

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE  
PLANNING AND ZONING COMMISSION**

March 27, 2023 – 6:00 p.m.

THE PLANNING AND ZONING COMMISSION MET ON MARCH 27, 2023, AT 6:00 P.M. IN THE CIVIC CENTER MEETING ROOM, 16327 LAKEVIEW DRIVE, JERSEY VILLAGE, TEXAS.

**A. The meeting was called to order in at 6:06 p.m. and the roll of appointed officers was taken. Commissioners present were:**

Rick Faircloth, Chairman	Charles A. Butler, III, Commissioner
Eric Henao, Commissioner	David L. Lock, Commissioner
Ashley Brown, Commissioner	Debra Mergel, Commissioner
Courtney Standlee, Commissioner	

City Manager, Austin Bleess, was not present at this meeting.

Council Liaison, Drew Wasson, was present at this meeting.

Staff in attendance: Lorri Coody, City Secretary; Robert Basford, Assistant City Manager; Tommy Ramsey, City Attorney sitting in for Justin Pruitt; and Joe Newton and Ian Knox, Building Official Representatives.

**B. CITIZENS' COMMENTS - Any person who desires to address the Planning and Zoning Commission regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Commissioners are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Planning and Zoning Commission.**

**Ernie Hewett, 15917 Lakeview Drive, Jersey Village, Texas (713) 252-3957** – Mr. Hewett spoke to the Commission about Short-term Rentals. He gave background information from other cities. In Arlington, these rentals are banned in residential areas, but are allowed in mixed use areas, which are entertainment zones. He stated that one city's P&Z has asked to ban these rentals out right and their proposal will be presented to City Council for action. He outlined three areas of outcome. He presented information about a court ruling out of the 5<sup>th</sup> Circuit Court. He also gave information about the City of Plano wherein there was a short-term rental wherein there was a shooting. He is asking the Commission to recommend banning or more stringent requirements concerning the operation of short-term rentals.

**Brock Pennywell, 16214 Congo Lane, Jersey Village, Texas (281) 773-0060** – Mr. Pennywell spoke to the Commission about short-term rentals. He appreciates the Commission and the City in making discussions about this issue public. He lives in Jersey Village and is proud of the City. He has used a number of Airbnb's. He stated it was a benefit to his family given he has five (5) children. He pointed out that shootings happen in non-Airbnb facilities as well. Therefore, you cannot say that because there is an Airbnb there will be violence. He supports having laws by the City, making these type rentals responsible. He has had wonderful experiences with Airbnb. He believes it is good that people have the ability to experience Jersey Village through these type facilities. He is concerned about having a noise meter inside these type establishments. He pointed out that hotels that he has frequented do not have a noise meter. He gave reasons for his concern. He is also concerned about the distance requirement. He pointed out that his dad lives 17 homes away from him and he is his caretaker. Should his dad move, he would like to use the home for an Airbnb.

**Rick Bull, 15310 Glamorgan, Jersey Village, Texas (713) 829-6952** – Mr. Bull stated that he has an Airbnb across the street from his home. He told the Commission that the police have been called out for problems many times. The home is being used for parties. He told the Commission that at 2 am the street is lined with cars and the party attendees are running up and down the street. He has complained to the police and to Airbnb. He is tired of this and wants restrictions in order to get these facilities under control.

**Alton (Dusty) Miller, 8314 Argentina, Jersey Village, Texas (512) 573-5977** – Mr. Miller also spoke about the Airbnb next to Mr. Bull. He also mentioned that there are issues with this rental. He wants regulations. He has been up in the middle of the night three times and the police were there for many hours trying to get things under control. He stated that these people renting are not residents and they are there to have a good time. He wants regulations to mitigate these problem rentals. He pointed out that other cities are banning these rentals.

Chairman Faircloth stated that discussion concerning short-term rentals will take place later during the meeting. He explained that City Council has already passed two Ordinances regulating these rentals. He stated that parking on the street is currently permitted. The item on the agenda tonight is to discuss a distance restriction.

**C. Consider approval of the minutes for the meetings held on November 9, 2022, and November 21, 2022.**

Commissioner Mergel moved to approve the minutes for the meetings held on November 9, 2022, and November 21, 2022. Commissioner Brown seconded the motion. The vote follows:

Ayes: Commissioners Henao, Brown, Butler, Lock, Mergel, and Standlee  
Chairman Faircloth.

Nays: None

The motion carried.

**D. Discuss and take appropriate action concerning a qualitative review of the City of Jersey Village’s current Code of Ordinances pertaining to the commercial districts to identify potential code amendments required to ensure that City codes and regulations are in line with the goals and objectives established by the Jersey Village Comprehensive Plan and, if appropriate, prepare for presentation to Council on April 17, 2023, a Preliminary Report in connection with any suggested amendments.**

**BACKGROUND INFORMATION:**

On May 18, 2022, City Council agreed to engage BBG to do a Zoning Ordinance update as one of the goals in the Comprehensive Plan is to “Encourage quality Community-orientated Retail and Restaurants”, “Encourage quality Community-orientated Entertainment”, to update city codes to conform to the Comprehensive Plan, and to “Review existing development codes to identify incompatibility with the vision and desired uses (higher quality restaurants, services, and entertainment), and to protect residential neighborhoods.”

Since May, BBG worked with City Staff, a Planning and Zoning Commission Subcommittee, and the Planning and Zoning Commission on a list of Residential Code Amendments, which were passed and approved by City Council on October 17, 2022.

The next phase of BBG's work is to identify potential Commercial Code amendments required to ensure that City codes and regulations are in line with the goals and objectives established by the Jersey Village Comprehensive Plan.

The Commission met on November 9, 2022, and November 21, 2022, in order to review Commercial Code amendments and to give input to the BBG Consultants about suggested changes to the proposed amendments.

This item is to continue the review of proposed Commercial Code Amendments and, if appropriate, prepare for presentation to Council on April 17, 2023, a Preliminary Report in connection with any suggested amendments.

Building Official Representatives, Joe Newton and Ian Knox, introduced the item and gave a presentation concerning proposed updates to the City's Code of Ordinance. The proposed changes will cover several major areas of the Code pertaining to Commercial Land Use, Building Setbacks and the like as follows:

Section 14-5 Definitions

Section 14-11 General Penalty – Continuing Violations

Section 14-88 – Regulations Affecting All Districts

Section 14-105 – Commercial Permits and Condition Use Table

Section 14-106 – Regulations for District F

Section 14-107 – Regulations for District G

Section 14-108 – Regulations for District H

Section 14-109 – Regulations for District J

Section 14-109.1 – Regulations for District J-1

Section 14-110 – Regulations for District K

Section 14-244 – Permits and Fees

Section 14-252 – Signs for Commercial and Industrial Districts

Section 14-283 – Table 14-11 Off-Street Parking

Section 14-309 – Specific Standards

Joe Newton stated that new items that have not previously been discussed by the Commission concern signs, administration and trees. All of the other items in the packet concerning commercial properties have previously been discussed by the Commission.

Building Representative's Ian Knox and Joe Newton gave a presentation on the changes for Signs, Administration and Trees as follows:

### **Signs**

- Allowance for walls signs to be placed without a permit reduced from 25 SF to 5 SF
- Reducing the total permitted sign area to 25% of the elevation on which its placed.
- Preventing interior tenants in integrated business developments from placing wall signage on corner/side elevations.

The Commission discussed the changes. It was the consensus of the Commission that the total sign area should be 25% of the elevation or a 1,000 sq feet or less.

**Administration**

- Granting the City Manager or their designee the ability to issue citations.
- Allowing a sign violation to be placed on the property until abated.

The Commission discussed the process of the issuance of citations and designees.

**Trees**

- Added sections for tree removal and tree replacement in commercial developments to discourage the clear cutting of commercial lots without a plan to provide the planting of an approximately equivalent tree density (total caliper).

The Commission discussed this change. Mr. Knox showed the actual proposed language under Section 14-309.

With no further discussion on these item, Mr. Newton explained that this completes the new issues that the Commission has not seen before. The rest of the items that have previously been presented to the Commission have been word smithed and “polished”, but nothing has been added that was not previously reviewed by the Commission.

There was discussion about District D regulations. Mr. Newton explained that District D is form based codes and falls outside their assignment. The changes they are presenting are for use based codes.

There was discussion about changes made to the distance requirements for gas stations.

Page 74 of the packet was discussed. It is the setback table for District J. The no limitation requirement was discussed. The location of District J was discussed. Some members did not support the no height limitation. Mr. Knox stated that the Commission could consider a cap of say five (5) stories. The Commission discussed the cap. The consensus of the Commission was that any building over four (4) stories or 56 feet in height must have a Specific Use Permit.

There was a discussion about renaming the districts. The Commission did not support renaming.

Parking restrictions were discussed (Section 14-283), specifically the restrictions for automotive repair services. It is suggested that the restriction be 1 parking space per 375 SF of gross floor area plus 4 spaces per repair bay. The Commission, after discussing same, decided that the recommendation was acceptable.

Page 42 – The definition for theater was discussed. It states it does not include “adult entertainment”, but we do not have a definition for “adult entertainment” in our code. It is recommended that this definition be added. Mr. Knox and Mr. Newton will make this addition.

With no further discussion on the matter, Commissioner Buter moved to preliminary recommend that City Council make the amendments to the City’s Code of Ordinances pertaining to the commercial districts as presented in the meeting packet along with the changes discussed by the Commission in tonight’s meeting. Commissioner Lock seconded the motion. The vote follows:

Ayes: Commissioners Members Henao, Brown, Butler, Lock, Mergel, and Standlee  
Chairman Faircloth.

Nays: None

The motion carried.

*A copy of the Preliminary Report is attached to and made a part of these minutes as Exhibit A.*

- E. Discuss and take appropriate action concerning a review of the City of Jersey Village’s current Code of Ordinances pertaining to an update for residential code requirements in order to identify potential amendments required to ensure that City codes and regulations are in line with the goals and objectives established by the Jersey Village Comprehensive Plan and, if appropriate, prepare for presentation to Council on April 17, 2023, a Preliminary Report in connection with any suggested amendments.**

Background information on this item is as follows:

On May 18, 2022, City Council agreed to engage BBG to do a Zoning Ordinance update as one of the goals in the Comprehensive Plan is to “Encourage quality Community-orientated Retail and Restaurants”, “Encourage quality Community-orientated Entertainment”, to update city codes to conform to the Comprehensive Plan, and to “Review existing development codes to identify incompatibility with the vision and desired uses (higher quality restaurants, services, and entertainment), and to protect residential neighborhoods.”

Since May, BBG worked with City Staff, a Planning and Zoning Commission Subcommittee, and the Planning and Zoning Commission on a list of Residential Code Amendments, which were passed and approved by City Council on October 17, 2022.

Since approval, it has come to the attention of Staff that additional updates are necessary. Following is a summary of the most pertinent modifications needed:

1. Use Table
  - a. Redesigned format of use table for added clarity and ease of reading.
  - b. Added minimum separation distance condition for short-term rentals (note 6)
  - c. Multi-family district condition relocated to use table (note 5)
  - d. Added restriction to prevent an existing private garage from being converted to accessory quarters (note 8, item 3)

Short-term rentals were discussed by the Commission. Currently there are eight (8) or nine (9) in the City. The recommendation is that there should be a distance requirement of 1,500 linear feet. Some members felt the distance requirement should be set at 5,000 linear feet. Other members do not want the restriction at all and felt that short-term rentals are not unlike rental property in general. Some members pointed out that they are different in that short-term rentals are not rented for long periods of time as is typical rental property. The pros and cons of short-term rentals were discussed. Clientele and fires were discussed in terms of short-term rentals.

There was a motion by Commissioner Fairchild to change the distance requirement for short-term rentals as presented from 1,500 linear feet to 5,000 linear feet. The motion was seconded by Commissioner Butler.

The motion was discussed. 5,000 linear feet is about one (1) mile, which is measured point to point. To aid the discussion, Mr. Newton stated that it does not have to be a distance requirement. It could

be some other restrictions that the Commission feels are appropriate. Mr. Newton stated that it could be a ban on these rentals, which is what other cities have done.

Specific Use Permits with certain conditions to include that after so many violations, the permit would be revoked were discussed.

The case before the Texas Supreme Court was discussed. City Attorney Ramsey explained the case and the timetable for the ruling. This case involves the City of Grapevine. City Attorney Ramsey stated you can ban these rentals, but you cannot do anything about those that are already existing.

With no further discussion, Chairman Faircloth called for a vote on the motion. The vote follows:

Ayes: Commissioners Henao, Butler, Lock, and Mergel  
Chairman Faircloth.

Nays: Commissioner Brown

Abstain: Commissioner Standlee

The motion carried.

A sprinkler system for short-term rentals was discussed. Chief Bitz stated that since a short-term rental is not necessarily a business, it is still residential; therefore, the City cannot require them to have a fire sprinkler system. He explained that any renovations or remodels that do not add square footage over 5,000 square feet, the City cannot require a sprinkler system. Fire lanes on City streets were discussed.

Parking on the streets were discussed. It was suggested that there be a restriction for short-term rentals that they are only permitted to have only two vehicles in the driveway.

*Commissioner Butler left the meeting at 7:57 PM.*

2. Setback tables:
  - a. Redesigned the format of setback tables for each district for added clarity and ease of reading.
  - b. Added a note specifying areas of increased front yard setbacks that were omitted in error (Table 14-101A, notes 2-4)
3. Height in districts A, B, C, & M:
  - a. Reworked how height is calculated when utilizing FEMA flood damage prevention standards. Sections now point to Article IX - Storm Drainage and Flood Damage Prevention. Change made to make the section more evergreen.
4. Fencing standards:
  - a. Added additional content to the district M fencing section to distinguish a multifamily complex perimeter fence vs an interior fence.

With no further discussion on the matter, Commissioner Faircloth moved to preliminary recommend that City Council make the amendments to the City's Code of Ordinances pertaining to an update for residential requirements as presented in the meeting packet along with the changes discussed by the Commission in tonight's meeting. Commission Henao seconded the motion. The vote follows.

Ayes: Commissioners Members Henao, Brown, Lock, Mergel, and Standlee  
Chairman Faircloth.

Nays: None

The motion carried.

*A copy of the Preliminary Report is attached to and made a part of these minutes as Exhibit B.*

**F. Adjourn**

There being no further business on the agenda the meeting was adjourned at 8:07 p.m.

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Lorri Coody, City Secretary



# **EXHIBIT A**

## **Planning and Zoning Commission Minutes**

**March 27, 2023**

### **Preliminary Report Commercial Code Edits**





**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION  
PRELIMINARY REPORT  
COMMERCIAL CODE AMENDMENTS**

The Planning and Zoning Commission has met on November 9, 2022, November 21, 2022, and March 27, 2023, in order to conduct a qualitative review of the City of Jersey Village’s current Code of Ordinances pertaining to the commercial districts in order to identify potential code amendments required to ensure that City codes and regulations are in line with the goals and objectives established by the Jersey Village Comprehensive Plan and, if appropriate, prepare for presentation to Council on April 17, 2023, a Preliminary Report in connection with any suggested amendments.

After review and discussion, the Commissioners preliminarily proposed that the Code of Ordinances of the City of Jersey Village, Texas, be amended to reflect commercial code amendments that are in line with the goals and objectives established by the Jersey Village Comprehensive Plan.

These preliminary changes to the City’s comprehensive zoning ordinance are more specifically detailed in the attached Exhibit “A.”

The next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

Respectfully submitted, this 27<sup>th</sup> day of March 2023.

S/Rick Faircloth, Chairman



**ATTEST:**

S/Lorri Coody, City Secretary

# Exhibit A

## Proposed Ordinance Amendments

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## Sec. 14-5. Definitions.

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

*AE* means areas of the base (one percent or 100-year) flood where base flood elevations have been determined.

