL

Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic customer.

(216) INFRASTRUCTURE

The large-scale public systems, services, and facilities of a city or region that are necessary for development and economic activity, including power and water supplies, public transportation, telecommunications, roads, and schools.

(217) INSTRUMENT AND METER MANUFACTURING

See Manufacturing Process, General.

(218) INSURANCE OR INSURANCE ESTIMATORS OFFICE

See Business Office, General.

(219) INTEGRATED STORM WATER MANAGEMENT (ISWM)

A way of managing storm water to mitigate the negative impacts of development by integrating the management of the quality of storm water with quantity management, as well as integrating storm water considerations into the earliest stages of the development and site planning process.

(220) INTERIOR DECORATORS OFFICE

See Business Office, General.

(221) JAIL, PRISON OR HOLDING FACILITY

A place for the short term confinement of persons in lawful detention, either persons accused of, or awaiting trial under local jurisdiction or persons convicted of crimes. Such facilities shall be owned and operated by governmental entities with proper jurisdiction, meet all applicable federal and state regulations governing said use.

(222) JEWELRY AND WATCH MANUFACTURING

See Manufacturing Process, General.

(223) KENNELS

An establishment with pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold for commercial purposes. The pens may be indoor or outdoor dependent upon the zoning district in which they are located. Such a use must meet all applicable state and local regulations for the humane care and treatment of animals and may not constitute or create a nuisance.

(224) KEY SHOP OR LOCKSMITH

A business whose primary purpose is to make or repair locks and/or make keys.

(225) KINDERGARTEN OR NURSERY SCHOOL (PRIVATE)

A child care facility offering a program four (4) hours or less per day for children who have passed their second birthday but who are under seven years old. See School, Private.

(226) KIOSK

A small, free-standing, one-story structure having a maximum floor area of 350 square feet and used for commercial purposes or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of twenty-five (25) square feet.

(227) LABORATORY, MEDICAL

An area where medical testing and analysis are performed under sterile conditions to assist in diagnosis and treatment of illnesses.

(228) LABORATORY, SCIENTIFIC OR RESEARCH

An establishment that engages in research, testing or evaluation of materials or products, but not necessarily medical-related.

(229) LANDSCAPING

Material such as, but not limited to, grass, ground covers, shrubs, vines, or trees, and non-living durable material commonly used in the aesthetic and appealing presentation of living garden materials, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

(230) LAUNDROMAT (OR SELF-SERVE WASHATERIA)

A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

(231) LAW OFFICE

See Business Office, General.

(232) LAWN/YARD

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a lawn/yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot lines and the main building shall be used.

(233) LAWN/YARD, FRONT

A lawn/yard located in front of the elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main structure.

(234) LAWN/YARD, SIDE

A lawn/yard between the building and side line of the lot and extending from the front lot line to the rear lot line and being in the minimum horizontal distance between a side lot line and the outside wall of the side of the main structure.

(235) LEATHER GOODS FABRICATION

All establishments engaged in tanning, currying and finishing hides and skins, leather converters and establishments manufacturing finished leather and artificial leather products and some similar products made of other materials.

(236) LEATHER GOODS SHOP

An establishment whose primary retail product for sale is that of leather goods. Leather goods may also be sold in combination with other merchandise in a department store or other general retail store.

(237) LIBRARY (PUBLIC)

Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

(238) LIGHT FABRICATION AND ASSEMBLY

Construction by combining or assembling diverse, typically standardized parts to create or make a finished product, including packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

(239) LIGHT INDUSTRIAL

Manufacturing and fabricating establishments with limited external impact, small in size, with no heavy manufacturing or specialized industrial processes, generally related to the assembly, disassembly, fabricating, finishing, manufacturing, packaging, repairing or processing of materials, such as printing, commercial laundry, photographic processing, building maintenance shops, metal work, millwork and cabinetry work.

(240) LIGHT LOAD VEHICLES

A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than eleven thousand (11,000) pounds, and having no more than two (2) axles, such as pick-up trucks, vans, recreational vehicles, campers and other similar vehicles but not including automobiles and motorcycles.

(241) LIGHT MANUFACTURING

Manufacturing of finished products or parts, predominately from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

(242) LIGHT SHEET METAL PRODUCTS (ENCLOSED BUILDING)

The process of sheet metal fabrication can include shearing, cutting, duplicating, contouring, forming, rolling, welding, bending, stamping, drawing, machine assembling and finishing. Finished products can range from small components (with a value of \$1 each) to machines that are 30 ft. high (valued at \$400,000) as well as weld-fabricate subassemblies and assemblies. See Manufacturing Process, General and/or Light Industrial.

(243) LIMOUSINE

Any chauffeured motor vehicle for general passenger use with a rated passenger capacity of not more than 15 passengers and which operates on a prearranged appointment basis only whereby such prearrangement is made not less than 1 hour in advance of the time transportation is to begin. At no time shall such vehicle operate on a call-and-demand basis as a taxicab.

(244) LOADING SPACE

An off-street space or berth used for the delivery and loading or unloading of vehicles.

(245) LOT FRONTAGE

That dimension, line or side of a lot or portion of a lot abutting on a street, excluding the side dimension, line or side of a corner lot.

(246) LOT LINE, FRONT

The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

(247) LOT LINE, REAR

The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

(248) LOT LINE, SIDE

Any lot line not the front or rear lot line.

(249) LOT LINES

The lines bounding a lot as defined herein.

(250) LOT WIDTH

The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line.

(251) LOT, AREA

The total area, measured on a horizontal plane, included within lot lines, and exclusive of any private or public right of way or alley. The "area lot" is that portion of a platted tract that may be developed.

(252) LOT, CORNER

A lot that has at least two adjacent sides abutting for their full lengths on a street, if the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).

(253) LOT, DEPTH

The mean horizontal distance between the front and rear lot lines.

(254) LOT, DOUBLE FRONTAGE

A lot having a frontage on two (2) non-intersecting streets, as distinguished from a lot.

(255) LOT, FLAG OR PANHANDLE

A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than thirty-five feet (35'). Flag or panhandle lots are generally prohibited in new subdivisions, where lots shall front directly off a public or private street. Any non-conforming lot shall go before the Zoning Board of Adjustment prior to any plat approval.

(256) LOT, INTERIOR

A lot other than a corner lot.

(257) LOT, KEY

A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley shall be considered a key lot.

(258) LOT, OR LOT OF RECORD

Any tract or parcel or a part of a recorded subdivision which is occupied or intended to be occupied by one main building, or a group of main buildings, and accessory building and uses, including such open spaces as are required by this Zoning Ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place. A lot shall be part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Dallas or Ellis County.