*Accessory building* means a building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

*Accessory use of a building* means a subordinate use or building customarily incident to and located on the lots occupied by the main use or building.

*Adult entertainment* means an adult cabaret, adult encounter parlor, adult lounge, adult modeling studio, adult bookstore, adult movie theater, or any establishment whose business is the offering to customers of a product or service which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical areas. See also Chapter 18, Article II, Section 18-31.

*Advertising* means to seek the attraction, or to direct the attention, of the public to any goods, services, merchandise, purpose or cause.

*Agriculture* means any land or building used for pasturage, floriculture, dairying, horticulture, forestry and livestock or poultry husbandry.

*Alley* means a legally established private access easement affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

*Alluvial fan flooding* means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

*Alter* means to change, rearrange, enlarge, extend or reduce any structure or part thereof on the same site.

*Alterations* means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to in this chapter as "altered" or "reconstructed."

*Apartment* means a dwelling unit in a multiple-family dwelling.

*Apex* means a point on an alluvial fan or similar landform below which the low path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

*Apparel manufacturing* means a facility for the manufacture of garments.

*Appeal* means, for floodplain management purposes, a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

*Appurtenant structure*, for floodplain management purposes, means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

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*Area of future conditions flood hazard* means the land area that would be inundated by the one percent annual chance (100 year) flood based on future conditions hydrology hydrological conditions.

*Area of shallow flooding* means a designated AO, AH, AR/AO, AR/AH or VO zone on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard (ASFH)—also referred to as a special flood hazard area (SFHA)* — means the land in the floodplain within a community subject to a 0.2 percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-30, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/A, VO, V1-30, VE, V or X Shaded Zones.

*Art gallery* means a room or building used for the display or sale of works of art.

*As-built documents* means (s) means legal papers documents prepared by a registered professional engineer and confirming that the public improvements are constructed as shown.

*Assembling* means a facility where previously manufactured parts are put or fit together for final assembly.

*Auto body shop* means any shop or garage, other than a private garage, where bodywork and painting are performed.

*Automobile repair shop* means a facility used for the repair or replacement of engines, transmissions, differentials, drivetrains, or any parts thereof, in addition to the replacement of parts, service, and incidental repairs to private passenger vehicles. A private passenger vehicle is defined as automobiles, motorcycles, station wagons, vans, SUVs, or pickup trucks reserved for personal use.

*Bail bond service* means an establishment that makes available to the public undertakings of bail in connection with judicial proceedings.

*Bail bond service* means an establishment that offers to act as a surety and pledges money or property as bail for the appearance of a defendant in court.

*Bakery (industrial)* means an establishment that is permitted for the production and/or wholesaling of baked goods, but where over the counter or other retail dispensing of baked goods shall be allowed incidental to the main use.

*Bank, financial institution, and insurance service institution* means an institution that is licensed to accept checking and savings deposits, make loans, and provide insurance.

*Bar* means an establishment that derives fifty-one (51) percent or more of its income from the sale of alcoholic beverages. Such beverages are intended for consumption on the premises.

*Barber, beauty store, or salon* means an establishment that offers goods and services related to barbering, cosmetology, and hairdressing.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

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*Base flood elevation (BFE) or base flood level* means the elevation above mean sea level that floodwaters have been calculated to reach during the base flood at a specific location.

*Basement*, for floodplain management purposes, means any area of the building having its floor subgrade (below ground level) on all sides.

*Beer and wine sales* means an establishment that sells beer and wine not to exceed 17 percent alcohol by volume. This type of establishment can be stand-alone, or function as an ancillary use to a retail establishment.

*Berm* means a manmade, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

*Billboard* means an off-premises sign.

*Block* means a tract or parcel of land designated as such on a subdivision plat surrounded by streets or other physical obstructions.

*Blockface* means the properties abutting on one side of a street between the two nearest intersecting streets or other physical features, such as a watercourse or unsubdivided land, that defines the end of the block.

*Bookstore* means a retail establishment that, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any “adult bookstore,” “adult theater,” “theater,” or “studio theater.”

*Boundary sewer line* means a sewer line installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

*Boundary water line* means a water line, installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Brew pub* means an establishment that is authorized to brew, bottle, can, package, and label beer, and sell or offer without charge, on the premises to ultimate consumers for consumption on or off those premises, malt beverages produced by the holder, in or from a lawful container to the extent the sales or offers are allowed under the holder's other permits or licenses. Food may also be served at this establishment.

*Broadcasting studio* means commercial and public communications uses, including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

*Buffer* means the area, space or physical means which is established to protect or insulate one land use or one building from another. Generally, buffering will be the use of landscaping (other than mere grass on a flat terrain) or the use of landscaping along with berms, walls or decorative fences that at least partially and periodically obstruct the view from the street and adjacent property in a continuous manner, of vehicular use areas, parking lots and their parked cars, and/or detention ponds.

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*Buffer yard* means a strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

*Build* means to convert, enlarge, reconstruct or alter a building or structure.

*Building*. See the definitions within the adopted building codes.

*Building area* means ground floor area computed by using calculating the outside dimensions of exterior walls, excluding the floor area of garages, open or screened porches, basements or semifurnished storage rooms not used for residential purposes.

*Building contractor and related activities* means a facility used for conducting business related to the construction of buildings, either residential or commercial, including but not limited to the storage and operation of machinery and materials, fabrication of building-related products, and the provision of services.

*Building height* means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

*Building line* means a line parallel to the front lot line. A minimum building line is the same as the minimum required front setback line.

*Building materials, sales, and storage* means any location used for the sale and storage of materials used for the construction of various building-related projects, including but not limited to: residential and commercial structures, and site improvements.

*Building, principal* means a building in which is conducted the main or principal use of the lot on which such building is located.

*Business frontage* means the linear measurement from outer wall to outer wall of the side of the building which faces or fronts a street and which generally contains the primary entrance to the building.

*Business purposes* means the erection or use of any property, building, structure, permanent or temporary, for the primary purpose of conducting in such building or structure or on such property a lawful commercial enterprise in compliance with all ordinances and regulations of the city governing such activity. The term "business purpose" shall not include any property, building or structure erected or used for the primary purpose of securing a permit to erect a sign.

*Cabana or dressing room* means a small structure for use as a bathhouse adjacent to a swimming pool.

*Cafe and cafeteria* means a restaurant or dining room located in part of a business in which customers serve themselves or are served from a counter and pay before eating.

*Cannabidiol shop (CBD shop)*. A business establishment for which more than 15 percent of sales are derived from the retail sale of products related to or derived from CBD oil (cannabidiol) or hemp. This includes, but is not limited to, oils, vitamins, supplements, food, personal care, and garments.

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*Car wash facility* means a facility of the tunnel unit type intended for washing and cleaning of passenger vehicles which allows washing of multiple vehicles in a tandem arrangement while moving through the structure, to include detail areas, vacuum areas and a lobby.

*Carport* means a permanent structure that is attached to a residence or private garage, that covers a driveway, and that consists of a roof and one or more sides.

*Cell phone and computer repair business* means a business that provides small-scale electronic repair services for items of the general public, including, but not limited to: cellphone repair~~z~~ computer repair~~z~~ and~~z~~ other related minor repairs.

*Certificate of compliance* means a certificate issued by the city to a party intending to initiate any work or change any use of property in the city.

*Child-care center* means a facility licensed by the State of Texas to provide care at a location other than the permit holder's home, for seven or more children under 14 years of age, for less than 24 hours per day, but at least two hours a day, three or more days per week (40 TAC § 745.37(2)(D)).

*Child day-care operation (licensed child-care centers and school-age program centers)* means a facility licensed, certified, or registered by the Department of Family and Protective Services to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

*Cigar shop/lounge* means a retail cigar establishment that excludes minors that in some cases includes an enclosed area within or attached to the establishment to be used as private cigar smokers' lounge.

*City of Jersey Village: water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants, and water wells* means any water system provided and maintained by the city of Jersey Village or a utility company that the city agency has specifically approved as acceptable.

*Cleaners (clothing), tailor, and retail laundry* means an establishment that washes, adjusts, and repairs personal clothing items.

*Clinic* means the office of one or more licensed doctors who may or may not be associated in the practice of their profession.

*Clinic* means a building, other than a hospital as herein defined, used by one or more licensed physicians for the purpose of receiving and treating patients.

*Clothing boutique* means a small retail establishment that sells fashionable clothing or accessories.

*Club* means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

*Cold storage plant* means a facility where, for compensation or reward received or promised, wildlife or fish or parts of them are processed and stored, either fresh or frozen, for later consumption.

*Commercial building* means any building other than a single-family residence.

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*Commercial message* means a message placed or caused to be placed before the public by a person directly involved in the manufacture or sale of the products, property, accommodations, services, attractions or activities or possible substitutes for those things which are the subject of the message; and that refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions or activities that are offered or exist for sale or for hire; or that attracts attention to a business or to products, property, accommodations, services, attractions or activities that are offered or exist for sale or for hire.

*Commercial vehicle* means any motor vehicle, trailer, or semi-trailer designed or used to carry freight, passengers for a fee, or merchandise in the furtherance of any commercial enterprise and having a gross weight of more than 10,000 pounds.

*Commercial vehicle repair shop* means a facility used for the repair or replacement of engines, transmissions, differentials, drivetrains, or any parts thereof, in addition to the replacement of parts, service, and incidental repairs to commercial vehicles.

*New Computer and electronics store* means a retail establishment focused on the sale of new computers and computer-related products, and electronic components and devices.

*Concrete products manufacturer* means a plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

*Concrete product manufacturer* means a facility in which concrete products are constructed for the purposes of decoration or artistic expression for sale off-premises.

*Condominium.* See *Unified development*.

*Conveyance* means, unless otherwise determined by the city engineer, the flow of water during the base flood with a velocity that is greater than one foot per second or a depth that is greater than one foot.

*Courts* means an open space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court has one side open to a street or alley, yard or other permanent open space.

*Credit access business (payday loan/auto title)* means an establishment providing loans to individuals in exchange for personal checks as collateral.

*Credit access business* means a business that obtains credit for a consumer from an independent third-party lender in the form of a deferred presentment transaction or a motor vehicle title loan.

*Critical facilities* means those facilities essential to the preservation of life and property, including, but not limited to schools, nursing homes, blood banks, health care facilities including those storing vital medical records, housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood, hospitals, police, fire and emergency response installations, facilities used for the storage of critical records, and commercial installations which produce, use or store hazardous materials or hazardous waste as referenced in the high-hazard group (group H) of the adopted International Building Code and International Fire Code.

*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.



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*Curbline* means an imaginary line drawn along the edge of the pavement on either side of a public street.

*Dancing studio, exercise class, and martial arts facility* means a facility in which students are instructed and educated on the particulars of a physical art form. This does not include adult uses such as adult cabaret.

*Density* means the average number of dwelling units per acre for the entire development, including streets.

*Department store* means a retail establishment that conducts business under a single owner's name wherein a variety of unrelated merchandise and services are housed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

*Design flood elevation (DFE)* means the elevation above base flood elevation (BFE) that the community requires - also referred to as freeboard.

*Developer* means any person who improves or subdivides a tract of land or improves or takes any action preparatory to the erection, improvement or movement of any building or structure on a tract of land.

*Development*, for floodplain management purposes, means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Distribution* means any location where goods are received and/or stored for delivery to the ultimate customer at remote locations.

*District* means an area of land for which there are uniform zoning regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

*Double-faced sign* means a single sign with two parallel sign faces back-to-back.

*Drug store and pharmacy* means a retail establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

*Dry cleaning and laundry plant (industrial)* means a facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

*Dwelling, multiple-family* means a building used or designed as a residence for three or more families living together independently of each other.

*Dwelling, single-family* means a detached building, designed for, or occupied exclusively by one family.

*Dwelling, two-family* means a detached building, designed for, or occupied by two families living independently of each other.

*Dwelling unit* means one or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

*Easement, utility* means a right held by the city to make use of the land of another for a limited purpose, such as right of passage.

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*Educational institution, service, and learning center means any public, parochial, private, charitable, or nonprofit school, junior college, or university.*

*Electrical sign* means a sign containing electrical wiring or utilizing electric current, but not a sign illuminated by an exterior light source.

*Elevated building* means, for insurance purposes, a non-basement building, which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

*Elevation certificate* means a statement from an engineer or surveyor licensed by the State of Texas on the most current FEMA form certifying that the lowest floor of the structure has been elevated at least as high as required by this chapter, as well as the elevation of equipment and adjacent grade.

*Erected* means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

*Excavation* means any breaking of ground, except common household gardening, general farming and ground care.

*Existing construction* means, for the purposes of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as "existing structures."

*Existing manufactured home park or subdivision*, for floodplain management purposes, means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision*, for floodplain management purposes, means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Family* means:

- (1) One person, or a group of two or more persons living together and related by blood, marriage or legal adoption, living together as a single housekeeping unit. The person thus constituting a family may also include gratuitous guests and domestic servants.
- (2) A group of individuals not related by blood, marriage or legal adoption, but living together as a single housekeeping unit. For controlling of residential density, each such group of four individuals shall constitute of a family.
- (3) A group of not more than eight individuals, not related by blood, marriage or legal adoption, which group is comprised of individuals with disabilities protected under the Fair Housing Act, and where the group is not established within one-half mile of an existing like group.

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- (4) A group of not more than six persons with disabilities and two supervisors residing in a qualified community home, as defined by the Texas Community Homes for Disabled Persons Location Act.

*Farm implement machinery sales and storage means a facility that focuses on the sale and sales-related storage of farm implements and machinery together with the attachments, special service tools, or repair parts for such implements and machinery.*

*Farmers market means a food market temporary in nature at which local vendors sell various fruits, vegetables, meats, cheese, baked goods, and handmade items directly to consumers.*

*Filling* means the depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

*Filling stations* means any building or premises used for the dispensing, sale or offering for sale or retail of any automobile fuels or oils. If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

*Firewall* means a wall made of fireproof material to prevent the spread of a fire from one part of a building to another.

*Flag lot* means a lot which has minimum frontage on a public street, which is reached via a private drive or lane whose width some distance back from the street right-of-way, meets all ordinance requirements.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood elevation study* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazards areas (SFHA)/areas of special flood hazards (ASFH) and the risk premium zones applicable to the community.

*Flood insurance study (FIS).* See *Flood elevation study*.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Floodplain development permit* means a permit issued under the provisions of this chapter for any development of a site located within a Jersey Village special flood hazard area (SFHA)/area of special flood hazards (ASFH).

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*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Flood proofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodproofing certificate* means a certificate issued by a registered professional engineer licensed in the State of Texas which states that he has developed and/or reviewed the structural design, specifications, and plans for the construction of a structure or improvement covered by the certificate and that the design and methods of construction are in accordance with accepted standards of practice for meeting the following requirements:

- (1) The floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2 percent chance flood; and
- (2) Together with attendant utility and sanitary facilities, the structures are designed so that below the 0.2 percent chance flood level the structures are watertight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

*Floodway.* See *Regulatory floodway*.

*Florist and flower shop* means a retail establishment whose principal activity is the selling of plants that are not grown on the site and conducting business within an enclosed building.

*Food processing and packaging, with the exception of slaughtering* means a facility that prepares, processes, or cans and packages food products.

*Food truck* means a mobile vehicle equipped with facilities for cooking and selling food.

*Food truck park* means a property where two or more food trucks congregate to offer food or beverages for sale to the public.

*Freeboard.* See *Design flood elevation*.

*Freestanding structure* means any building for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind and surrounded by yards or open space and not containing permanent provisions for living, sleeping or cooking.

*Functionally dependent use* means, for floodplain management purposes, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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Furniture manufacturing means a facility that manufactures or assembles articles such as tables, chairs, desks, or cabinets for use indoor or outdoor.