(259) LOT, PLATTED OR LEGAL LOT

In order to obtain a building permit or utility service, the City of Glenn Heights requires that the parcel of land be mapped, charted, surveyed, planned or replatted, containing a description of the subdivided land with ties to permanent landmarks or monuments and filed of record with the County Clerk of Dallas or Ellis County.

(260) LOT, THROUGH

A lot, other than a corner lot, having frontage on two (2) parallel or approximately parallel streets.

(261) MAIN BUILDING

The building(s) on a lot which are occupied by the main or primary use.

(262) MANUFACTURED HOME AKA HUD CODE MANUFACTURED HOME

A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All references in this ordinance to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g). Any structure with less than the length and/or width specified in this paragraph, or pre-dating June 15, 1976, generally known as a mobile home, shall not be allowed in a HUD Code Manufactured Home Park or within the corporate city limits as provided herein and allowed by law. HUD Code Manufactured Homes shall be governed by separate ordinance, as it exists and as it may be amended. (Also referred to as HUD Code Home).

(263) MANUFACTURED HOUSING UNIT

See Manufactured Home aka HUD Code Manufactured Home.

(264) MANUFACTURING PROCESS, GENERAL

An establishment engaged in basic processing and manufacturing of materials or products predominantly from extracted or raw materials excluding those generally classified as hazardous or objectionable such as chemical warehousing and

manufacturing, fat rendering plants, meat packing plants, petroleum refineries, slaughter houses and tanneries. Uses restricted from other zoning districts but permitted in the I and C, districts, as specifically indicated by the Use Chart, under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes, or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambivalent level of noise or vibration in the adjacent area. Such uses include toys, jewelry, watches, electronics, plastics and candy.

(265) MANUFACTURING, GENERAL

See Light Industrial.

(266) MASONRY

- a. APPROVED – Hard fired (kiln fired) clay brick, natural stone, granite, marble, hammered or split-face finished concrete, load bearing units, pre-cast concrete panels or tilt walls (painted, fluted or exposed aggregate), hard fired clay tile, cement-based stucco.
- b. ALTERNATE MATERIAL – Glass walls or glass blocks, Cementitious fiber board, acrylic matrix (three component finish system consisting of 100% acrylic matrix ceramically colored aggregate and sealer or 100% synthetic plaster having two types of application, spraying or trowling).

(267) MASONRY CONSTRUCTION

That form of construction comprised of brick, stone, granite, marble, concrete, hollow clay tile, concrete block or tile, brick, veneer, exterior plasters (including stucco), or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

(268) MASSAGE ESTABLISHMENT

Any place of business in which massage therapy is practiced by a massage therapist, as defined by State law. “Massage therapy”, as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), Petri sage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for massage therapy are massage or therapeutic massage. Massage therapy does not

include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

(269) MASTER PLAN

Graphic and textual form policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City. These are generally presented by the City's *Land Use, Thoroughfare and Park Plans*, as may be amended.

(270) MEDICAL FACILITIES

Include the following:

a. Convalescent, Rest or Nursing Home

A health facility used for or customarily occupied by persons recovering from illness or suffering from infirmities of age, and furnished meals or continuing nursing care for compensation. See also Skilled Nursing Facilities.

b. Dental Clinic or Medical Clinic

A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human out-patients provided that patients are not kept overnight except under emergency circumstances.

c. Health Center

A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

d. Hospital

An institution that provides medical, surgical or psychiatric care and treatment for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

e. Sanitarium

An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

f. Animal Clinic

An establishment in which animals are admitted for examination and medical treatment. The establishment may or may not have outside kennels for housing such animals depending upon the district in which it is located. This definition does not include Pet Shops.

(271) MEDICAL SUPPLIES STORE

An establishment that provides access to various medical supplies, in particular for the purchase and use by individuals and not hospitals. Such supplies would include wheelchairs, walkers, bandages, etc.

(272) MINIATURE GOLF, DRIVING RANGE, & PUTTING COURSE

Miniature golf is a novelty golf game played with a putter on a miniature course usually having tunnels, bridges, sharp corners, and obstacles. Driving ranges and putting courses are golf practice facilities that are included at most golf courses; however, driving ranges can also commonly operate as a standalone business away from golf courses. Typically a driving range will consist of a large, open field with teeing ground at one end. Golfers line up side-by-side pounding golf balls out into the field. The landing area may be, literally, an empty field; or it may include target greens and yardage markers. Most ranges sell buckets of balls of varying sizes and prices. Many driving ranges also have practice putting greens and may have areas for chipping, pitching and bunker practice.

(273) MINI-WAREHOUSE

Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

(274) MOBILE HOME

A dwelling constructed before June 15, 1976, designed to be transported on its own chassis on the highway in one or more sections by a prime mover and which is constructed with a base section so as to be independently self-supporting and not requiring a permanent foundation for year-round living and which includes the plumbing, heating, air-conditioning and electrical systems. Mobile Homes are prohibited in any zoning district in the City. Where the term is used in this Ordinance as a header or descriptor but not referring to the prohibited dwelling, shall mean to refer to HUD Code Home.

(275) MOBILE HOME DISPLAY AND SALE

The offering for sale, storage, or display of trailers or HUD Code Homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

(276) MOBILE HOME PARK, TRAILER PARK OR RV PARK

A parcel of land which is designed, improved and/or intended to be used for short or long term occupancy by HUD Code Homes trailers or RVs in designated spaces. The facility may include a residence for the owner or manager, utility hook-ups, accessory structures, playgrounds and open space areas, small fenced areas and similar amenities. Manufactured Home Parks are governed by separate ordinance, as it exists and as it may be amended.

(277) MOBILE HOME SPACE

A plot of ground within a HUD Code Home park, trailer, park, RV park or HUD Code Home subdivision which is designated for the accommodation of one HUD Code Home, trailer or RV unit.

(278) MOBILE HOME SUBDIVISION

A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned HUD-Code manufactured homes on platted lots which can be purchased outright by the owners of the HUD Code Homes. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets and other similar amenities.

(279) MODEL HOME

A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

(280) MODULAR HOME (OR INDUSTRIALIZED HOUSING)

“Modular Home” means a structure or building module as defined by statute and under the jurisdiction and control of the Texas Department of Labor and Standards, installed and used as a residence by a consumer, transportable in one (1) or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home or HUD-Code Manufactured

Housing as defined by statute; nor does it include building modules incorporating concrete or masonry as the primary structural component. The defining characteristic is that a modular home is assembled at the site as a permanent structure that is not designed to be moved once it is in place.

(281) MONOPOLE

A style of free-standing antenna-supporting structure that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna-supporting structure is designed to support itself without the use of guy wires or other stabilization devices. These structures are mounted to a foundation that rests on or in the ground or on a building's roof.

(282) MORTUARY OR FUNERAL PARLOR

See Funeral Home or Mortuary.

(283) MOTOR FREIGHT COMPANY

An establishment or enterprise that uses trucks (as contrasted with railroad trains) to ship freight.

(284) MOTOR RACEWAY OR RACETRACK

A track for racing automobiles or motorcycles.

(285) MOTOR VEHICLE

See Automobile (Auto).

(286) MOTORCYCLE

A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Zoning Ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

(287) MOTORCYCLE SALES SERVICE

The display, sale and servicing, including repair work, of motorcycles.

(288) MULTIPLE-FAMILY BUILDING

Same as Dwelling, Multiple-Family.

(289) MULTIPLE-FAMILY RESIDENCE

Same as Dwelling, Multiple-Family.

(290) MULTI-USE ENTERTAINMENT COMPLEX

Any building or group of buildings and facilities for indoor sports activities, instructional, competitions, tournaments and league activities, expositions, trade and antique shows, concessions for food service, retail sales, youth and senior programs.

(291) MUNICIPAL BUILDING

Any public service building of the municipal government including City Hall, Police and Fire, but excluding storage yards, utility shops and equipment centers.

(292) MUNICIPAL FACILITY OR USE

Any area, land, building, structure and/or facility which is owned, used, leased or operated by the City of Glenn Heights, Texas.

(293) MUNICIPAL SERVICES DIRECTOR

An official of the City of Glenn Heights responsible for the City's engineering department, water delivery, wastewater collection, road maintenance, parks and solid waste collection. In the absence of a Public Works Director, the City Manager or his appointed representative shall have responsibility over the engineering department.

(294) MUNICIPAL UTILITIES

Utility services provided to the citizens of the City of Glenn Heights by the municipality or provided under contract with the municipality as designated by the Glenn Heights Code of Ordinances. Specifically those municipal utilities include but may not be limited to water distribution, wastewater and solid waste collection. See also Utilities, Municipal.

(295) MUSEUM OR ART GALLERY (PRIVATE)

An institution for the collection, display, sale and distribution of objects of art or science, which is operated by a private individual or entity and provides admittance to the facility with or without fee.

(296) MUSIC OR ART STUDIO

An establishment where music and/or art is taught, including dance and photography.

(297) MUSICAL INSTRUMENTS, TOYS, NOVEL, TIES, RUBBER AND METAL STAMPS MANUFACTURING.

See Manufacturing Process, General.

(298) NEIGHBORHOOD SERVICE USES, NOT GREATER THAN 5,000 SQ. FT.

An establishment whose purpose is to provide neighborhood services but the size of which is less than 5,000 square feet. Such an establishment may be a dry cleaning drop off/pick up station, photo-mart, prescription drug store, etc.

(299) NEWSPAPER PRINTING

An establishment other than a personal service shop for the treatment and/or processing of print media products as a service on a for-profit basis.

(300) NONCONFORMING

A building, structure, or use of land lawfully occupied at the time of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated and shall be governed by the regulations contained in this Ordinance.

(301) NOVELTY MANUFACTURING

See Manufacturing, General.

(302) NOVELTY SHOP AKA GIFT SHOP

A shop that sells miscellaneous articles appropriate as gifts.

(303) NURSERY OR GREENHOUSE

An establishment, including a building, part of a building or open space, for the growth, display and/or sale of large plants, shrubs, and trees, and other materials used in indoor or outdoor planting.

(304) NURSING, CONVALESCENT OR REST HOME

See Skilled Nursing Facility or Medical Facilities.

(305) OBSOLETE ZONING DISTRICT

Zoning districts that have existed in prior zoning ordinances and have been removed from the current Zoning Ordinance and shall not be applied to any property in the City from and after the date of this Ordinance, consistent with state law.

(306) OCCUPANCY

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

(307) OFFICE CENTER

A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

(308) OFFICE SHOWROOM

An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices and display areas for products sold and distributed from the storage and warehousing areas.

(309) OFFICE WAREHOUSE

An establishment with more than twenty-five percent (25%) of the total floor area devoted to storage and warehousing, but not generally accessible to the public.

(310) OFFICE, PROFESSIONAL AND GENERAL ADMINISTRATIVE

A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, accountant, bookkeeping, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations; but excluding medical facilities.

(311) OFF-STREET PARKING INCIDENTAL TO MAIN USE

Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main use or within one hundred fifty feet (150') of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.

(312) OFFICIALLY APPROVED PLACE OF ACCESS

Access, other than a dedicated street, to a property which is approved by the City of Glenn Heights.

(313) OIL AND LUBE, AUTOMOBILE

A business engaging in the changing of oil, oil filters and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks and at all times shall comply with state environmental quality laws. See also Automobile Repair, Minor.

(314) OIL FIELD EQUIPMENT STORAGE YARD

A facility for the purpose of storing oil field equipment such as pumps, pump jack stands, pipes, tanks, valves and fittings. No exploration or pumping is allowed at this site.

(315) OPEN SPACE

An area that is intended to provide light and air, for environmental, scenic, or recreational purposes, may include but is not limited to lawns, decorative, plantings, bikeways, walkways, outdoor recreation areas, wooded areas, greenways, and water courses. The term also includes any land, water, or submerged land that is provided for, preserved for, or used for park or recreational purposes, conservation of land or other natural resources, cultural, historic or scenic purposes; assisting in the shaping of the character, direction and timing of community development or wetlands.

(316) OPEN STORAGE, OUTSIDE STORAGE OR OUTDOOR STORAGE

The keeping or storing, outside a building, in an unroofed area of any goods, material, merchandise, or equipment on a lot or tract for more than twenty-four (24) hours. See Storage, Open, Outside.

(317) OPTICAL GOODS MANUFACTURING

See Manufacturing Process, General.

(318) OPTICIAN OR OPTOMETRIST

See Business Office, General.

(319) OSTEOPATHIC CLINIC OR OFFICE

See Business Office, General.

(320) OUTSIDE DISPLAY

Outside temporary display of finished goods that are specifically intended for retail sale but not displayed outside overnight.

(321) OUTSIDE DISPLAY/STORAGE FOR MOTORCYCLES SALES

The use of any land area for the display and sale of new or used motorcycles, related products and parts for motorcycles.

(322) OUTSIDE DISPLAY/STORAGE FOR NEW BOAT SALES AND SERVICE

The use of any land area for the display and sale of new or used boats, related products, services and parts for boats.

(323) OUTSIDE DISPLAY/STORAGE FOR TRAILERS FOR HAULING, RENTAL AND SALES

The use of any land area for the display and sale of new or used trailers for hauling, both for rent and sales, related projects, services and parts for trailers.

(324) OUTSIDE DISPLAY/STORAGE OF FARM EQUIPMENT AND MACHINERY

The use of any land area for the display and sale of new or used farm equipment, machinery and parts for farm equipment and machinery.

(325) OVERLAY ZONING DISTRICT

A district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements in addition to those applicable in the underlying base zoning district.