*Garage, front load*, means a private garage where the vehicle access doors to the garage face toward and are generally visible from a public view.

*Garage, J-swing* means a garage upon which the entry point from the street is located in front of the house and the garage door is perpendicular to the front of the house. A J-swing garage must have at least two windows, each 12 square feet or greater, oriented toward the front or the lot.

*Garage, private* means a garage intended for private use by the resident family with a ground floor capacity for not more than four automobiles or trucks of which not more than one vehicle shall be used for commercial purposes.

*Garage, private, detached* means a private garage constructed as a freestanding structure.

~~Garage, public means a building, or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.~~

Garage, public means a structure used for the short-term parking of vehicles.

*Garage, sideloaded* means a private garage where the vehicle access doors to the garage are perpendicular to the front lot line and, therefore, are generally not visible from a public way, unless the lot is a corner lot and the garage loads to a side street.

Gasoline filling station means an establishment or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of motor vehicles.

General retail means a shop or establishment for the sale of goods or merchandise from a fixed location, such as a department store, boutique, or kiosk, in small or individual lots for direct consumption by the purchaser. Retail shops or retail trade specifically excludes: pawnshops, head/smoke shops, and hookah bars/lounges.

Golf course, country club, and driving range means a tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, a driving range, and shelters as accessory uses.

*Grade* means a ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

*Grand opening* means the commencement of operation by a business in a new location or the assumption of ownership of an existing business by a new owner or group of owners.

Grocery store means a retail establishment for the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

*Ground sign* means a sign which is a pole sign, a monument sign or a nonconforming billboard which exists on the effective date of the ordinance. See Figure 14-19.

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*Habitable floor* means, for the purpose of flood hazard regulation, any floor usable for the following purposes which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a habitable floor.

*Half-street* means a vehicular accessway created if only a portion of the required right-of-way width or pavement width is dedicated and/or constructed.

*Hardware store* means a retail establishment where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

*Head/smoke shop* means any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store, or similar retail use that only sells conventional cigars, cigarettes, or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store" and shall not be subject to the restrictions in this chapter.

*Health club*, also includes the terms *athletic club, gym, fitness studio, and fitness center*, means a place of business which provides a place for a variety of physical exercises including facilities or studios for personal training, physical fitness training, weight and aerobic training, free weights, spinning/cycling, circuit training, yoga, Pilates, racquetball/squash courts, group fitness classes, boxing, wrestling, martial arts training, basketball courts, swimming pools and swimming lessons.

*Heating, plumbing and air conditioning, sale and repair* means a facility that offers parts, maintenance, and repair services for heating, ventilation, air conditioners, and related plumbing.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - a. by an approved state program as determined by the Secretary of the Interior or;
  - b. Directly by the Secretary of the Interior in states without approved programs.

*Home good store* means a retail establishment that offers the sale of furniture, linens, cooking products, art, and other home accessories.

*Hookah bar/lounge* means an establishment used primarily for the sale of shisha for consumption on the premises or for sale or rental of accessories used for smoking shisha on the premises.

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Hospital means an institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Hotel and motel means a building in which members of the public obtain sleeping accommodations for consideration.

*Industrial* means a business, plant or enterprise for production of goods, merchandise or machines.

Instrument and meter manufacturing means a facility for the manufacturing of electronic instruments and meters for measuring the amount of electricity consumed by a residence, a business, or an electrically powered device.

*Integrated business development* means commercial development such as a strip center, mall, multitenant office building, commercial center or industrial complex in which two or more separate businesses occupy a single structure or multiple structures which share on-site parking facilities and common driveways.

*Jewelry and watch manufacturing* means a facility for the manufacturing or assembling of jewelry or watches.

~~Junk or salvage yard means any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, materials such as scrap metals, paper, rags, tires, and bottles.~~

Junk or salvage yard means any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, materials such as scrap metals, paper, rags, tires, and bottles.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Library and museum means any location that engages in the loan, or display of books, paintings, sculptures, or other works of art.

Liquor store (excluding drive-up or pick-up services) means a retail establishment permitted by the Texas Alcoholic Beverage Commission (TABC) to sell liquor, malt, and vinous liquors on-premises to consumers for off-premise consumption.

*Logo sign* means a sign operated and maintained by the state department of highways and public transportation within the public right-of-way along a country toll road which bears the name and trademark design of a business.

*Lot* means an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement.

*Lot depth* means the distance on a horizontal plane between the midpoint of the front lot line and the midpoint of the rear lot line.

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*Lot lines* means the lines bounding a lot as follows:

- (1) *Lot line, front* means, for interior lots, a line separating the lot from the street; for corner lots, a line separating the narrowest street frontage of the lot from the street, except in those cases where the deed restrictions specify another line as the front lot line. In all cases the front lot line of a nonresidential lot shall be that side adjacent to the highest volume street.
- (2) *Lot line, rear* means a lot line opposite and most distant from the front lot line.
- (3) *Lot line, side* means any lot line not a front line or rear lot line.

*Lot of record* means a lot which is part of a platted subdivision, the plat of which is recorded in the office of the county clerk; a parcel or lot the deed for which was recorded in the office of the county clerk prior to March 1, 1982, and which has not been partitioned in any manner since that time.

*Lot width* means the distance on a horizontal plane between the midpoint of the side lot lines.

*Lowest floor* means, for floodplain management purposes, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

*Machining means a manufacturing process that creates the desired shape by removing unwanted material from a larger piece of material.*

*Manufacture of printed material means a facility involved in the manufacturing and publishing of periodicals, books, or other printed materials.*

*Manufactured home* means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailer, travel trailers and other similar vehicles placed on a site for greater than 190 consecutive days. For insurance purposes the term "manufactured home" does not include a "recreational vehicle."

*Manufactured home park or subdivision*, for floodplain management purposes, means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Marquee* means a roof-like structure of a permanent nature projecting from the wall of a building.

*Marquee sign* means a sign on a marquee. See Figure 14-19.

*Masonry* means that form of construction composed of stone, brick, concrete, hollow clay tile, decorative concrete block or tile, glass block or other similar building units or materials or a combination of these materials laid up unit by unit and set in mortar. For the purposes of this definition, true stucco is considered masonry.

*Massage establishment* means a structure in which massage therapy is advertised for, provided, supported, or allowed. A massage establishment shall be licensed under V.T.C.A., Occupations Code ch. 455. A massage establishment shall in no way advertise for, provide, support, or allow any activity that is contemplated under chapter 18, article II of this Code.



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*Massage therapy* means the services contemplated in V.T.C.A., Occupations Code ch. 455. Massage therapy includes, but is not limited to, the business of manipulation of the human body by hand or through a mechanical or electrical apparatus, and includes stroking, kneading, percussion, compression, vibration, friction, nerve strokes, and other similar actions. Massage therapy includes, but is not limited to, massage, therapeutic massage, massage technology, myotherapy, body massage, and body rubbing. Massage therapy includes reflexology only when such reflexology involves work on the hands and feet and no other part of the human body is touched. Where massage therapy is permitted under this Code and under V.T.C.A., Occupations Code ch. 455, it shall in no way permit the advertisement for, provision, support, or allowance of any activity that is contemplated under chapter 18, article II of this Code.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*Medical and dental office* means an establishment used exclusively by physicians, dentists, chiropractors, acupuncturists, physical therapists, and other health-related offices. No overnight patients occupy the premises.

*Medical research and development* means a facility that conducts biology, chemistry, pharmacology, and toxicology research, development, and controlled production of medicines, medical procedures, or improving the application of those already available.

*Mini storage lot* means any structure designed or built with compartments to be used for individual storage of household items or business inventory by two or more clients on a lease or rental basis. In no case may storage spaces be used in a retail, wholesale, business, or service function, nor shall the storage spaces be used for workshops, hobby shops, manufacturing, or similar uses or functions.

*Mini-storage facilities* means any structure designed or built with compartments to be used for individual storage of household items or business inventory by two or more clients on a lease or rental basis. In no case may storage spaces be used in a retail, wholesale, business, or service function, nor shall the storage spaces be used for workshops, hobby shops, manufacturing, or similar uses or functions.

*Miniature golf course* means an establishment providing a novelty golf game played with a putter on a miniature course usually having tunnels, bridges, sharp corners, and obstacles.

*Minimum flood protection* elevation is the community's design flood elevation in any given area, and specifically means the 0.2 percent flood elevation, plus two feet, or three feet for critical facilities and floodway locations. See table 14-5 in section 14-222(5).

*Mobile home* means a movable or portable dwelling structure which is constructed to be towed on its own chassis, is capable of being connected to public utilities, and is designed for year-round living as a single-family dwelling unit without the necessity of a permanent foundation. The term "mobile home" shall not include pickup campers, travel trailers, motor homes, converted buses, tent trailers or other transportable structures designed for temporary use (see also *Manufactured home*).

*Mobile (manufactured) home park* means a parcel of land under single ownership on which two or more mobile (manufactured) homes are occupied as residences. Any mobile (manufactured) home facility where two or more units are intended for long-term residential use (beyond 90 days) is considered a mobile (manufactured) home park for purposes of applying development standards.

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*Model home* means a single-family residential structure used temporarily as an office for the sale of single-family residential structures in the same platted subdivision.

*Monument sign* means a ground sign supported by a solid base which is equal to but not more than 15 percent larger than the sign face base which contains no commercial message and is not attached to any building. See Figure 14-19.

~~*Motor vehicle sales* means the use of a site for sale or rental of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. This use includes new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.~~

~~*Motor vehicle sales* means an establishment used for the sale or rental of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. This use includes new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.~~

*Multifaced sign* means a single sign with two or more faces which are not parallel or back-to-back.

~~*Multi-family housing for senior citizens* means a multi-family development intended for the sole occupancy of senior citizens.~~

~~*Multi-purpose entertainment complex* means an establishment that may include food and drink sales and provides the general public with amusement or activities, including but not limited to bowling alleys, laser tag, mini-golf, bumper cars, skating rinks, trampoline parks, theatres, or similar activities.~~

~~*Municipal and governmental buildings, police stations and fire stations* means Government offices including but not limited to, accounting, auditing and bookkeeping services; engineering and planning; attorneys; court services; technology services; public safety services; public works; utilities; administrative office facilities; management, public relations services; and related government uses.~~

~~*Musical instrument shops and supply store.* A retail establishment focused on the sale of musical instruments, equipment, and related components.~~

*Nameplate* means a sign which denotes only the name of the person occupying the premises.

*New construction* means, for the purpose of determining flood hazard insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commences on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision*, for floodplain management purposes, means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*Noncommercial message* means a message that is not a commercial message.

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*Noncommercial sign* means a sign directing attention to a purpose or cause not created or existing for the generation of profit or for the remuneration of individuals including, but not limited to, religious, charitable, civic or educational purposes or causes.

*Nonconforming building (nonconforming structure)* means a building or structure (or portion thereof) lawfully existing at the time of adoption of the ordinance from which this chapter derives, or subsequent amendment thereto, that does not conform to the provisions of this chapter relative to height, bulk, area, placement or yards for the district in which it is located.

*Nonconforming use* means the use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this chapter or subsequent amendment thereto, that does not conform to the regulations of the district in which it is situated.

*Nursing care center* means a facility that provide nursing services and custodial care on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.

*Off-premises sign* means a sign which identifies a use, facility or service which is not located on the premises where such sign is displayed; identifies a product which is not produced, sold or manufactured on the premises where such sign is displayed; or advertises or otherwise directs attention to a product, service, activity, person, institution, facility or business which may or may not be identified by a brand name and which occurs or is primarily conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is displayed.

*Office supply store* means a retail establishment focusing on the sale of machines, equipment, stationery, and other items found in personal and business offices.

*Oil, gas, and minerals; extraction, production, drilling operations, etc.* includes and shall mean any hole or bore, to any sand, formation, strata or depth, which is drilled, bored, sunk, dug, or put down for the purpose of either exploring for or ascertaining the existence of oil, gas, liquid hydrocarbon, or for the purpose of producing and recovering any oil, gas, liquid hydrocarbon, or wellbores for disposal of saltwater or other oil and gas waste. All technical or oil and gas industry words or phrases used in this article and not specifically defined herein or in the Texas Railroad Commission Rules for Oil, Gas and Geothermal Operations or Pipeline Safety Rules shall have the meaning customarily attributable thereto by prudent operators in the oil and gas industry.

*On-premises sign* means a sign which identifies the name of the owner or occupant of the premises on which the sign is located; identifies a use, facility or service located on the premises where such sign is displayed; identifies a product which produced, sold or manufactured on the premises where the sign is located; or advertises or otherwise directs attention to a product, service, activity, person, institution, facility or business which may or may not be identified by a brand name and which occurs or is primarily conducted, sold, manufactured, produced or offered on the premises where the sign is located.

*Optical goods manufacturing* means a facility that manufactures eyeglasses, contact lenses, or any related items (i.e. contact solution, cases, etc.).

*Owner* means any owner, authorized agent or contractor who constructs, enlarges, alters, repairs, moves or changes the occupancy of a building or structure.

*Parking lot* means any location that is used for the short-term outdoor storage of passenger motor vehicles.

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*Pavement width* means the portion of the surface of the street available for vehicular traffic; if curbed, it is that portion of the street between the back of the curb and back of the curb.

*Pawnshop* shall have the meaning set out in V.T.C.A., Finance Code § 371.003.

*Permanent Produce market* means a specified land area managed by a single operator who leases space/stalls for the outdoor sales of fresh fruit and produce foods products; meat and fish items; plants and flowers; or, bakery goods, dairy products, delicatessen, and grocery items. Does not include a temporary event farmers market.

*Person* means an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee or similar representative of any of them.

*Pet and pet supply store* means a retail establishment that sells animals and pet care resources to the public.

*Church-Place of worship* means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such purpose.

*Planned unit development (PUD)*. See *Unified development*.

*Plant Nursery* means an establishment where plants are propagated and grown to a desired size for sale to the public, businesses, and commercial gardeners.

*Pool supply store* means a retail establishment that sells equipment and chemical treatments for pools and hot tubs.

*Portable sign* means a sign designed or constructed to be easily moved from one location to another, including signs mounted upon, or designed to be mounted upon, a trailer, bench, wheeled carrier or other motorized or nonmotorized mobile structure or vehicle, whether or not its wheels have been removed. For the purpose of this chapter, trailer signs and signs on benches are portable signs.

*Precious metal dealer (gold exchange)* means a person licensed to engage in the business of purchasing and selling crafted precious metal.

*Precious metal dealer* means any natural person, partnership, or corporation, either as principal or agent engaging in the business of buying secondhand items containing precious metal, including, but not limited to jewelry, watches, eating utensils, candlesticks, and religious and decorative objects.

*Principal use* means the main use to which the premises are devoted and the principal use for which the premises exist.

*Private street* means a vehicular accessway under private ownership and maintenance providing access to building units in the interior of a lot.

*Professional and technical services* means an establishment that specializes in performing professional and technical activities for others. Activities performed include, but are not limited to, legal advice and representation; accounting, bookkeeping, and payroll services; architectural, engineering, and specialized design services; computer services; consulting services; advertising services; photographic services; translation and interpretation services; and other professional and technical services.

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Professional office and business office means professional and business offices including accounting, auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; data processing and computer services; detective agencies and similar services; employment, stenographic, secretarial, and word processing services; administrative office facilities; photography and commercial art studios; writers and artists offices outside the home. Does not include medical offices or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessories to another use are allowed as part of an approved principal use.

*Projecting sign* means a sign which is affixed to a building wall or structure and which extends beyond the building wall or structure more than 12 inches.

*Public improvement* means one or more of the following: water lines and appurtenances, sewer lines and appurtenances, streets and/or drainage facilities.

Public park and playground, public recreational facility, and community building means any public location managed by the city for use by the residents.

*Public right-of-way* means any part of a right-of-way, not privately owned or controlled, which the city or other governmental agency is responsible for maintaining.

*Public street* means the entire width between property lines of any road, street, way, alley, bridge or other similar thoroughfare, not privately owned or controlled, which is open to the public for vehicular traffic and which the city or other governmental agency is responsible for maintaining.

*Public utility* means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Railroad and related facilities means public or private right-of-way on which tracks for trains are constructed. Railroad yards and stations shall be classified as cargo or passenger terminals and are a permitted incidental use.

*Reader panel* means a permanently constructed changeable copy bulletin board, lighted or unlighted, with detachable precut letters and figures.

Real estate, rental, and leasing office means an establishment that arranges the sale, renting, or management of homes, land, and buildings for their owners or their clients.

*Recreational vehicle* means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Reserve* means a tract of land created within a plat that is not divided into lots or proposed for development at the time of platting.

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*Residential* means a tract of land designed for or used exclusively to contain a dwelling unit. A primary residential area shall mean a street in which a majority of the total front footage is used for residential purposes.

~~*Restaurant means an eating establishment whose primary function is the sale, dispensing or service of food, refreshments and beverages to customers, and which may sell alcoholic beverages as an accompaniment to meals served therein. All food must be prepared and cooked in a commercial kitchen on the premises. This may include such eating establishments as dining rooms, drive-in restaurants, fast food restaurants, cafes, cafeterias, and carryout restaurants, but specifically excludes bars, taverns, saloons, cabarets, or other similar establishments which derive 75 percent or more of the establishment's gross revenue from the on-premises sale of alcoholic beverages.*~~

~~*Restaurant and delicatessen means an establishment that serves food and may offer any alcoholic beverage (beer, wine, ale, and distilled spirits) to customers for consumption on premises and may not derive more than fifty-one (51) percent of its sales from alcoholic beverages.*~~

*Retail establishment selling or offering for sale any alcoholic beverage* means a store which sells or offers to sell alcoholic beverages for off-premises consumption.

*Right-of-way* means a street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

*Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Roof sign* means a sign erected or maintained above or on the sloped roof of any building or above the parapet wall or the mansard roof of a flat-roof building.

*Roofline* means the height above finished grade of the upper beam, rafter, ridge or purlin of any building.

*School-age program center* means a facility licensed by the State of Texas providing supervision and recreation, skills instruction, or skills training for at least two hours a day and three days a week to children attending pre-kindergarten through grade six. A school-age program operates before or after the customary school day and may also operate during school holidays, the summer period, or any other time when school is not in session (40 TAC § 745.37(2)(H)).

~~*Scientific research and development means a facility in which scientific research, investigation, testing, or experimentation is conducted, but not including the manufacturing or sales of products, except as incidental to the main purpose of the laboratory.*~~

*Screening* means fences, walls, trees, shrubbery and other landscape elements used to conceal or interfere with the view and reduce noise impact thereof from adjacent properties and public rights-of-way at street level in accordance with the standards set forth in this chapter.

*Service centers* means a one-story building containing a minimum of 25 percent office space. The remaining space shall be used for other business functions governed by use regulations for District J.

*Setback* means the minimum unoccupied distance between the lot line and the principal and accessory buildings, as required in this chapter.

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*Setback, front* means the minimum unoccupied distance, extending the full lot width, between the principal and accessory buildings and the front lot line.

*Setback, rear* means the minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.

*Setback, side* means the minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

*Sheet metal processing* means a facility that processes sheet metal (usually below 6 millimeters), this includes, but is not limited to, shearing, blanking, bending, welding, riveting, molding, and surface treatment.

*Short-term rental* means the rental of all or part of a residential property to a person who is not a permanent resident, and who does not have the right to use or possess the property for at least 30 consecutive days.

*Sign* means any structure, part thereof or device of inscription which is located upon, attached to, or painted or represented on any land or on the outside of any building or structure, or on an awning, canopy, marquee or similar appendage, or displayed or shown so as to be seen from the outside of the building or structure, and which displays or includes any numeral letter, work model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light or other representation used as or in the nature of an announcement, advertisement, attention arrester, direction warning or designation of any person, industry or activity, or any combination thereof.

*Sign and architectural graphic manufacturing* means a facility where signs and graphics are manufactured for sale for the purpose of advertising, delivering messages, or decoration.

*Sign area* means the total square footage of all sign faces, including that portion of the sign structure or trim which contains any wording, symbols, identifying color or pictures; provided, however, that in the case of a double-faced sign, the sign area shall be the total square footage of one face.

*Sign face* means the sign face area of any sign upon, against or through which the message is displayed or illustrated; provided, however, that the sign face area of a sign on which the words, letters or symbols are independently mounted shall be that of the smallest regular geometric form that will wholly contain all of the message. See Figure 14-19.

*Sign structure* means a structure which supports or is capable of supporting a sign. A sign structure may be a single pole and may or may not be an integral part of a building.

*Single-family dwelling* means a building containing only one dwelling unit and/or occupied by only one family or group of individuals included within the definition of family.

*Single-occupant detached commercial or industrial building* means a commercial or industrial building which contains a single occupant and which is not a part of an integrated business development or which is located in a reserve that is part of, but is physically separated by a distance of more than 50 feet from any other structure in, an integrated business development.

*Site plan* means a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this chapter.

*Special flood hazard area (SFHA).* See *Area of special flood hazard*.

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*Specialty food store* means an establishment that offers premium food products including baked goods, candy and chocolate, snacks, dairy products, coffee, tea, soft drinks, and gourmet foods.

*Spectacular sign* means a sign that has one or more of the following as elements in its physical structure:

- (1) Automatically changing advertising that changes more often than once every five minutes (not including date, time, temperature);
- (2) Blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating or spot lights, or similar devices;
- (3) Lights or colored elements creating a continuously moving, shimmering or prismatic effect; or
- (4) Rotating or moving parts.

*Sporting good sales* means a retail establishment that offers for sale sporting goods, equipment, athletic apparel, and other merchandise that reflects a sports theme.

*Stadium* means a building with tiers of seats designed to accommodate spectator sports and other types of public amusement and entertainment.

*Start of construction* [for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)], for flood hazard management purposes, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Story* means that part of a building between the surface of a floor and the ceiling immediately above.

*Story, half* means that which covers a floor area of not more than 50 percent of the floor area and the ceiling immediately above.

*Street* means any public or private street or easement used for access.

*Street, arterial* means roads of regional importance or the main roads of a community. Direct access is primarily limited to significant land uses.

*Street, collector* means that which provides access to nonresidential land uses and connects residential streets to the system's arterial streets.

*Street, expressway* means a road intended to serve interstate or high speed, high volume urban traffic. Access to an expressway is limited to other expressways and major streets.



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*Street frontage* means the length of a lot or tract of land which is adjacent to a public or private street.

*Streetline* means the line establishing the outer most boundary of the street right-of-way.

*Street, local* means a street which provides access to adjacent land; characterized by low volume and low speeds.

*Structural alterations* means any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

*Structure* means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground including, but not limited to, buildings of all types, advertising signs and billboards, but excluding basketball goals and ornamental yard lights. (See also the adopted building codes.)

*Structure*, for floodplain management purposes, means a walled and roofed building or structure, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. This includes a fence or a wall per the adopted building codes.

*Subdivision plat* means a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the county records and containing accurate and detailed engineering and survey data, dimensions, dedicatory statements and certificates.

(1) Preliminary plat: See section 14-55(1).

(2) Final plat: See section 14-55(2).

*Substantial damage*, for flood hazard management purposes, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement*, for flood hazard management purposes, means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

*Tattoo parlor and body modification shop* means an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. This use does not include permanent make-up associated with an accessory use in an established salon.

*Telecommunication tower* means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or

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receipt of such signals, telecommunication towers, or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development.

Telephone switching facility means a facility housing a telecommunications system used in the public switched telephone network (PSTN) or in large enterprises.

*Temporary building* means a building used for a temporary period of time in connection with construction on the premises of which it is located, real estate sales, and educational, municipal or church functions.

*Temporary sign* means a sign constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material. A portable sign shall not be considered a temporary sign.

Theater means an establishment for showing live performances, movies, and motion pictures. This does not include adult entertainment.

*Townhouse* means a structure which is one of a series of dwelling units designed and used for only single-family occupancy, ground to sky, with no entrances or exits to or from the adjoining structures, if any.

*Truck terminal* means any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

*Underground shelter* means any structure built primarily below ground level.

*Unified development* means the separate ownership of single units or apartments in a multiple unit structure with common elements. (See Vernon's Ann. Civ. St. art. 1301a.)

*Use* means the purpose or activity for which any land or building is designed, arranged or intended, or for which it is so occupied or maintained, and shall include any manner of such activity with respect to the standards of this chapter.

*Utility structure* means any structure built primarily for the storage of tools, such as garden and lawn equipment, or for projects and hobby activities, such as carpentry.

Utility substation and power lines means electric power lines and electric substations, including accessory uses customarily incidental thereto; provided that any such accessory use shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities, and disposition by reason of vibrations, noise, view or the emission of odor, dust, smoke or pollution of any other kind. The height and area, construction, and other regulations provided by this section shall not apply to uses allowed in the subpart.

*Variance*, for flood hazard management purposes, means a grant of relief by a community from the terms of a floodplain management regulation (For full requirements see section 60.6 of the National Flood Insurance Program.)

Veterinarian services means a facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

*Violation*, for flood hazard management purposes, means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A

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structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 14-225 and in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program is presumed to be in violation until such time as that documentation is provided.

*Wall line* means the surface that connects the foundation to the roof.

*Wall sign* means a flat sign, either of solid face construction or individual letters, symbols or pictures, erected, installed or printed, which is placed against the exterior wall of any building or structure and which does not extend more than eight inches from the exterior wall and does not extend above the wall line.

*Water surface elevation* means the height, in relation to the North American Vertical Datum (NGVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*Watercourse* means a definite channel of a stream in which water flows within a defined bed and banks, originating from a definite source. The water may flow continuously or intermittently, and if the latter, with some degree of regularity, depending on the characteristics of the source.

*Wholesale or warehousing business* means an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

*Wine tasting rooms/facility. An establishment that sells or gives free samples of wine to customers for consumption on premises.*

*Woodworking shop, artisanal means a facility that manipulates wood to produce articles for sale of artistic quality or effect or handmade workmanship.*

*X shaded zone* means areas subject to a 0.2 percent chance of flooding in any given year; areas of 1.0 percent annual chance flood with average depths of less than one foot or with drainage areas less than one square mile, and areas protected by levees from one percent annual chance flood.

*X unshaded zone* means areas of minimal flood hazard, outside of the 0.2 percent chance of flood.

*Yard, front* means the space enclosed by the front lot line, the side lot lines and a line parallel to the front lot line and even with the main building or any projections thereof, other than steps, or planter box.

*Yard, rear* means the space unoccupied, except for freestanding buildings between the rear of the main building (dwelling) and the rear lot line.

*Yard, side* means the open space between a building and the side lot lines, but not including any part of the front or rear yards.

*Zero property line housing* means housing commonly known as patio homes. It is a detached living unit constructed on a smaller lot in which one side of the unit is placed on the property line without openings. This concept utilizes the entire lot with a living unit that has a private side and rear yard. The front yard of the unit is reduced in size to contain the auto ingress and egress area along with the guest entry area.

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*Zoning district map* means the map incorporated into this chapter and made a part of this chapter by reference thereto.

(Ord. No. 95-04, § 1(art. 12), 2-20-95; Ord. No. 98-24, § 1, 11-16-98; Ord. No. 99-04, § 1, 2-15-99; Ord. No. 99-17, § 2, 8-16-99; Ord. No. 00-11, §§ 1, 2, 3-20-00; Ord. No. 00-16, § 1, 5-15-00; Ord. No. 00-17, § 1, 5-9-00; Ord. No. 00-21, §§ 1, 2, 6-19-00; Ord. No. 01-30, § 10, 10-15-01; Ord. No. 02-33, § 1, 12-16-02; Ord. No. 03-24, § 1, 6-16-03; Ord. No. 2006-9, § 1, 2-20-06; Ord. No. 2009-22, § 3, 5-18-09; Ord. No. 2010-40, § 1, 8-23-10; Ord. No. 2010-55, § 1, 12-13-10; Ord. No. 2011-28, § 1, 6-20-11; Ord. No. 2013-10, § 1, 3-18-13; Ord. No. 2013-45, § 1, 12-16-13; Ord. No. 2013-46, § 1(Exh. A), 12-16-13; Ord. No. 2014-35, § 2, 10-20-14; Ord. No. 2017-28, § 2(Exh. A), 7-17-17; Ord. No. 2018-31, § 2(Exh. A), 12-17-18; Ord. No. 2020-28, § 2(Exh. A), 12-21-20; Ord. No. 2021-32, § 1, 7-19-21; Ord. No. 2022-14, § 2, 4-18-22; Ord. No. 2022-31, § 2, 7-18-22)

Cross reference(s)—Definitions generally, § 1-2.

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**Sec. 14-11. – Reserved General penalty; continuing violations.**

(a) Continuing violations.

- (1) Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding \$2,000.00 for violations of all such provisions that govern building fire safety, zoning, or public health and sanitation, including but not limited to graffiti, dumping of refuse, and not exceeding \$500.00 for all other violations; provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.
- (2) The owner or owners of any building, premises, improvements, implement, thing or part thereof, where anything is a violation of this Code, or any person, architect, builder, contractor, subcontractor, corporation, director, officer, agent, servant or employee who may have assisted in the commission of any such violation, shall be guilty of a separate offense and, upon conviction thereof, shall be fined as provided herein.
- (3) The City Manager and/or their designee are authorized and empowered to issue a citation for any violations of the City Code known to have occurred or to be occurring as provided in subsections (a) or (b) of this section. Such citation shall be enforceable through the Municipal Court of the City of Jersey Village, Texas.
- (4) The City Manager and/or their designee are authorized and empowered to post signage indicating the violation on the property in question. If no part of the subject property is visible from a public right-of-way, the signage shall be posted along the nearest street right-of-way in a location that does not obstruct sight lines that are necessary for public safety. The inadvertent removal of the posted signage shall be subject to citation.
- (5) It is an affirmative defense in any proceeding to enforce any portion of this Code that relates to zoning or any ordinance of the city that relates to zoning that the condition or activity in question is: (i) controlled by the city itself or its officers, agents, employees, or contractors, in the course of their duties for the city, and (ii) approved by the city council.

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## Sec. 14-88. Regulations that apply to all districts.

(a) *General regulations.*

- (1) No use of private or public property, whether it be residential, business, commercial or industrial, shall be permitted if that use is so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind.
- (2) No use of public street right-of-way or public sidewalk or adjacent property, either private or public, shall be permitted if that use inhibits or hinders the movement of normal traffic on that street or sidewalk.
- (3) City maintenance personnel must be allowed free access to utility easement and street rights-of-way so they can perform maintenance and repair of utility systems.
  - a. No buildings or structures of any type or size, other than fences, shall be permitted on utility easements.
  - b. If fences are located on utility easements, city maintenance personnel may remove such fences at any time for the purpose of gaining access to utility systems, and no liability will be incurred for damages to, repair of or replacement of such fences.
- (4) Any building which has been damaged by fire or other causes to the extent of more than 50 percent of its value shall be rebuilt in conformity with this article, as though it were a new building, or removed. This shall not apply to damaged structures outside the 100-year (one percent probability) floodplain, in regards to slab height, where the footprint of a structure is not modified and the slab is intact. The building shall be secured from entrance by any unauthorized persons within 24 hours after all embers are extinguished. A building permit is required before removal, repair or reconstruction commences which shall be started within 60 days of the date the damage occurs and shall be completed within a reasonable time, but not later than 150 days after the damage occurs. Before occupancy will be permitted a certificate of occupancy shall be required.
- (5) Whenever any street is abandoned, the boundaries of any districts that lie along one side of each street are automatically extended to the centerline of such street.
- ~~(6) Vehicles held for sale, lease or rental in any business or industrial district shall not be parked or stored on unpaved surfaces.~~
- ~~(6 7)~~ No platted lot shall be reduced in size and no lot area shall be reduced or diminished so that the lot size or the yards shall be smaller than prescribed by this chapter. These regulations shall not apply in District D.
- ~~(7 8)~~ No individual water well or piping for such system shall be connected in any way to any public water supply system.
- ~~(9) No oil, gas or other mineral exploration, production or drilling operations for minerals of any kind shall be conducted on any lot or parcel of land within the city except in zoning district H (industrial district).~~
- ~~(8 10)~~ Add-on construction. After a certificate of occupancy has been issued for a building in accordance with section 14-7(b), no add-on type of construction such as patio covers, carports, balconies, stoops, porches or any structural alteration of the building shall be made unless a new building permit is first obtained from the development officer in accordance with Chapter 14. The plans must be submitted to and approved by the development officer. Requests for a building permit to allow add-on type construction or structural alteration of a building shall indicate that the proposed construction will be in harmony with the style of the original building.