(326) PAD SITE

A platted lot, ranging from approximately 20,000 sq ft. to 75,000 sq. ft. in an area that is created from a larger platted lot of a larger shopping center or strip mall. A freestanding building, such as a bank or restaurant, associated with the larger retail center located there and is desirable because of visibility and accessibility.

(327) PAINT SHOP

A commercial establishment where painting services are performed. This does not include automotive-related painting services, which would be included under "Automobile Repair, Major".

(328) PAPER PRODUCTS MANUFACTURING

The manufacture of paper products involves matting the pulp fibers into sheets. Pulp fibers involve the separating of cellulose fibers from other impurities in wood but have been separated out in another process.

(329) PARK AND RIDE

A transportation plan, designed to reduce car use in metropolitan areas, in which motorists drive to out-of-town parking lots from which buses or trains run regularly into the city.

(330) PARK OR PLAYGROUND

Any outdoor facility that is not on the premise of a school and that is intended for recreation, is open to the public, and contains three or more separate apparatus intended for the recreation of children such as slides, swing sets and teeterboards.

(331) PARKING GARAGE

Any building, or portion thereof, used for the storage of four (4) or more automobiles in which any servicing provided is incidental to the primary storage use, and where repair facilities are not provided and may or may not be for a fee. See Garage, Parking.

(332) PARKING LOT

An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. A parking lot may be designated as off-street parking, truck parking or permitted use. See also, Truck, Parking Lot.

(333) PARKING LOT, COMMERCIAL

An off-street, ground level area, with an improved surface, for the temporary storage of motor vehicles for a fee.

(334) PARKING SPACE

A permanently surfaced asphalt or concrete areas, enclosed or unenclosed, with minimum space of 9' x 18' per vehicle, and a permanently surfaced driveway connecting the parking space with a street or alley, permitting ingress or egress of an automobile.

(335) PARKING, SHARED

Off-street parking spaces or areas required under the zoning district or by use, that are provided cooperatively for two or more uses in a development or for two or more individual uses, subject to the requirements of the applicable granting ordinance.

(336) PATIO HOME

See Zero Lot Line Dwelling.

(337) PAWN SHOP

An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker). Such a use must comply with all applicable state and federal regulations governing said use.

(338) PERIMETER STREET

A street located along the boundary of an existing or proposed subdivision.

(339) PERSONAL FITNESS FACILITIES

See Studios for Health, Reducing, Fitness; Fitness Facility.

(340) PERVIOUS

Surfaces that are porous or otherwise allow water to soak or percolate through or into the ground rather than running off (e.g., parks, soccer fields, and grass).

(341) PET AND ANIMAL GROOMING SHOP

An establishment offering services for the bathing, cutting of hair and nails and general grooming of dogs, cats and similar animals.

(342) PET SHOP

A retail establishment offering small animals, fish or birds for sale as pets and where all such creatures are housed within the building.

(343) PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY

A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution function.

(344) PETROLEUM EXTRACTION

A tract of land used primarily for the extraction of oil and gas, which are processed and sold or used for commercial purposes and shall comply with all applicable state, federal and local ordinances and regulations.

(345) PHILANTHROPIC INSTITUTIONS

An organized initiative to provide humanitarian or charitable assistance through donation of money, goods, time, or effort to support a charitable cause, usually over an extended period of time and in regard to a defined objective.

(346) PLANNING AND ZONING COMMISSION

A commission, appointed by the City Council, authorized to recommend changes in the zoning ordinance, subdivision regulations and other planning functions as delegated by the City Council, and as set forth in City Charter, Ordinance and state law.

(347) PLANT, COMMERCIAL GENERAL

See, Commercial Plant, General.

(348) PLASTIC PRODUCTS, MANUFACTURING, BUT NO RAW MATERIALS PROCESSING

See Manufacture Process, General.

(349) PLAT

A plan or map of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the preliminary or final plat subdivision standards of this Zoning Ordinance and subject to approval by the Planning and Zoning Commission and City Council and filed in the plat records of Ellis or Dallas County.

(350) PLOT

A single unit or parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.

(351) PORTABLE BUILDING SALES (OUTSIDE DISPLAY)

An establishment which displays and sells structures capable of being carried and transported to another location, but not including "mobile homes".

(352) PRELIMINARY PLAT

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

(353) PREMISES

Land together with any buildings or structures situated thereon.

(354) PRIMARY STRUCTURE

See Main Building.

(355) PRIMARY USE

The principal or predominant use of any lot or building.

(356) PRINCIPAL BUILDING

See Main Building.

(357) PRINT SHOP

An establishment, which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization.

(358) PRIVATE BOARDING SCHOOL

A primary school that is privately controlled and supported by endowment and tuition and where pupils are provided living accommodations with meals and lodging.

(359) PRIVATE SCHOOL

A school under the sponsorship of a private agency or corporation which offers a course of instruction for students in one or more grades from kindergarten through grade 12 that is generally equivalent to a public school, but not including business or trade schools, and that has more than one hundred (100) students enrolled and attending courses at a single location.

(360) PRO RATA AGREEMENT

A contract for reimbursement of costs based upon a distribution of use or service.

(361) PRODUCE STAND

A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods. No cooking or on-premises consumption of produce occurs on the site. See also Temporary Produce Stand.

(362) PROFESSIONAL SERVICE

Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

(363) PROFESSIONAL TRAFFIC OPERATIONS ENGINEER™ (PTOE)

An engineer licensed by the State of Texas with certification from the Transportation Professional Certification Board Inc.™ (TPCB), an autonomous certification body affiliated with the ITE.

(364) PROPANE SALES

Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

(365) PROVISIONAL ZONING DISTRICT

Those districts identified in this Ordinance that may only be used in conjunction with other zoning districts in a planned development district. This district does not affect zoning classifications currently in existence.

(366) PSYCHOLOGIST OR PSYCHIATRIST OFFICE

See Business Office, General.

(367) PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY

Any building (except a building used primarily for general office purposes) which is owned, leased, primarily used and/or primarily occupied by the State of Texas, the United States, the City of Glenn Heights, or any subdivision or agency of the State of Texas, the United States or the City of Glenn Heights, or by any public or quasi-public utility.

(368) PUBLIC EASEMENT

An area for restricted use located on private property upon which any public utility shall have the right to remove and, depending upon the terms of the

easement agreement, keep removed all or part of any building, fence, tree, shrub, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system in any of these easements.

(369) PUBLIC GARAGE, NO ABOVE GROUND GASOLINE STORAGE

A detached accessory building or portion of the main building for the primary use as parking or temporary storage of automobiles, with or without fee, to members of the general public. See also Garage, Public.

(370) PUBLIC UTILITY SERVICE YARD

An area for the servicing and storage of vehicles or other property of a public utility or governmental agency. See Utility Service Yard.