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~~(9 11)~~ No permit for the erection, alteration, reconstruction, conversion or use of any building shall be issued by the development officer unless the plan required by Chapter 14 provides for a sidewalk to be constructed on all street sides of such building. This subsection shall apply to all districts of the city, with the exception of Block 42.

~~(12) Buffering. Bufferyards will be required on the perimeter, or parts thereof, of a nonresidential development adjoining or surrounding residential developments in conjunction with the screening requirements provided below. Bufferyards shall be provided to protect the adjacent residential properties from environmental impact of the nonresidential facility such as visual blight, parking or roadway illumination, headlights, noise, blowing paper and dust and service areas. Bufferyards shall be provided according to the standards provided in Example 14-7. See also sections 14-310 and 14-311 for landscaping standards. These regulations shall not apply in District D.~~

~~(13) Screening.~~

- ~~a. For development of nonresidential lots directly abutting and adjacent to residential zoning districts, an obscuring wall shall be required. The required wall shall be located inside the nonresidential lot lines abutting and adjacent to the residential zoning districts; provided, however, where a masonry wall has been constructed in a residential subdivision abutting nonresidential lots prior to development of the nonresidential lots, the masonry wall in the residential lots shall serve as the required screen and shall meet all requirements required of screens on nonresidential lots. Where a masonry wall of at least six feet in height exists in the residential lots abutting a nonresidential development, the nonresidential developer shall provide a buffer yard one and one-half times the width required elsewhere in this Code with two times the landscaping requirements in lieu of a second masonry wall.~~
- ~~b. All walls shall be constructed of a solid unpierced masonry material with the surface facing the residential lots constructed of a common or face brick, decorative block or similar material that is compatible with the principle buildings in the adjacent residential areas. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four inches wider than the wall to be erected.~~
- ~~c. No opening shall be permitted for access through the wall unless a solid gate equally the height of the wall is provided. Such gate shall remain closed at all times except when in actual use.~~
- ~~d. The quality and type of materials used structurally for the walls shall conform with those specified in the building code which apply to foundation footing and supporting materials used in residential construction within the city.~~
- ~~e. Any person causing an excavation to be made on property adjacent to an existing wall shall protect the excavation in such a manner so that the soil of the adjacent property will not cave in or settle causing damage to the existing wall.~~
- ~~f. Walls shall be maintained to remain harmonious with the surrounding property by being repaired, rebuilt or replaced at intervals necessary to preserve the health, safety and welfare of the public. Notification of necessary maintenance will be by certified mail from the development officer to the current property owner who is responsible for the maintenance of the walls constructed.~~
- ~~g. If such freestanding walls are not repaired, rebuilt or replaced within 60 days after receipt of such notification by certified mail that certain maintenance is deemed necessary for the health, safety and welfare of the public, such penalties for violation shall be enforced as established in this article and other legal recourse.~~
- ~~h. The use of barbed wire, razor wire or any other similar material is not allowed.~~

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~~These regulations shall not apply in District D.~~

- (10 14) Lighting of off-street parking areas and/or for external illumination of any building and grounds shall be arranged so that the source of light is concealed or shielded from public view and from adjacent residential properties and does not interfere with traffic. These regulations shall not apply in District D.
- (11 15) Temporary buildings shall be permitted only in connection with construction on the premises on which located, which buildings shall be removed upon completion or abandonment of the construction; real estate sales offices during development of residential subdivision in which they are located and limited to sales of property in such subdivisions; and educational, municipal or church functions operated for the benefit of the public. It shall be unlawful for any person to erect, construct, enlarge, place, locate or relocate any temporary building on premises within the city, or cause the same to be done, without first obtaining a building permit therefor in accordance with section 14-114. It shall be unlawful for any person to use or occupy a temporary building without first obtaining a certificate of occupancy therefor in accordance with section 14-7(b). A certificate of occupancy shall be limited to the duration of the intended use not to exceed one year; provided, however, that the certificate of occupancy may be extended as follows:
- Where the temporary building is used for the contractors' offices, equipment storage, model homes and real estate sales offices for residential projects, the certificate of occupancy may be extended at one-year intervals until the project is 90 percent constructed; and
  - Where the temporary building is for a use other than described in subsection (21)a of this section, the certificate of occupancy may be extended for one additional one-year period.

A temporary building shall be in compliance with the terms of the building code and all other applicable laws and ordinances. A temporary building shall not be used in any manner constituting a nuisance or interfering with the quiet enjoyment of the neighborhood. These regulations shall not apply in District D.

~~(16) Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.~~

~~(17) Garbage and refuse containers in commercial and industrial zoning districts shall be screened from public view, from adjacent buildings and from adjacent property, public or private. Screens shall be permanent and opaque and of wood, metal or masonry material, shall be at least as high as the screened object and shall not be less than six feet high. These regulations shall not apply in District D.~~

~~(18) Fencing standards. Where chain link fencing is constructed within the city, the fencing material should be a minimum of four feet in height and a maximum of six feet in height. All fencing four feet in height shall be a minimum of 11 gauge galvanized material and all fencing higher than four feet shall be a minimum of nine gauge galvanized material. The use of barbed wired, razor wire or similar material shall not be allowed in residential zoning districts. Barbed wire and razor wire may be used in commercial and industrial districts in combination with the above approved fencing material and shall be installed on top of the fence with the total height above ground not to exceed seven feet. These regulations shall not apply in District D.~~

(12 19) A nonresidential building may not be erected on a lot abutting a subdivision containing residential structures closer to the subdivision than 50 feet for a one-story building, 100 feet for a two-story building, or 150 feet for a three or more-story building. These regulations shall not apply in District D.

(13 20) No sleeping quarters other than those within a permanent residential structure, hotel or motel shall be used for longer than seven days within a 30-day period; provided that a recreational vehicle or portable building may be used for temporary housing and sleeping quarters by a person whose residence is uninhabitable as a result of flood, fire or environmental conditions if parked on a paved



surface on a private property and with appropriate sewer and electrical connections. No person shall occupy a recreational vehicle or portable building for temporary housing and sleeping quarters without first receiving a permit for such use from the building official. The building official shall issue a permit if the conditions set forth herein are met. The permit shall be valid for the period of time necessary to restore the residence to habitability, as determined by the building official, but not to exceed 120 days. Any extension to such permit will require approval of the building official and director of public works. These regulations shall not apply in District D.

(14 24) Any finished floor that is elevated more than 12 inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight inches of slab exposed. All crawl spaces resulting from pier-and-beam and stem-wall types of construction must provide dropped veneers with vents sufficient to cover the sub-slab void.




(b) *Building setbacks.* Unless otherwise specifically provided elsewhere in this article, all buildings and structures located in a district within the city shall conform to the following setbacks (as measured from the property line):

Lot Line	Setback (In Feet)	Modifier
Front	25	—
Rear	25	(1) Excluding fencing
Side street	10	(1) 25 feet where one or more lots have frontage on the street.
Side	7½	(2) Zero feet for townhouses and one side of patio homes.

(Ord. No. 95-04, § 1(302), 2-20-95; Ord. No. 96-08, § 2, 6-17-96; Ord. No. 97-04, §§ 1, 2, 4-21-97; Ord. No. 99-05, §§ 2—4, 2-15-99; Ord. No. 99-31, §§ 2—5, 11-15-99; Ord. No. 00-26, § 1, 8-21-00; Ord. No. 01-30, §§ 3, 7, 10-15-01; Ord. No. 02-16, § 1, 7-15-02; Ord. No. 03-17, §§ 1, 2, 4-21-03; Ord. No. 04-06, § 1, 3-15-04; Ord. No. 04-08, § 2, 5-17-04; Ord. No. 04-25, § 1, 12-20-04; Ord. No. 2006-5, § 1, 3-20-06; Ord. No. 2006-8, § 1, 2-20-06; Ord. No. 2008-22, § 1, 7-21-08; Ord. No. 2009-22, §§ 1, 2, 5-18-09; Ord. No. 2011-14, § 1(Exh. A), 3-21-11; Ord. No. 2011-25, §§ 9—11, 5-23-11; Ord. No. 2013-46, § 2(Exh. A), 12-16-13; Ord. No. 2017-55, § 2, 12-18-17; Ord. No. 2019-29, § 2, 6-17-19)

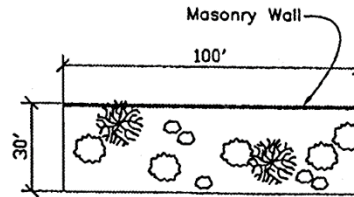
# BUFFERYARD STANDARDS

## REQUIRED PLANT UNITS/100'

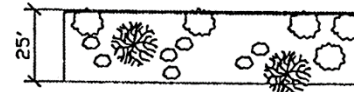
- 3 Canopy Trees 
- 6 Understory Trees 
- 9 Shrubs 

Plant Unit  
Multiplier

.6



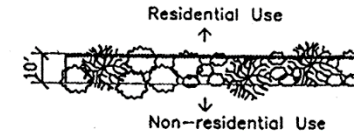
.8



.9



1

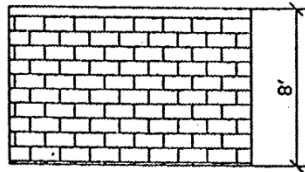


**Note:** To determine the total number of required plant units per 100 yard of bufferyard take the plant unit multiplier appropriate for the width of the bufferyard and multiply by number required for each plant type. Always round to the nearest whole number.

**Example:** To determine number of required canopy trees for 100' long and 25' wide bufferyard:

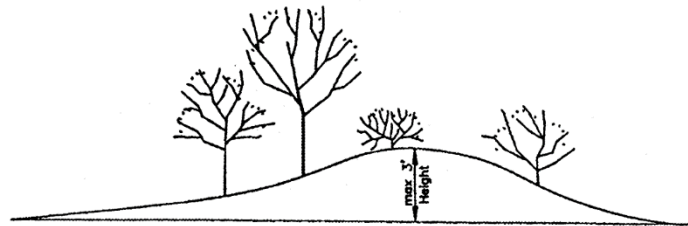
$$0.8 \times 3 = 2.4$$

Assume 2 canopy trees.



Masonry Wall (Obscuring Wall)  
(Common or face brick, decorative block, etc., decorative side facing residential lots)

## BERMS



Example  
14 - 7

Example 14-7 Bufferyard Standards

**Sec. 14-105. Commercial Permitted and Conditional Use Tables.**

**a. Table 14-105(A). – Commercial Permitted Uses**

<b><u>KEY/LEGEND</u></b>	
<b><u>P = Permitted Use</u></b>	
<b><u>PC = Permitted with Conditions</u></b>	
<b><u>SUP = Special Use Permit</u></b>	
<b><u>District F</u></b>	<b><u>First Business District</u></b>
<b><u>District G</u></b>	<b><u>Second Business District</u></b>
<b><u>District H</u></b>	<b><u>Industrial District</u></b>
<b><u>District J</u></b>	<b><u>Third Business District</u></b>
<b><u>District J-1</u></b>	<b><u>Fourth Business District</u></b>
<b><u>District K</u></b>	<b><u>Fifth Business District</u></b>
<b><u>MVSOD</u></b>	<b><u>Motor Vehicles Sales Overlay District</u></b>

<u>USE</u>	<u>District F</u>	<u>District G</u>	<u>District H</u>	<u>District J</u>	<u>District J-1</u>	<u>District K</u>	<u>MVSOD</u>
<u>Apparel manufacturing.</u>			<u>PC<sup>(1)</sup></u>				
<u>Art gallery.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Assembling.</u>				<u>PC<sup>(2)</sup></u>	<u>PC<sup>(2)</sup></u>	<u>PC<sup>(2)</sup></u>	
<u>Auto body shop.</u>		<u>SUP</u>					
<u>Automobile repair shop.</u>			<u>PC<sup>(3)</sup></u>				
<u>Bail bond service.</u>			<u>SUP</u>				
<u>Bakery (industrial).</u>			<u>PC<sup>(4)</sup></u>				
<u>Bank, financial, and insurance service institution.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Barber, beauty store, or salon.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Bar.</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	
<u>Beer and wine sales.</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	
<u>Book store.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Brew pub.</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	

<u>USE</u>	<u>District F</u>	<u>District G</u>	<u>District H</u>	<u>District J</u>	<u>District J-1</u>	<u>District K</u>	<u>MVSOD</u>
<u>Broadcasting Studio.</u>				<u>P</u>	<u>P</u>	<u>P</u>	
<u>Building contractor and related activities.</u>			<u>P</u>				
<u>Building materials, sales, and storage.</u>			<u>P</u>			<u>P</u>	
<u>Cafe and cafeteria.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Carwash.</u>		<u>SUP</u>	<u>SUP</u>				
<u>Cannabidiol shop (CBD shop).</u>					<u>P</u>		
<u>Cell phone and computer repair business.</u>			<u>SUP</u>				
<u>Child day-care operation (licensed child-care centers and school-age program centers).</u>	<u>SUP</u>	<u>SUP</u>				<u>SUP</u>	
<u>Cigar shop/lounge.</u>	<u>SUP</u>			<u>SUP</u>	<u>SUP</u>		
<u>City of Jersey Village: water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants and water wells.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Cleaners (clothing), tailor, and retail laundry.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Clinic.</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Clothing boutique.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Cold storage plant.</u>			<u>P</u>				
<u>Commercial vehicle repair shop.</u>			<u>PC<sup>(5)</sup></u>				
<u>Concrete product manufacturer.</u>			<u>SUP</u>				
<u>Credit access business.</u>			<u>SUP</u>				
<u>Customarily incidental use.</u>	<u>PC<sup>(6)</sup></u>	<u>PC<sup>(6)</sup></u>	<u>PC<sup>(6)</sup></u>	<u>PC<sup>(6)</sup></u>	<u>PC<sup>(6)</sup></u>	<u>PC<sup>(6)</sup></u>	
<u>Dancing studio, exercise class, and martial arts facility.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Department store.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Distribution and warehousing.</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Drug store and pharmacy.</u>	<u>SUP</u>	<u>SUP</u>		<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	
<u>Dry cleaning and laundry plant (industrial).</u>			<u>SUP</u>				
<u>Educational institution, services, and learning center.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	

<u>USE</u>	<u>District F</u>	<u>District G</u>	<u>District H</u>	<u>District J</u>	<u>District J-1</u>	<u>District K</u>	<u>MVSOD</u>
<u>Farm implement machinery sales and storage.</u>			<u>P</u>				
<u>Farmers market.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Florist and flower shop.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Food processing and packaging, with the exception of slaughtering.</u>			<u>SUP</u>				
<u>Food truck park.</u>				<u>P</u>			
<u>Furniture manufacturing.</u>			<u>PC<sup>(7)</sup></u>				
<u>Garage, public.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Gasoline filling station.</u>	<u>PC<sup>(8)</sup></u>	<u>PC<sup>(8)</sup></u>	<u>PC<sup>(8)</sup></u>	<u>PC<sup>(8)</sup></u>	<u>PC<sup>(8)</sup></u>	<u>PC<sup>(8)</sup></u>	
<u>General retail.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Golf course, country club, and driving range.</u>	<u>SUP</u>			<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	
<u>Grocery store.</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Hardware store.</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Head/smoke shop.</u>			<u>SUP</u>				
<u>Health club.</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	
<u>Heating, plumbing and air conditioning, sale, and repair.</u>			<u>PC<sup>(9)</sup></u>				
<u>Home good store.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Hookah bar/lounge.</u>			<u>SUP</u>				
<u>Hospital.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Hotel and motel.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Instrument and meter manufacturing.</u>			<u>PC</u>				
<u>Jewelry and watch manufacturing.</u>			<u>SUP</u>				
<u>Junk or salvage yard.</u>			<u>SUP</u>				
<u>Library and museum.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Liquor store (excluding drive-up or pick-up services).</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	
<u>Machining.</u>			<u>PC<sup>(10)</sup></u>				
<u>Manufacture of printed material.</u>			<u>PC<sup>(11)</sup></u>	<u>PC<sup>(11)</sup></u>	<u>PC<sup>(11)</sup></u>	<u>PC<sup>(11)</sup></u>	

<u>USE</u>	<u>District F</u>	<u>District G</u>	<u>District H</u>	<u>District J</u>	<u>District J-1</u>	<u>District K</u>	<u>MVSOD</u>
<u>Massage establishment.</u>	<u>SUP</u>						
<u>Medical and dental office.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Medical research and development.</u>			<u>SUP</u>				
<u>Mini-storage lot.</u>			<u>SUP</u>				
<u>Mini-storage facility.</u>			<u>SUP</u>			<u>SUP</u>	
<u>Miniature golf course.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Motor vehicle sales.</u>							<u>PC<sup>(12)</sup></u>
<u>Multi-family housing for senior citizens.</u>		<u>SUP</u>					
<u>Multi-purpose entertainment complex .</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Municipal and governmental buildings, police stations and fire stations.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Musical instrument shop and supply store.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Nursing care center.</u>				<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	
<u>Office supply store.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Oil, gas, and minerals; extraction, production, drilling operations, etc.</u>			<u>PC<sup>(13)</sup></u>				
<u>Optical goods manufacturing.</u>			<u>PC<sup>(14)</sup></u>				
<u>Parking lot.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Pawnshop.</u>					<u>P</u>		
<u>Permanent produce market.</u>			<u>SUP</u>				
<u>Pet and pet supply store.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Place of worship.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Plant nursery.</u>			<u>P</u>			<u>P</u>	
<u>Pool supply store.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Precious metal dealer.</u>			<u>SUP</u>				
<u>Professional office and business office.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Professional and technical services.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Public park and playground, public recreational facility, and community building.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	

<u>USE</u>	<u>District F</u>	<u>District G</u>	<u>District H</u>	<u>District J</u>	<u>District J-1</u>	<u>District K</u>	<u>MVSOD</u>
<u>Real estate, rental, and leasing office.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Railroad and related facilities.</u>			<u>P</u>				
<u>Restaurant and delicatessen.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Scientific research and development.</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Sheet metal processing.</u>			<u>PC<sup>(15)</sup></u>				
<u>Sign and architectural graphic manufacturing.</u>			<u>PC<sup>(16)</sup></u>	<u>PC<sup>(16)</sup></u>	<u>PC<sup>(16)</sup></u>	<u>PC<sup>(16)</sup></u>	
<u>Specialty food store.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Sporting good sales.</u>	<u>PC<sup>(17)</sup></u>	<u>PC<sup>(17)</sup></u>		<u>PC<sup>(17)</sup></u>	<u>PC<sup>(17)</sup></u>	<u>PC<sup>(17)</sup></u>	
<u>Stadium</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	
<u>Tattoo parlor and body modification shop.</u>			<u>SUP</u>				
<u>Telecommunication tower.</u>		<u>SUP</u>	<u>P</u>				
<u>Telephone switching facility.</u>	<u>SUP</u>	<u>SUP</u>				<u>SUP</u>	
<u>Temporary building.</u>			<u>PC<sup>(18)</sup></u>				
<u>Theater.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Truck terminal.</u>			<u>SUP</u>				
<u>Utility substation and power lines.</u>	<u>PC<sup>(19)</sup></u>		<u>PC<sup>(19)</sup></u>	<u>PC<sup>(19)</sup></u>	<u>PC<sup>(19)</sup></u>	<u>PC<sup>(19)</sup></u>	
<u>Veterinarian services.</u>	<u>SUP</u>	<u>SUP</u>		<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	
<u>Wholesale or warehousing.</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Wine tasting room/facility.</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	
<u>Woodworking shop, artisanal.</u>			<u>PC<sup>(20)</sup></u>				

**b. Table 14-105(B). – Commercial Conditional Uses**

#	<u>Conditional Uses</u>	<u>Zoning District</u>	<u>Conditions</u>
<u>1</u>	<u>Apparel manufacturing.</u>	<u>H</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>
<u>2</u>	<u>Assembling.</u>	<u>J, J-1, K</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>
<u>3</u>	<u>Automobile repair shop.</u>	<u>H</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>
<u>4</u>	<u>Bakery (industrial).</u>	<u>H</u>	<u>Provided that such use be not so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of emission of odor, gases, and/or fumes.</u>
<u>5</u>	<u>Commercial vehicle repair shop.</u>	<u>H</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>
<u>6</u>	<u>Customarily incidental use.</u>	<u>F, G, H, J, J-1, K</u>	<u>Must be customarily incidental to a permitted principal use located on the same building site and listed in Table 14-105(A), provided that such use is not so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities, and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke, or pollution of any kind.</u>



<u>#</u>	<u>Conditional Uses</u>	<u>Zoning District</u>	<u>Conditions</u>
<u>7</u>	<u>Furniture manufacturing.</u>	<u>H</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>
<u>8</u>	<u>Gasoline filling station.</u>	<u>F, G, H, J, J-1, K</u>	<u>Must have a minimum separation distance of 3,000 feet measured from property line to property line from any currently existing gasoline filling station.</u> <u>Provided that all storage tanks for gasoline shall be below the surface of the ground.</u>
<u>9</u>	<u>Heating, plumbing and air conditioning, sales, and repair.</u>	<u>H</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>
<u>10</u>	<u>Machining.</u>	<u>H</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>
<u>11</u>	<u>Manufacture of printed material.</u>	<u>H, J, J-1, K</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>
<u>12</u>	<u>Motor vehicle sales</u>	<u>MVSOD</u>	<u>Vehicles held for sales, lease, or rental in any business or industrial district shall not be parked or stored on unpaved surfaces.</u>
<u>13</u>	<u>Oil, gas, and minerals; extraction, production, drilling operations, etc.</u>	<u>H</u>	<u>No oil, gas or other mineral exploration, production or drilling operations for minerals of any kind shall be conducted on any lot or parcel of land within the city except in zoning district H</u>

<u>#</u>	<u>Conditional Uses</u>	<u>Zoning District</u>	<u>Conditions</u>
<u>14</u>	<u>Optical goods manufacturing.</u>	<u>H</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>
<u>15</u>	<u>Sheet metal processing.</u>	<u>H</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>
<u>16</u>	<u>Sign and architectural graphic manufacturing.</u>	<u>H, J, J-1, K</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>
<u>17</u>	<u>Sporting good sales.</u>	<u>F, G, J, J-1, K</u>	<u>Sporting goods sales, not including boats, boat motors, mopeds, recreational vehicles, ATVs, golf carts, motorcycles, or motor bikes.</u>
<u>18</u>	<u>Temporary building.</u>	<u>H</u>	<u>Must be incidental to the construction of buildings permitted in the district and which shall be removed when work is complete.</u>
<u>19</u>	<u>Utility substation and power lines.</u>	<u>F, H, J, J-1, K</u>	<u>Provided that any such accessory use shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities, and disposition by reason of vibrations, noise, view or the emission of odor, dust, smoke or pollution of any other kind.</u>
<u>20</u>	<u>Woodworking shop, artisanal.</u>	<u>H</u>	<u>Maintenance, fabrication and repair of equipment or machinery and manufacturing, processing and assembly of materials, products and goods shall be performed only on a paved area located within the building lines of a lot, whether within or outside of a building.</u>

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**Sec. 14-~~105~~ 106. Regulations for district F (first business district).**

(a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered in district F except for ~~one or more of the following uses:~~ as provided in Sec. 14-105.

- ~~(1) Townhouses and patio homes.~~
- ~~(2) Banks.~~
- ~~(3) Barber and beauty shops.~~
- ~~(4) Professional offices and business offices.~~
- ~~(5) Educational institutions.~~
- ~~(6) Hospitals, clinics and nursing care centers.~~
- ~~(7) Churches and other places of worship.~~
- ~~(8) Hotels and motels.~~
- ~~(9) Public parks and playgrounds, public recreational facilities and community buildings.~~
- ~~(10) Municipal and governmental buildings, police stations and fire stations.~~
- ~~(11) Parking lots.~~
- ~~(12) Gasoline filling stations, provided that all storage tanks for gasoline shall be below the surface of the ground.~~
- ~~(13) Restaurants, cafes and cafeterias.~~
- ~~(14) Stores and shops for retail sales and personal service shops.~~
- ~~(15) Theaters.~~
- ~~(16) Water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants and water wells.~~
- ~~(17) Garages, public.~~
- ~~(18) Accessory uses customarily incident to any of the above uses, provided that such use is not so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind.~~
- ~~(19) Golf courses, country clubs, miniature golf courses, and driving ranges.~~
- ~~(20) Electric power lines and electric substations, including accessory uses customarily incidental thereto; provided that any such accessory use shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibrations, noise, view or the emission of odor, dust, smoke or pollution of any other kind. The height and area, construction, and other regulations provided by this section shall not apply to uses allowed in the subpart.~~
- ~~(21) The following uses are permitted in district F with a specific use permit:
  - ~~a. Telephone switching facilities;~~
  - ~~b. Child day care operations (licensed child care centers and school age program centers);~~
  - ~~c. Car wash facilities.~~
  - ~~d. Retail establishment selling or offering for sale any alcoholic beverage.~~
  - ~~e. Massage establishment.~~~~
- ~~(22) Model homes as permitted in district A.~~
- ~~(23) Grocery store.~~
- ~~(24) Health club.~~

(b) Setbacks.

<u>Setbacks (feet) for District F (first business district)</u>	
<u>Nonresidential buildings (See note 1)</u>	
<u>Front</u>	<u>25' to the front property line</u>
<u>Rear</u>	<u>10' to the rear property line</u>
<u>Side street</u>	<u>10' to the side street line</u>
<u>Side</u>	<u>10' to the side property line</u>
<u>Notes:</u>	
<u>Note 1: Any nonresidential building or structure erected on a lot abutting district A may not be closer to the boundary line of district A than 50 feet for a single story, 100 feet for a two-story, or 150 feet for a three- or four-story.</u>	

~~(b c)~~ *Height and area regulations.* The heights of buildings, the minimum area of buildings, and the minimum lot size ~~and the minimum dimensions of yards~~ upon any lot or parcel of land in district F shall be as follows:

(1) *Height.* Buildings shall not exceed four stories (56 feet) in total height without an approved Specific Use Permit. Rooftop mechanical equipment shall not be included when determining overall building height. Buildings shall not exceed 56 feet in height except gasoline filling stations shall not exceed one story in height. For townhouse and patio homes, the height and area regulations provided in subsection 14-103(b) shall apply.

(2) *Building area.* The building area of each building shall be not less than 1,000 square feet of ground floor area except gasoline filling stations which shall contain not less than 500 square feet of ground floor area. ~~For townhouse and patio homes, the height and area regulations provided in subsection 14-103(b) shall apply.~~

~~(3) Location on lot.~~ ~~For townhouse and patio home lots, the setbacks established in subsection 14-103(b) shall apply. Any nonresidential building or structure erected on a lot abutting district A may not be closer to the boundary line of district A than 50 feet for a single story, 100 feet for a two-story, or 150 feet for a three- or four-story. For nonresidential buildings the setbacks established in subsection 14-88(b) are modified as follows: Buildings or structures shall not be located closer than 25 feet to the front property line, or ten feet to a side lot line or street line or ten feet to a rear lot line.~~

~~(4 3)~~ *Lot size.* The minimum lot size as established in Sec. 14-137. Table 14-2 shall apply.

~~(5 4)~~ *Open area.*

a. A minimum of ten percent of total area within the property lines shall be devoted to landscaping. All open unpaved space including, but not limited to, front, side and rear building setback areas shall be planted and landscaped.

b. *Building fronts.* An average of at least ten feet and a minimum of five feet shall be a green area and walkway between the building and parking areas.

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(e d) *Construction.* The exterior walls on all buildings shall be masonry or concrete construction with masonry, exterior insulation finish system (EIFS), concrete and wood or metal fascia. EIFS must be installed at levels no less than eight feet above grade or platforms. Plain CMU shall not be used for the exterior walls, however, split-face CMU is permissible.

(e) Buffering.

- (1) Bufferyards will be required on the perimeter, or parts thereof, of a nonresidential development adjoining or surrounding residential developments in conjunction with the screening requirements provided below.
- (2) Bufferyards shall be provided to protect the adjacent residential properties from environmental impact of the nonresidential facility such as visual blight, parking or roadway illumination, headlights, noise, blowing paper and dust and service areas.
- (3) Bufferyards shall be provided according to the standards provided in Sec. 14-88, Example 14-7.
- (4) See also Sections 14-310 and 14-311 for landscaping standards.

(f) Screening.

- (1) For development of nonresidential lots directly abutting and adjacent to residential zoning districts, an obscuring wall shall be required. The required wall shall be located inside the nonresidential lot lines abutting and adjacent to the residential zoning districts; provided, however, where a masonry wall has been constructed in a residential subdivision abutting nonresidential lots prior to development of the nonresidential lots, the masonry wall in the residential lots shall serve as the required screen and shall meet all requirements required of screens on nonresidential lots. Where a masonry wall of at least six feet in height exists in the residential lots abutting a nonresidential development, the nonresidential developer shall provide a buffer yard one and one-half times the width required elsewhere in this Code with two times the landscaping requirements in lieu of a second masonry wall.
- (2) All walls shall be constructed of a solid unpierced masonry material with the surface facing the residential lots constructed of a common or face brick, decorative block or similar material that is compatible with the principal buildings in the adjacent residential areas. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four inches wider than the wall to be erected.
- (3) No opening shall be permitted for access through the wall unless a solid gate equally the height of the wall is provided. Such gate shall remain closed at all times except when in actual use.
- (4) The quality and type of materials used structurally for the walls shall conform with those specified in the building code which apply to foundation footing and supporting materials used in residential construction within the city.
- (5) Any person causing an excavation to be made on property adjacent to an existing wall shall protect the excavation in such a manner so that the soil of the adjacent property will not cave in or settle causing damage to the existing wall.
- (6) Walls shall be maintained to remain harmonious with the surrounding property by being repaired, rebuilt or replaced at intervals necessary to preserve the health, safety and welfare of the public. Notification of necessary maintenance will be by certified mail from the development officer to the current property owner who is responsible for the maintenance of the walls constructed.
- (7) If such freestanding walls are not repaired, rebuilt or replaced within 60 days after receipt of such notification by certified mail that certain maintenance is deemed necessary for the health, safety and welfare of the public, such penalties for violation shall be enforced as established in this article and other legal recourse.