(371) PUBLIC VIEW

Areas that can be seen from any public street or right-of-way, where the observing person has a legal right to be, and is not legally or permissible screened from view as provided by City Ordinance.

(372) QUARRY, ROCK

An open excavation or pit from which stone is obtained by digging, cutting, or blasting.

(373) RADIO BROADCASTING WITH TOWER

A place of business where the transmission, via radio-frequency electromagnetic waves, of audible program material for direct reception by the general public utilizing a tower to facilitate transmission.

(374) RADIO BROADCASTING WITHOUT TOWER

A place of business where the transmission, via radio-frequency electromagnetic waves, of audible program material for direct reception by the general public. No tower is allowed at this location.

(375) RAILROAD, TRAIN OR BUS PASSENGER STATION

Any premises for the transient housing or parking of motor-driven buses and trains and the loading and unloading of passengers. See Station, Train, RR, Bus.

(376) REAL ESTATE SALES OFFICE

See Business Office, General.

(377) RECREATION CENTER OR RECREATION FACILITY

A place designed, equipped and provides for the conduct of athletic, civic or cultural activities, leisure time activities and other customary and usual recreational activities. Such facility may be private or public and if intended primarily for use by persons who are 17 years of age or younger, may constitute a youth center.

(378) RECREATIONAL VEHICLE (RV)

A vehicle used for recreational purposes such as a self-propelled (i.e., motorized), mobile living unit, all terrain vehicle, boat, or other such unit and as specifically defined in state law. Often an RV is used for temporary human occupancy away from the users' permanent place of residence. Under appropriate circumstances and in appropriate areas an RV may also be utilized as a permanent place of residence within districts that allow them to be used as such.

(379) RECREATIONAL VEHICLE (RV) PARK

An area or commercial campground for users of recreational vehicles, travel trailers and similar vehicles to reside, park, rent or lease on a temporary basis.

(380) RECREATIONAL VEHICLE/CAMPER SALES AND LEASING

An establishment that sells, leases, and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft and similar types of vehicles.

(381) RECYCLING KIOSK

A small uninhabited structure (120 square feet maximum) or temporary container (e.g., "igloo" or dumpster-type container) which provides a self-service location for the depositing of recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

(382) REHABILITATION CARE FACILITY, HALFWAY HOUSE

A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct living together with not more than two supervisory personnel as a single

housekeeping unit. It shall mean to include a public or private hospital, a detoxification facility, a primary care facility, an intensive care facility, a long-term care facility, an outpatient care facility, a community mental health center, a health maintenance organization, a recovery center, a halfway house, an ambulatory care facility, another facility that is required to be licensed and approved by the Texas Drug and Alcohol Commission, or a facility licensed or operated by the Texas Department of Mental Health and Mental Retardation. The term does not include an educational program for intoxicated drivers or the individual office of a private, licensed health care practitioner who personally renders private individual or group services within the scope of the practitioner's license and in the practitioner's office.

(383) REHABILITATION CARE INSTITUTION

A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel. It shall mean to include a public or private hospital, a detoxification facility, a primary care facility, an intensive care facility, a long-term care facility, an outpatient care facility, a community mental health center, a health maintenance organization, a recovery center, a halfway house, an ambulatory care facility, another facility that is required to be licensed and approved by the Texas Drug and Alcohol Commission, or a facility licensed or operated by the Texas Department of Mental Health and Mental Retardation. The term does not include an educational program for intoxicated drivers or the individual office of a private, licensed health care practitioner who personally renders private individual or group services within the scope of the practitioner's license and in the practitioner's office.

(384) REQUIRED PARKING

The number of parking spaces required for a particular use in a zoning district as specified in the Zoning Ordinance, Article XVI.

(385) REQUIRED PARKING, OFF-STREET

The number of parking spaces required for a particular use in a zoning district as specified in Article XVI, on an improved or approved surface and/or in an enclosed structure.

(386) RESIDENCE

Same as "dwelling". When this term is used in relation to a zoning district, it refers to an area of residential regulations.

(387) RESIDENTIAL DISTRICT

District where the primary purpose is residential use.

(388) RESIDENTIAL STREET

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

(389) RESORT

A city or other destination (e.g., hotel) known for its leisure attractions, broad range of amenities, and sports facilities, designed to provide a total vacation experience.

(390) RESTAURANT

A restaurant or cafeteria that prepares food for general on-site consumption. No provision is made to serve food or beverage to patrons inside vehicles. Also known as Dine In.

(391) RESTAURANT OR CAFETERIA, WITH DRIVE-THRU SERVICE

An eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises, which may include a drive-thru window. Such an establishment derives its gross revenue from the sale of food and not alcohol.

(392) RESTAURANT OR CAFETERIA, WITH NO DRIVE-THRU SERVICE

An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-thru window. See also Restaurant.

(393) RESTAURANT OR EATING ESTABLISHMENT, WITH DRIVE-IN SERVICE

An eating establishment where primarily food and/or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises. If more than seventy-five percent (75%) of the daily gross sales are attributed to the sale of alcohol, the establishment shall be defined as "bar".

(394) RESTAURANTS INCIDENTAL TO MAIN USE

A place of business whose primary purpose is not that of a restaurant but has a restaurant included within the main building as an added service to the customer, including but not limited to a hospital, book store, big box classification.

(395) RETAIL SERVICE, INCIDENTAL OR ACCESSORY

The rendering of retail or services incidental to, but which complements or supplements the primary use. In the Office District, such uses include a barber or beauty shop, smoke shop, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy, or a sundries shop that serves tenants or patrons of a hospital. Such uses shall have no separate outside entrance and no outside signage and shall occupy less than fifteen percent (15%) of the main use. Incidental uses may include the sale of point-of-purchase consumables.

(396) RETAIL STORES AND SHOPS

An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Such goods in this category are limited to durable (furniture, appliances) or semi-durable consumer goods (shoes, clothing, household linens) and shall not include consumable goods (food, beverages and gasoline).

(397) RETAIL STORES, GENERAL

This term includes retail stores which sell several lines of merchandise including, but not limited to, dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware and food. The stores included in this group are commonly known as department stores, variety stores, general merchandise stores, general stores, grocery stores, etc. See also, General Retail.

(398) RETIREMENT HOME OR INDEPENDENT LIVING FACILITY

A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as a "Retirement Home," a minimum of seventy-five percent (75%) of the units must be occupied by a household head who is 55 years of age or older. No long-term or permanent skilled nursing care or related services are provided. Such term does not include "Adult Day Care Facilities," or "Personal Care Home."

(399) RIGHT-OF-WAY

This term generally refers to land areas provided by dedication for public use for streets, utilities, sidewalks, and other uses to serve adjoining properties. Whether the right of way is public or private is determined by the accessibility of the land area. See also Easement, Transportation.

(400) RIGHT-OF-WAY WIDTH

The width of the right-of-way depends on the City's requirements for each street classification. This width is measured at the shortest distance between the lines which delineate the frights-of-way of a street.

(401) ROOM

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

(402) ROOMING HOUSE

See Boarding House.

(403) RUNOFF

Rainwater that does not soak into the ground, or percolate, but flows over the land surface into a body of water or into a storm drain which leads to a body of water.

(404) SALVAGE YARD OR JUNKYARD

Any premises where junk, articles or materials including junked, wrecked or inoperable vehicles, that are ready for destruction or that have been collected or stored for the purpose of obtaining parts for recycling or resale.

(405) SALVAGE, RECLAMATION OF PRODUCTS OR WRECKING YARD

The reclamation and storage of used products or materials.

(406) SAND, GRAVEL, STONE EXTRACTION

The process of extracting sand, gravel or stone from the earth.

(407) SANITARY LANDFILL

A method of solid waste disposal in which refuse is buried between layers of dirt so as to fill in or reclaim low-lying ground.

(408) SATELLITE DISHES

A dish antenna used to receive and transmit signals relayed by satellite.

(409) SCHOOL, BUSINESS

A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, but not including commercial trade schools.

(410) SCHOOL, COMMERCIAL TRADE

See Trade and Commercial Schools.

(411) SCHOOL, PRIVATE, PRIMARY OR SECONDARY

See Private School.

(412) SCHOOL, PUBLIC OR PAROCHIAL

A school under the sponsorship of a public or religious agency providing elementary or secondary curriculum, but not including private trade or commercial schools.

(413) SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES

Facilities for research, including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

(414) SCREENED, SCREENING

Shielded, concealed and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature as may be required by the City of Glenn Heights.

(415) SEASONAL USES

Seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce and other items that are typically only available at certain times of the year.

(416) SECONDARY FRONTAGE

The part of a corner or end tenant property that is platted to extend and be adjacent to an arterial or collector street and does not have a legal address.

(417) SETBACK

The distance from the right of way (public or private) to a building whereby one may erect a structure or sign and establishes the minimum required yard and governs the placement of uses and structures on the lot. This required setback varies depending upon the district in which it is located and the height of the object to be erected.

(418) SETBACK LINE

The distance from which a building or structure is separated from a designated reference point, such as the property line, as dictated by the specific zoning district regulations and requirements.

(419) SEXUALLY ORIENTED BUSINESSES OR USE

Establishments and businesses showing x-rated movies or live acts, displaying and selling pornographic material, and other uses dealing primarily with indecent or obscene materials, acts or paraphernalia, as further defined and identified in the City's Sexually Oriented Business Ordinance, as it exists and may be amended.

(420) SHEET FLOW

Water flowing over land.

(421) SHOE MANUFACTURING

See Manufacturing Process, General.

(422) SHOPPING CENTER

A group of primarily retail, restaurant and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements. This building or group of buildings shall be located on a parcel of land twelve (12) acres in size or larger.

(423) SINGLE-FAMILY DWELLING, DETACHED

A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.

(424) SITE PLAN

A document in graphic form that describes how a parcel of land is to be improved. It includes the property boundaries with outlines of all structures and site improvements, such as driveways, parking lots, landscaping, and utility connections. Other features may be required by the City.

(425) SKATING RINK, ROLLER OR ICE

A business located within a building that contains a surface for ice skating or roller skating and may be part of an indoor or outdoor commercial amusement.

(426) SKILLED NURSING FACILITY

A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization. See also Medical Facilities.

(427) SMALL ENGINE REPAIR SHOP

Shop for repair of lawnmower, chain saws, lawn equipment, and other machines with one-cylinder engines. See Engine Motor Repair.

(428) SPORTING GOODS MANUFACTURING

See Manufacturing Process, General.

(429) SPORTING GOODS, RETAIL

A retail establishment whose primary commodity for sale is equipment needed to participate in a particular sport (e.g., hunting, fishing).

(430) STABLE, COMMERCIAL

A stable used for the rental of stall space or for the sale or rental of horses or mules.

(431) STABLE, PRIVATE

An area used solely for the owner's private purposes for the sale or keeping of horses, mules or ponies, and not kept for remuneration, hire or sale.

(432) STADIUM OR PLAYFIELD (PRIVATE)

A facility, either enclosed or open, used for athletic games or other large public gatherings that is privately owned.

(433) STORAGE OR WHOLESALE WAREHOUSE

A building used primarily for the storage of goods and materials.

(434) STORAGE YARD

An enclosed area that can be used for storing materials.

(435) STORY

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The average height for a story shall be defined as twelve feet (12').

(436) STORY, HALF

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

(437) STREET

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

(438) STREET GUTTER FLOW LINE

The street gutter flow line of the curb adjacent to and bordering upon each such restricted area; in the event there is no such curb, the height restriction set forth in the Zoning Ordinance shall be based upon the actual level of the paved or used portion of the public street adjacent to and bordering upon each such restricted area.

(439) STREET SCAPE

Amenities such as benches, refuse containers, lights and pedestrian ways lined with trees and shrubs.

(440) STREET WIDTH

Road or street pavement is measured from the edge of pavement to edge of pavement or curb back to curb back. The width of the road depends on the City's requirements for each street classification.

(441) STREET, INTERSECTION

Any street which joins another street at an angle, whether or not it crosses the other.

(442) STRUCTURAL ALTERATIONS

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

(443) STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of Building).

(444) STUDIOS FOR HEALTH, REDUCING, FITNESS

Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses, unless otherwise provided by the Sign or Granting Ordinance. See Fitness Facility.

(445) STUDIOS FOR PHOTOGRAPHER, MUSICIAN AND ARTIST

A building or portion of a building used as a place of work by a photographer, musician or artist. See Music Art Studio.

(446) STUDIOS FOR RADIO AND TELEVISION

A building or portion of a building used as a place for radio or television broadcasting.

(447) SUBDIVISION

The word “subdivision” or “addition” shall be any lot, tract, or parcel of land divided into two (2) or more lots or sites for the purpose, whether immediate or future, of sale or of building development. It also includes re-subdivision or replatting of land, lots, or tracts. Division of land for agricultural purposes, in parcels of five (5) acres or more shall not be included within this definition, unless any such division of five (5) acres or more includes the planning or development of a new street or access easement to be dedicated to public use.

(448) SURVEYOR

A licensed State Land Surveyor or a Registered Public Surveyor as authorized by the State Statutes to practice the profession of surveying.

(449) SWIMMING INSTRUCTION AS A HOME OCCUPATION

The teaching of swimming in a private swimming pool. Within a residential district, this use is subject to the approval and issuance of a Specific Use Permit that may specify operating conditions and standards and which may limit the number of students and operating times consistent with provisions for home occupation.