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(g) Commercial waste enclosures.

(1) Garbage and refuse containers in district F shall be screened from public view, from adjacent buildings and from adjacent property, public or private. Screens shall be permanent and opaque and of wood, metal or masonry material, shall be at least as high as the screened object and shall not be less than six feet high.

(h) Fencing standards.

(1) Fences in district F shall be constructed of the following materials, such as:

- a. Redwood;
- b. Cedar;
- c. Wrought iron;
- d. Brick or other approved masonry material of equal quality;
- e. Chain-link
  - i. Where chain link fencing is constructed within district F, the fencing material should be a minimum of four feet in height and a maximum of six feet in height. All fencing four feet in height shall be a minimum of 11-gauge galvanized material and all fencing higher than four feet shall be a minimum of nine-gauge galvanized material.

(2) The use of barbed wire, razor wire or any other similar material is not allowed.

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**Sec. 14-~~106~~ 107. Regulations for district G (second business district).**

(a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered in district G except for ~~one or more of the following uses:~~ as provided in Sec. 14-105.

- ~~(1) Banks.~~
- ~~(2) Barber and beauty shops.~~
- ~~(3) Professional offices and business offices.~~
- ~~(4) Educational institutions.~~
- ~~(5) Hospitals, clinics and nursing care centers.~~
- ~~(6) Churches and other places of worship.~~
- ~~(7) Hotels and motels.~~
- ~~(8) Restaurants, cafes and cafeterias.~~
- ~~(9) Stores and shops for retail sales and personal service shops.~~
- ~~(10) Theaters.~~
- ~~(11) Gasoline filling stations, provided that all storage tanks for gasoline shall be below the surface of the ground.~~
- ~~(12) Mini-warehouse storage facilities on lots of eight acres or more.~~
- ~~(13) Garages, public.~~
- ~~(14) Parking lots.~~
- ~~(15) Water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants and water wells.~~
- ~~(16) Public parks and playgrounds, public recreational facilities and community buildings.~~
- ~~(17) Municipal and governmental buildings, police stations and fire stations.~~
- ~~(18) Accessory uses customarily incident to any of the above uses, provided that such use is not so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind.~~
- ~~(19) The following uses are permitted in district G with a specific use permit:
  - ~~a. Telephone switching facilities.~~
  - ~~b. Multifamily housing for senior citizens.~~
  - ~~c. Telecommunication towers.~~
  - ~~d. Auto body shops.~~
  - ~~e. Child day care operations (licensed child care centers and school age program centers).~~
  - ~~f. Retail establishment selling or offering for sale any alcoholic beverage.~~~~

(b) Setbacks.

<u>Setbacks (feet) for District G (second business district)</u>	
<u>Building or structures (See Notes 1, 2)</u>	
<u>Front</u>	<u>25' to the front property line</u>
<u>Rear</u>	<u>10' to the rear property line</u>
<u>Side street</u>	<u>10' to the side street property line</u>
<u>Side</u>	<u>10' to the side property line</u>
<u>Notes:</u>	
<u>Note 1: Any building or structure erected on a lot abutting district A may not be closer to the boundary line of district A than 50 feet for a single story, 100 feet for a two-story, or 150 feet for three and four-story.</u>	
<u>Note 2: Buildings and other structures may abut adjacent buildings or other structures at the side lot line, provided that they are separated by a firewall which complies with current city building codes. Each group of abutting buildings shall be separated on the side by an open space of not less than ten feet to the next side lot line or side street line.</u>	

(b c) Height and area regulations. The heights of buildings, the minimum area of buildings, and the minimum lot size and the minimum dimensions of yards upon any lot or parcel of land in district G shall be as follows:

- (1) Height. Buildings shall not exceed four stories (56 feet) in total height without an approved Specific Use Permit. Rooftop mechanical equipment shall not be included when determining overall building height. Buildings shall not exceed 56 feet in height except gasoline filling stations shall not exceed one story in height.
- (2) Building area. The building area of each building shall be not less than 1,000 square feet of ground floor area except gasoline filling stations which shall contain not less than 500 square feet of ground floor area.
- (3) Location on lot. The setbacks established in subsection 14-88(b) are modified as follows: Buildings or structures shall not be located closer than 25 feet to the front property line, or ten feet to a side street line or ten feet to a rear lot line except when abutting a residential lot. Any building or structure erected on a lot abutting district A may not be closer to the boundary line of district A than 50 feet for a single story, 100 feet for a two-story, or 150 feet for three and four-story. Buildings and other structures may abut adjacent buildings or other structures at the side lot line, provided that they are separated by a firewall which complies with current city building codes. Each group of abutting buildings shall be separated on the side by an open space of not less than ten feet to the next side lot line or side street line.
- (4 3) Lot size. The minimum lot size shall be as established for nonresidential lots in Sec. 14-137, Table 14-2, Lot Standards in this Code.
- (5 4) Open area.
  - a. A minimum of ten percent of total area within the property lines shall be devoted to landscaping. All open unpaved space including, but not limited to, front, side and rear building setback areas shall be planted and landscaped.



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- b. *Building fronts.* An average of at least ten feet and a minimum of five feet shall be a green area and walkway between the building and parking areas.
- (e d) *Construction.* The exterior walls on all buildings shall be masonry or concrete construction with masonry, exterior insulation finish system (EIFS), concrete and wood or metal fascia. EIFS must be installed at levels no less than eight feet above grade or platforms. Plain CMU shall not be used for the exterior walls, however, split-face CMU is permissible.

(e) Buffering.

- (1) Bufferyards will be required on the perimeter, or parts thereof, of a nonresidential development adjoining or surrounding residential developments in conjunction with the screening requirements provided below.
- (2) Bufferyards shall be provided to protect the adjacent residential properties from environmental impact of the nonresidential facility such as visual blight, parking or roadway illumination, headlights, noise, blowing paper and dust and service areas.
- (3) Bufferyards shall be provided according to the standards provided in Sec. 14-88, Example 14-7.
- (4) See also sections 14-310 and 14-311 for landscaping standards.

(f) Screening.

- (1) For development of nonresidential lots directly abutting and adjacent to residential zoning districts, an obscuring wall shall be required. The required wall shall be located inside the nonresidential lot lines abutting and adjacent to the residential zoning districts; provided, however, where a masonry wall has been constructed in a residential subdivision abutting nonresidential lots prior to development of the nonresidential lots, the masonry wall in the residential lots shall serve as the required screen and shall meet all requirements required of screens on nonresidential lots. Where a masonry wall of at least six feet in height exists in the residential lots abutting a nonresidential development, the nonresidential developer shall provide a buffer yard one and one-half times the width required elsewhere in this Code with two times the landscaping requirements in lieu of a second masonry wall.
- (2) All walls shall be constructed of a solid unpierced masonry material with the surface facing the residential lots constructed of a common or face brick, decorative block or similar material that is compatible with the principal buildings in the adjacent residential areas. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four inches wider than the wall to be erected.
- (3) No opening shall be permitted for access through the wall unless a solid gate equally the height of the wall is provided. Such gate shall remain closed at all times except when in actual use.
- (4) The quality and type of materials used structurally for the walls shall conform with those specified in the building code which apply to foundation footing and supporting materials used in residential construction within the city.
- (5) Any person causing an excavation to be made on property adjacent to an existing wall shall protect the excavation in such a manner so that the soil of the adjacent property will not cave in or settle causing damage to the existing wall.
- (6) Walls shall be maintained to remain harmonious with the surrounding property by being repaired, rebuilt or replaced at intervals necessary to preserve the health, safety and welfare of the public. Notification of necessary maintenance will be by certified mail from the development officer to the current property owner who is responsible for the maintenance of the walls constructed.
- (7) If such freestanding walls are not repaired, rebuilt or replaced within 60 days after receipt of such notification by certified mail that certain maintenance is deemed necessary for the health, safety and

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welfare of the public, such penalties for violation shall be enforced as established in this article and other legal recourse.

(g) Commercial waste enclosures.

(1) Garbage and refuse containers in district G shall be screened from public view, from adjacent buildings and from adjacent property, public or private. Screens shall be permanent and opaque and of wood, metal or masonry material, shall be at least as high as the screened object and shall not be less than six feet high.

(h) Fencing standards.

(1) Fences in district G shall be constructed of the following materials, such as:

- a. Redwood;
- b. Cedar;
- c. Wrought iron;
- d. Brick or other approved masonry material of equal quality;
- e. Chain-link
  - i. Where chain link fencing is constructed within district G, the fencing material should be a minimum of four feet in height and a maximum of six feet in height. All fencing four feet in height shall be a minimum of 11-gauge galvanized material and all fencing higher than four feet shall be a minimum of nine-gauge galvanized material.

(2) The use of barbed wire, razor wire or any other similar material is not allowed.

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**Sec. 14-~~107~~ 108. Regulations for district H (industrial district).**

- (a) *Use regulation.* ~~No building or land shall be used, and no building shall be erected moved or altered in district H except for as provided in Sec. 14-105. This district is established to provide locations for manufacturing and assembly plants and warehouses. All the uses permitted in this district shall have their operations conducted entirely within enclosed buildings and shall not emit any dust, smoke, odor or fumes outside of the building housing the operation or produce a noise level at the property line that is greater than the average noise level occurring on the adjacent street.~~

~~(1) Permitted uses:~~

- ~~a. Apparel manufacturing.~~
- ~~b. Automobile and truck repair and rebuilding shop.~~
- ~~c. Bakery.~~
- ~~d. Building contractor and related activities.~~
- ~~e. Building materials, sales and storage.~~
- ~~f. Cabinet making.~~
- ~~g. Carwash.~~
- ~~h. Cold storage plant.~~
- ~~i. Dry cleaning and laundry plant.~~
- ~~j. Electrical equipment assembly.~~
- ~~k. Farm implement machinery sales and storage.~~
- ~~l. Furniture manufacturing.~~
- ~~m. Grocery store.~~
- ~~n. Heating, plumbing and air conditioning, sales and repair.~~
- ~~o. Instrument and meter manufacturing.~~
- ~~p. Mixing plants for concrete or paving materials.~~
- ~~q. Optical goods manufacturing.~~
- ~~r. Printing and publishing.~~
- ~~s. Professional offices.~~
- ~~t. Railroad and related facilities.~~
- ~~u. Retail sales.~~
- ~~v. Restaurant.~~
- ~~w. Service station.~~
- ~~x. Sheet metal processing.~~
- ~~y. Signs: Advertising, business, occupancy, and temporary.~~
- ~~z. Telecommunications towers.~~
- ~~aa. Temporary building which is incidental to the construction of buildings permitted in the district and which shall be removed when work is complete.~~
- ~~bb. Woodworking shop.~~

(b) Setbacks.

<u>Setbacks (feet) for District H (industrial district)</u>	
<u>Buildings or structures (See Note 1)</u>	
<u>Front</u>	<u>25' to the front property line</u>
<u>Rear</u>	<u>25' to the rear property line</u>
<u>Side street</u>	<u>25' to the side street property line</u>
<u>Side</u>	<u>25' to the side property line</u>
<u>Notes:</u>	
<u>Note 1: Any building or structure erected on a lot abutting district A may not be closer to the boundary line of district A than 50 feet for a single story, 100 feet for a two-story, or 150 feet for three and four-story.</u>	

(b c) Height and area regulations.

- (1) Height. No limitation Buildings shall not exceed four stories (56 feet) in total height without an approved Specific Use Permit. Rooftop mechanical equipment shall not be included when determining overall building height.
- (2) Building area. No limitations.
- ~~(3) Location lot. All buildings and structures shall conform to the setback standards established in subsection 14-88(b).~~

(e d) Construction. No limitations.

~~(d) Specific use. The following uses are permitted in district H with a specific use permit:~~

- ~~(1) Bail bond service;~~
- ~~(2) Cell phone and computer repair business;~~
- ~~(3) Concrete products manufacture;~~
- ~~(4) Credit access business;~~
- ~~(5) Food processing and packaging, with the exception of slaughtering;~~
- ~~(6) Head/smoke shops;~~
- ~~(7) Hookah bars/lounge;~~
- ~~(8) Jewelry and watch manufacturing;~~
- ~~(9) Junk or salvage yard;~~
- ~~(10) Mini storage lots;~~
- ~~(11) Precious metal dealer;~~
- ~~(12) Produce market;~~
- ~~(13) Retail establishment selling or offering for sale any alcoholic beverage;~~
- ~~(14) Tattoo shop;~~

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~~(15) Truck terminal; and~~

~~(16) Wholesale or warehousing.~~

(e) Buffering.

- (1) Bufferyards will be required on the perimeter, or parts thereof, of a nonresidential development adjoining or surrounding residential developments in conjunction with the screening requirements provided below.
- (2) Bufferyards shall be provided to protect the adjacent residential properties from environmental impact of the nonresidential facility such as visual blight, parking or roadway illumination, headlights, noise, blowing paper and dust and service areas.
- (3) Bufferyards shall be provided according to the standards provided in Sec. 14-88, Example 14-7.
- (4) See also Secs. 14-310 and 14-311 for landscaping standards.

(f) Screening.

- (1) For development of nonresidential lots directly abutting and adjacent to residential zoning districts, an obscuring wall shall be required. The required wall shall be located inside the nonresidential lot lines abutting and adjacent to the residential zoning districts; provided, however, where a masonry wall has been constructed in a residential subdivision abutting nonresidential lots prior to development of the nonresidential lots, the masonry wall in the residential lots shall serve as the required screen and shall meet all requirements required of screens on nonresidential lots. Where a masonry wall of at least six feet in height exists in the residential lots abutting a nonresidential development, the nonresidential developer shall provide a buffer yard one and one-half times the width required elsewhere in this Code with two times the landscaping requirements in lieu of a second masonry wall.
- (2) All walls shall be constructed of a solid unpierced masonry material with the surface facing the residential lots constructed of a common or face brick, decorative block or similar material that is compatible with the principle buildings in the adjacent residential areas. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four inches wider than the wall to be erected.
- (3) No opening shall be permitted for access through the wall unless a solid gate equally the height of the wall is provided. Such gate shall remain closed at all times except when in actual use.
- (4) The quality and type of materials used structurally for the walls shall conform with those specified in the building code which apply to foundation footing and supporting materials used in residential construction within the city.
- (5) Any person causing an excavation to be made on property adjacent to an existing wall shall protect the excavation in such a manner so that the soil of the adjacent property will not cave in or settle causing damage to the existing wall.
- (6) Walls shall be maintained to remain harmonious with the surrounding property by being repaired, rebuilt or replaced at intervals necessary to preserve the health, safety and welfare of the public. Notification of necessary maintenance will be by certified mail from the development officer to the current property owner who is responsible for the maintenance of the walls constructed.
- (7) If such freestanding walls are not repaired, rebuilt or replaced within 60 days after receipt of such notification by certified mail that certain maintenance is deemed necessary for the health, safety and welfare of the public, such penalties for violation shall be enforced as established in this article and other legal recourse.

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(g) Commercial waste enclosures.

(1) Garbage and refuse containers in district H shall be screened from public view, from adjacent buildings and from adjacent property, public or private. Screens shall be permanent and opaque and of wood, metal or masonry material, shall be at least as high as the screened object and shall not be less than six feet high.

(h) Fencing standards.

(1) Fences in district H shall be constructed of the following materials, such as:

- a. Redwood;
- b. Cedar;
- c. Wrought iron;
- d. Brick or other approved masonry material of equal quality;
- e. Chain-link
  - i. Where chain link fencing is constructed within district H, the fencing material should be a minimum of four feet in height and a maximum of six feet in height. All fencing four feet in height shall be a minimum of 11-gauge galvanized material and all fencing higher than four feet shall be a minimum of nine-gauge galvanized material.