(450) SWIMMING POOL, COMMERCIAL

A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.

(451) SWIMMING POOL, PRIVATE

A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with this and other applicable City ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

(452) TELEMARKETING CENTER

An establishment that solicits business or the purchase of goods and/or services by telephone only. No sale of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.

(453) TELEPHONE LINE AND EXCHANGE, SWITCHING, RELAY OR TRANSMITTING STATION

A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage or repair yards.

(454) TEMPORARY

Lasting for only a limited period of time; not permanent.

(455) TEMPORARY BUILDING

Any nonresidential prefabricated structure that is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

(456) TEMPORARY FIELD OFFICE, CONSTRUCTION YARD OR OFFICE

A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits are issued for a specific time and locations as determined by the Building Official and shall be subject to review and renewal for reasonable cause.

(457) TEMPORARY PRODUCE STAND

A temporary, normally seasonal, location providing fresh products such as fruit, nuts, vegetables and similar foods. No cooking or on-premises consumption of produce occurs on the site. See Produce Stand.

(458) TENNIS COURT, PRIVATE

A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas.

(459) TEXAS SMARTSCAPE

Planting native plants and those adapted to the climate in order to control the micro climate, reduce soil erosion and alleviate the need for excessive water and fertilization.

(460) THEATER (DRIVE-IN)

An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

(461) THEATER (INDOOR)

A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performance.

(462) THROUGH LOTS

A lot, other than a corner lot, having frontage on two (2) parallel or approximately parallel streets.

(463) THROUGHWAY/THOROUGHFARE

The network of roadways and connecting intersections through the City, as well as bordering cities roadways and state highway frontage and arterials.

(464) TIRE DEALER, NO OPEN STORAGE (INSIDE)

A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

(465) TIRE DEALER, WITH OPEN STORAGE (OUTSIDE)

A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

(466) TIRE RETREADING AND CAPPING

The process by which tires are treated with a new tread.

(467) TOOL AND MACHINERY RENTAL SHOP

A building or a portion of a building used for the display and rental of tools, machinery and instruments.

(468) TOOL RENTAL SHOP

A building or a portion of a building used for the display and rental of tools and instruments.

(469) TOURIST HOME (BED AND BREAKFAST INN)

A dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.

(470) TRACT

A single individual parcel or lot.

(471) TRADE AND COMMERCIAL SCHOOLS

For-profit business establishments, offering training or instruction in a trade, art or occupation such as welding, brick laying, machinery operation/repair and similar trades but not including public or parochial schools, private primary or secondary schools, or colleges.

(472) TRAFFIC IMPACT ANALYSIS (TIA)

A study performed by professional engineers with expertise in traffic engineering principles and practice, and certified as a Professional Traffic Operations Engineer, which reviews development of a specific property and analyzes how it integrates into existing and proposed thoroughfare network and any existing and ongoing traffic study. The report shall utilize existing data and conclusions from previous studies and identify improvements necessary to mitigate the impact of traffic generated by the development. Traffic Impact Analysis shall include the following elements:

1. General Site Description.

A detailed description of the roadway network within one (1) mile of the site, a description of the proposed land uses, the anticipated states of construction, and the anticipated completion date of the proposed land development shall be provided.

This description, may be in the form of a map, shall include the following items: (1) all major intersections; (2) all proposed and existing ingress and egress locations; (3) all existing roadway widths and rights-of-way; (4) all existing traffic signals and traffic-control devices; and (5) all existing and proposed public transportation services and facilities within a one (1) mile radius of the site.

2. Proposed Capital Improvements. The traffic impact analysis shall identify any changes to the roadway network within one (1) mile of the site that are proposed by any government agency or other developer. This description shall include the above items as well as any proposed

construction project that would alter the width and/or alignment of roadways affected by the proposed development.

3. Roadway Impact Analysis.

(a) **Transportation Impacts:**

(1) *Trip Generation.* The average weekday trip generation rates (trip ends), the average weekend trip generation rates, the highest average a.m. and p.m. hourly weekday trip generation rates, and the highest hourly weekend generation rates, for the proposed use shall be determined based upon the trip generation rates contained in the most recent edition of the Institute of Transportation Engineers, Trip Generation Manual; or shall be based upon data generated by actual field surveys of area uses compatible to the proposed use and approved by the City Manager (or designee) and/or the City Engineer.

(2) *Trip Distribution.* The distribution of trips to arterial and collector roadways within the study area identified in the General Site Description above shall be in conformity with accepted traffic engineering principles, taking into consideration the land use categories of the proposed development; the area from which the proposed development will attract traffic; competing developments (if applicable); the size of the proposed development; development phasing; surrounding existing and anticipated land uses, population and employment; existing and projected daily traffic volumes; and existing traffic conditions.

(b) **Adequacy Determination.** The roadway network included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing roadways identified as arterials and collectors can accommodate the existing service volume, and the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at a level of service "C" or above.

4. Intersection Analysis.

(a) **Level of Service Analysis.** For intersections within the roadway traffic impact analysis area described in the General Site Description, a level of service analysis shall be performed for all

arterial/arterial, arterial/collector, and collector/collector intersections, and for any other pertinent intersections identified by City staff. Also, level of service analyses will be required on all proposed site driveway locations for all non-residential developments. The level of service analysis shall be based upon the highest hourly average a.m. or p.m. peak weekday volume or highest average hourly peak weekend volume as determined from a two-day survey of weekday volumes and, where necessary, a one-day survey of weekend volumes. The level of service analysis shall take into consideration the lane geometry, traffic volume, percentage of right-hand turns, percentage of left-hand turns, percentage (and typical size) of trucks, intersection width, number of lanes, signal timing and progression, roadway grades, pedestrian and bicycle flows, school routes, number of accidents, and peak hour factor.

- (b) **Adequacy Analysis.** The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service “C” or above.

(473) TRAILER PARK OR COURT

See Mobile Home Park.

(474) TRAILER RENTAL AND SALES

The display and offering for rent or sale of trailers designed to be towed by automobiles and light load vehicles.

(475) TRAILER, TRAVEL OR CAMPING

A portable or mobile living unit which is used for temporary human occupancy away from the users’ permanent place of residence, which does not constitute the users’ principal place of residence, and which is designed to be towed behind another vehicle.

(476) TRANSFER STORAGE AND BAGGAGE TERMINAL

A facility for the storage of baggage and other items in transit.

(477) TRANSIT STATION OR TURNAROUND

Passenger terminal or loading facilities for a privately or publicly owned transit system.

(478) TRANSPORTATION AND UTILITY STRUCTURES

Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turn-arounds, water reservoirs and water pumping stations.

(479) TRUCK

A light or heavy load vehicle (see definition for light and heavy load vehicle).

(480) TRUCK AND BUS LEASING OR RENTAL

The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work is done.

(481) TRUCK AND BUS REPAIR

An establishment providing major and minor automobile repair services to heavy load vehicles.

(482) TRUCK PARKING LOT

Area designated for parking heavy load vehicles.

(483) TRUCK SALES (HEAVY TRUCKS)

The display, sale or rental of new or used heavy load vehicles in operable condition.

(484) TRUCK TERMINAL/FREIGHT TERMINAL

An area and building where cargo is stored and where trucks and freight, including tractors and trailer units, load and unload cargo on a regular basis. This term may include facilities for the temporary storage of loads prior to shipment.

(485) USE

The purpose for which land or buildings are, or may be, occupied in a zoning district.

(486) UTILITY DISTRIBUTION, TRANSMISSION LINES

Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines and metering stations.

(487) UTILITY INSTALLATION, OTHER THAN LISTED

The installation and/or construction for any utility other than those specifically listed in these definitions or the City's Zoning Ordinance or Subdivision Regulations. Such utilities shall get approval from the City prior to their installation.

(488) UTILITY, PRIVATE, OTHER THAN LISTED

A non-public utility requiring special facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or public utilities.

(489) VARIANCE

An adjustment in the application of the specific regulations of the Zoning Standards to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the City of Glenn Heights can grant a variance and the granting of a variance shall be consistent with state law and judicial interpretation.

(490) VEHICLE SERVICE, FOR HIRE

Any motor or other vehicle operated within the City for the purpose of carrying passengers for hire from within the City, except motor buses operating on fixed routes as specified in this chapter, specially chartered buses and driverless vehicles (rental cars). The term "vehicles for hire" includes limousine, as defined. The term specifically excludes demand services by public entities relative to providing transportation for senior citizens and disabled persons.

(491) VETERINARIAN CLINIC

An establishment, not including outside pens, where animals and pets are admitted for examination and medical treatment.

(492) WAREHOUSE

- a. Self-Storage, Mini-Warehouse: A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units. Such use shall exclude outdoor parking and/or storage of recreational vehicles, trailers or boats.
- b. Storage or Wholesale Warehouse, Light: A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.
- c. Storage or Wholesale Warehouse, Heavy: A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

(493) WAREHOUSE, FREIGHT FORWARDING

A building used for the storing of freight between transporting to its final destination.

(494) WASTEWATER TREATMENT PLANT

A plant where, through physical-chemical and biological processes, organic matter, bacteria, viruses and solids are removed from residential, commercial and industrial wastewaters before they are discharged in rivers, lakes and seas, as defined and regulated by state and federal agencies.

(495) WHOLESALE DISTRIBUTION CENTER

An establishment for the storage and ultimate distribution of wholesale merchandise, without transformation and the rendering of services incidental to the sale/resale of merchandise, including goods for resale to other wholesalers or retailers, capital or durable non-consumer goods or raw and intermediate materials and supplies used in production. Wholesalers sell merchandise to other businesses, operating from a warehouse or office. These warehouses and offices often have little or no display of available merchandise. Most often, the wholesaler's location is intended to easily accommodate walk-in traffic. Wholesalers normally do not advertising attracting the general public. Wholesaler's customer base is generally reached initially by telephone, in-person marketing at, for instance, trade shows, or by specialized advertising such as internet search or fax. Follow-up orders are either vendor-initiated or client-initiated, generally based on previous sales from the established client base.

(496) WIND SYSTEM, SMALL

A device that produces electricity from wind.

(497) YARD

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Zoning Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

(498) YARD, FRONT

A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

(499) YARD, REAR

A yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

(500) YARD, SIDE

A yard between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

(501) ZERO LOT LINE DWELLING (PATIO HOME)

A lot authorized by a Special Use Permit which is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private, use of the side yard, and permits construction of a detached single family dwelling with one side of such dwelling placed on the side property line.

(502) ZONING BOARD OF ADJUSTMENT

A statutorily created-board which is appointed by the City Council, and which is authorized to make special exceptions or grant variances to the Zoning Ordinance, to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance, and any other powers or duties granted by the City Council. Also referred to as the "ZBA."

(503) ZONING DISTRICT

Classifications applying to all section or sections of the City for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

(504) ZONING DISTRICT MAP, ZONING MAP

The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance and which shall comply with the Comprehensive Plan.

ARTICLE XX ENFORCEMENT AND REVIEW

SECTION 1 EFFECT OF INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon this use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern. This Ordinance is also not intended to abrogate or annul any lawfully obtained permit issued prior to the effective date of this Ordinance.

SECTION 2 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the previous Zoning Ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal and adoption of this Ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

SECTION 3 COMPLAINTS REGARDING VIOLATIONS; PARTIES LIABLE; PROCEDURES UPON DISCOVERY OF VIOLATIONS

XX.3.1 Complaints Regarding Violations - Whenever the City Manager receives a written, signed complaint alleging a violation of this Ordinance, the City Manager shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

XX.3.2 Parties Liable - The owner, tenant, or occupant of any building or land or part thereof and any architect, building contractor, agent, or other person who participated in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance, or has care, custody or control of the building, land or part thereof may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

XX.3.3 Procedures Upon Discovery of Violations

- A. If the City Manager finds that any provision of this Ordinance is being violated, the City Manager shall send a written notice to the person responsible for such

violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the City Manager's discretion.

- B. The final written notice (an initial written notice may be the final notice) shall state what action the City intends to take if the violation is not corrected and shall advise that the City Manager's decision or order may be appealed to the Board of Adjustment in accordance with Article IV, Section 3 if a zoning matter, or the City Planning and Zoning Commission if a platting matter.
- C. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the City Manager may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 4 of this Article.

SECTION 4 PENALTIES AND REMEDIES FOR VIOLATIONS

XX.4.1 Any person, firm, or corporation who shall intentionally or knowingly violate any of the provisions of this Ordinance or who shall fail to comply with any requirement or provision hereof within the territorial limits of Glenn Heights, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed two thousand dollars (\$2,000), and each and every day that such violation continues shall constitute a separate offense and shall be punishable accordingly. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

XX.4.2 Any violation of any provision of this Code which occurs outside the territorial limits of the City of Glenn Heights and within the ETJ of the said City shall not constitute a misdemeanor under this ordinance; however, under this Code, the City shall have the right to institute an action in the District Court to enjoin the violation of any provision of such Code in such extraterritorial jurisdiction, and the District Court shall have the power to grant any or all types of injunctive relief in such cases.

XX.4.3 Notwithstanding the potential criminal penalties outlined herein, nothing herein shall prevent or preclude the City from taking all appropriate legal actions and seeking such legal redress as permitted by law including civil, administrative and injunctive relief.

SECTION 5 VALIDITY

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this

Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Illustration A

Illustration B