(2) The use of barbed wire, razor wire or any other similar material is not allowed.

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**Sec. 14-109. Regulations for district J (third business district).**

(a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered in district J except for ~~one or more of the following uses:~~ as provided in Sec. 14-105.

~~(1) All uses permitted in district F except townhouses and patio homes.~~

~~(2) Service centers limited to the following uses:~~

~~a. Assembling.~~

~~b. Communications.~~

~~c. Data processing.~~

~~d. Distribution.~~

~~e. Food service.~~

~~f. General administration.~~

~~g. Jobbing.~~

~~h. Light storage.~~

~~i. Nonretail sales.~~

~~j. Office.~~

~~k. Professional.~~

~~l. Research and development.~~

~~m. Servicing.~~

~~n. Wholesaling.~~

~~o. Light manufacturing. The following uses are acceptable under light manufacturing and any other use of a similar kind so long as it does not produce noise, odor, pollution or other features that are no greater or more objectionable to a reasonable person than the following uses:~~

~~1. Precision instrument machining.~~

~~2. Electronic and mechanical assembly.~~

~~3. Sign and architectural graphic manufacturing.~~

~~4. Manufacture of printed material.~~

~~p. Or combination of such uses.~~

(b) Setbacks.

<u>Setbacks (feet) for District J (third business district)</u>	
<u>Buildings or structures (See Notes 1, 2)</u>	
<u>Front</u>	<u>25' to the front lot line</u>
<u>Rear</u>	<u>10' to a rear lot line</u>
<u>Side street</u>	<u>10' to the side street lot line</u>
<u>Side</u>	<u>10' to the side lot line</u>
<u>Notes</u>	
<u>Note 1: Any building or structure erected on a lot abutting district A may not be closer to the boundary line of district A than 50 feet for a single story, 100 feet for a two-story, or 150 feet for three and four-story.</u>	
<u>Note 2: Buildings and other structures may abut adjacent buildings or other structures at a side lot line, provided that a firewall which complies with current city building codes is erected. Each group of abutting buildings shall be separated on the side by an open space of not less than 25 feet to the next side lot line or side street line.</u>	

(b c) Height and area regulations for district J.

- (1) Height. Buildings shall not exceed four stories (56 feet) in total height without an approved Specific Use Permit. Rooftop mechanical equipment shall not be included when determining overall building height.
  - a. ~~Office buildings shall not exceed four stories with a maximum height of 56 feet, except gasoline filling stations shall not exceed one story in height.~~
  - b. ~~For service centers, the height of the buildings shall not exceed 16 feet and shall not exceed one story.~~
  - c. ~~For service centers height shall be measured from the ground finished floor to the highest point of the roof deck.~~
  - d. ~~Office buildings, education buildings, retail stores, parking garages, hospitals and hotels which exceed four stories in height shall be permitted north of U.S. 290, and west of Jones Road.~~
- (2) Building area. The building area of each building shall not be less than 1,000 square feet of ground floor area except gasoline filling stations which shall contain not less than 500 square feet of ground floor area.
- ~~(3) Location on lot. The setbacks established in section 14-88(b) are modified as follows: Buildings or structures shall not be located closer than 25 feet to the front property line, or 25 feet to a side lot line or ten feet to a rear lot line. Buildings and other structures may abut adjacent buildings or other structures at a side lot line, provided that a firewall which complies with current city building codes is erected. Each group of abutting buildings shall be separated on the side by an open space of not less than 25 feet to the next side lot line or side street line.~~



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(4 3) *Open area.*

- a. A minimum of ten percent of total area within the property lines shall be devoted to landscaping. All open unpaved space including, but not limited to, front, side and rear building setback areas shall be planted and landscaped.
- b. *Building fronts.* An average of at least ten feet and a minimum of five feet shall be a green area and walkway between the building and parking area.

(e d) *Construction.* The exterior walls on all buildings shall be masonry or concrete construction with masonry, exterior insulation finish system (EIFS), concrete and wood or metal fascia. EIFS must be installed at levels no less than eight feet above grade or platforms. Plain CMU shall not be used for the exterior walls, however, split-face CMU is permissible. Service center front elevation shall consist of a minimum of 15 percent glass.

(d e) ~~*Other regulations in district J*~~ *Outside storage.*

~~(1) *Screening.* Refuse containers or like equipment outside of an enclosed space shall be screened from public view, either from adjacent buildings or adjacent property, both private and public. Such screens shall be permanent and opaque and of wood, metal or masonry material and shall be at least as high as the screened object, and in no case shall be less than six feet in height.~~

(2 1) *Outside storage.* There shall be no outside storage except as permitted under subsection (j h)(1) of this section ~~of these J district provisions.~~

~~(e) *Specific use.* The following uses are permitted in district J with a specific use permit: Retail establishment selling or offering for sale any alcoholic beverage.~~

(f) *Buffering.*

- (1) ~~Bufferyards will be required on the perimeter, or parts thereof, of a nonresidential development adjoining or surrounding residential developments in conjunction with the screening requirements provided below.~~
- (2) ~~Bufferyards shall be provided to protect the adjacent residential properties from environmental impact of the nonresidential facility such as visual blight, parking or roadway illumination, headlights, noise, blowing paper and dust and service areas.~~
- (3) ~~Bufferyards shall be provided according to the standards provided in Sec. 14-88, Example 14-7.~~
- (4) ~~See also sections 14-310 and 14-311 for landscaping standards.~~

(g) *Screening.*

- (1) ~~For development of nonresidential lots directly abutting and adjacent to residential zoning districts, an obscuring wall shall be required. The required wall shall be located inside the nonresidential lot lines abutting and adjacent to the residential zoning districts; provided, however, where a masonry wall has been constructed in a residential subdivision abutting nonresidential lots prior to development of the nonresidential lots, the masonry wall in the residential lots shall serve as the required screen and shall meet all requirements required of screens on nonresidential lots. Where a masonry wall of at least six feet in height exists in the residential lots abutting a nonresidential development, the nonresidential developer shall provide a buffer yard one and one-half times the width required elsewhere in this Code with two times the landscaping requirements in lieu of a second masonry wall.~~
- (2) ~~All walls shall be constructed of a solid unpierced masonry material with the surface facing the residential lots constructed of a common or face brick, decorative block or similar material that is compatible with the principle buildings in the adjacent residential areas. Similar material shall not include smooth face~~

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concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four inches wider than the wall to be erected.

- (3) No opening shall be permitted for access through the wall unless a solid gate equally the height of the wall is provided. Such gate shall remain closed at all times except when in actual use.
- (4) The quality and type of materials used structurally for the walls shall conform with those specified in the building code which apply to foundation footing and supporting materials used in residential construction within the city.
- (5) Any person causing an excavation to be made on property adjacent to an existing wall shall protect the excavation in such a manner so that the soil of the adjacent property will not cave in or settle causing damage to the existing wall.
- (6) Walls shall be maintained to remain harmonious with the surrounding property by being repaired, rebuilt or replaced at intervals necessary to preserve the health, safety and welfare of the public. Notification of necessary maintenance will be by certified mail from the development officer to the current property owner who is responsible for the maintenance of the walls constructed.
- (7) If such freestanding walls are not repaired, rebuilt or replaced within 60 days after receipt of such notification by certified mail that certain maintenance is deemed necessary for the health, safety and welfare of the public, such penalties for violation shall be enforced as established in this article and other legal recourse.

(h) Commercial waste enclosures.

- (1) Garbage and refuse containers in district J shall be screened from public view, from adjacent buildings and from adjacent property, public or private. Screens shall be permanent and opaque and of wood, metal or masonry material, shall be at least as high as the screened object and shall not be less than six feet high.

(i) Fencing standards.

(1) Fences in district J shall be constructed of the following materials, such as:

- a. Redwood;
- b. Cedar;
- c. Wrought iron;
- d. Brick or other approved masonry material of equal quality;
- e. Chain-link
  - i. Where chain link fencing is constructed within district J, the fencing material should be a minimum of four feet in height and a maximum of six feet in height. All fencing four feet in height shall be a minimum of 11-gauge galvanized material and all fencing higher than four feet shall be a minimum of nine-gauge galvanized material.

(2) The use of barbed wire, razor wire or any other similar material is not allowed.

**Sec. 14-109.1. Regulations for district J-1 (fourth business district).**

(a) ~~Use regulations.~~ No building or land shall be used and no building shall be erected, moved, or altered in district J-1 except for ~~one or more of the following uses:~~ as provided in Sec. 14-105.

~~(1) All uses permitted in district J;~~

~~(2) Pawnshops; and~~

~~(3) CBD shop.~~

~~(b) Specific use.~~ The following uses are permitted in district J-1 with a specific use permit: ~~Retail establishment selling or offering for sale any alcoholic beverage.~~

(b) Setbacks.

<u>Setbacks (feet) for District J-1 (fourth business district)</u>	
<u>Buildings or structures (See Note 1)</u>	
<u>Front</u>	<u>25' to the front lot line</u>
<u>Rear</u>	<u>10' to the rear lot line</u>
<u>Side street</u>	<u>10' to the side street lot line</u>
<u>Side</u>	<u>25' to the side lot line</u>
<u>Notes</u>	
<u>Note 1: Buildings and other structures may abut adjacent buildings or other structures at a side lot line, provided that a firewall which complies with current city building codes is erected. Each group of abutting buildings shall be separated on the side by an open space of not less than 25 feet to the next side lot line or side street line.</u>	

(c) Height and area regulations for district J-1.

~~(1) Height.~~ Buildings shall not exceed four stories (56 feet) in total height without an approved Specific Use Permit. Rooftop mechanical equipment shall not be included when determining overall building height.

~~(2) Building area.~~ The building area of each building shall not be less than 1,000 square feet of ground floor area except gasoline filling stations which shall contain not less than 500 square feet of ground floor area.

~~(3) Open area.~~

~~a. A minimum of ten percent of total area within the property lines shall be devoted to landscaping. All open unpaved space including, but not limited to, front, side and rear building setback areas shall be planted and landscaped.~~

~~b. Building fronts.~~ An average of at least ten feet and a minimum of five feet shall be a green area and walkway between the building and parking area.

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(d) Buffering.

- (1) Bufferyards will be required on the perimeter, or parts thereof, of a nonresidential development adjoining or surrounding residential developments in conjunction with the screening requirements provided below.
- (2) Bufferyards shall be provided to protect the adjacent residential properties from environmental impact of the nonresidential facility such as visual blight, parking or roadway illumination, headlights, noise, blowing paper and dust and service areas.
- (3) Bufferyards shall be provided according to the standards provided in Sec. 14-88, Example 14-7.
- (4) See also sections 14-310 and 14-311 for landscaping standards.

(e) Screening.

- (1) For development of nonresidential lots directly abutting and adjacent to residential zoning districts, an obscuring wall shall be required. The required wall shall be located inside the nonresidential lot lines abutting and adjacent to the residential zoning districts; provided, however, where a masonry wall has been constructed in a residential subdivision abutting nonresidential lots prior to development of the nonresidential lots, the masonry wall in the residential lots shall serve as the required screen and shall meet all requirements required of screens on nonresidential lots. Where a masonry wall of at least six feet in height exists in the residential lots abutting a nonresidential development, the nonresidential developer shall provide a buffer yard one and one-half times the width required elsewhere in this Code with two times the landscaping requirements in lieu of a second masonry wall.
- (2) All walls shall be constructed of a solid unpierced masonry material with the surface facing the residential lots constructed of a common or face brick, decorative block or similar material that is compatible with the principal buildings in the adjacent residential areas. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four inches wider than the wall to be erected.
- (3) No opening shall be permitted for access through the wall unless a solid gate equally the height of the wall is provided. Such gate shall remain closed at all times except when in actual use.
- (4) The quality and type of materials used structurally for the walls shall conform with those specified in the building code which apply to foundation footing and supporting materials used in residential construction within the city.
- (5) Any person causing an excavation to be made on property adjacent to an existing wall shall protect the excavation in such a manner so that the soil of the adjacent property will not cave in or settle causing damage to the existing wall.
- (6) Walls shall be maintained to remain harmonious with the surrounding property by being repaired, rebuilt or replaced at intervals necessary to preserve the health, safety and welfare of the public. Notification of necessary maintenance will be by certified mail from the development officer to the current property owner who is responsible for the maintenance of the walls constructed.
- (7) If such freestanding walls are not repaired, rebuilt or replaced within 60 days after receipt of such notification by certified mail that certain maintenance is deemed necessary for the health, safety and welfare of the public, such penalties for violation shall be enforced as established in this article and other legal recourse.

(f) Commercial waste enclosures.

- (1) Garbage and refuse containers in district J-1 shall be screened from public view, from adjacent buildings and from adjacent property, public or private. Screens shall be permanent and opaque and of wood, metal or masonry material, shall be at least as high as the screened object and shall not be less than six feet high.

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(g) Fencing standards.

(1) Fences in district J-1 shall be constructed of the following materials, such as:

- a. Redwood;
- b. Cedar;
- c. Wrought iron;
- d. Brick or other approved masonry material of equal quality;
- e. Chain-link
  - i. Where chain link fencing is constructed within district J-1, the fencing material should be a minimum of four feet in height and a maximum of six feet in height. All fencing four feet in height shall be a minimum of 11-gauge galvanized material and all fencing higher than four feet shall be a minimum of nine-gauge galvanized material.

(2) The use of barbed wire, razor wire or any other similar material is not allowed.

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## Sec. 14-110. Regulations for district K (fifth business district).

(a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered in district K except for ~~one or more of the following uses:~~ as provided in Sec. 14-105.

~~(1) All uses permitted in district F, first business district.~~

~~(2) Service centers limited to the following uses (25 percent office space):~~

~~a. Assembling.~~

~~b. Communications.~~

~~c. Data processing.~~

~~d. Distribution.~~

~~e. Food service.~~

~~f. General administration.~~

~~g. Jobbing.~~

~~h. Light storage.~~

~~i. Nonretail sales.~~

~~j. Office.~~

~~k. Professional.~~

~~l. Research and development.~~

~~m. Servicing.~~

~~n. Wholesaling.~~

~~o. Light manufacturing. The following uses are acceptable under light manufacturing and any other use of a similar kind so long as it does not produce noise, odor, pollution or other features that are no greater or more objectionable to a reasonable person than the following uses:~~

~~1. Precision instrument machining.~~

~~2. Electronic and mechanical assembly.~~

~~3. Sign and architectural graphic manufacturing.~~

~~4. Manufacture of printed material.~~

~~p. Combinations of the above-listed uses.~~

~~(3) Distribution warehouses limited to the following uses:~~

~~a. Assembling.~~

~~b. Communication.~~

~~c. Data processing.~~

~~d. Food service.~~

~~e. General administration.~~

~~f. Jobbing.~~

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- ~~g. — Warehousing.~~
  - ~~h. — Nonretail sales.~~
  - ~~i. — Office.~~
  - ~~j. — Professional.~~
  - ~~k. — Research and development.~~
  - ~~l. — Service.~~
  - ~~m. — Wholesaling.~~
  - ~~n. — Distribution.~~
  - ~~o. — Manufacturing. The following uses are acceptable under manufacturing any other use of a similar kind so long as it does not produce noise, odor, pollution or other features that are no greater or more objectionable to a reasonable person than the following uses:
    - ~~1. — Precision instrument machining.~~
    - ~~2. — Electronic and mechanical assembly.~~
    - ~~3. — Sign and architectural graphic manufacturing.~~
    - ~~4. — Manufacture of printed material.~~
    - ~~5. — Computer component assembly.~~~~
  - ~~p. — Combinations of the above listed uses.~~
  - ~~q. — Uses specifically prohibited are:
    - ~~1. — Stamping;~~
    - ~~2. — Drop forging; or~~
    - ~~3. — Other uses of similar kind that would produce noise, odor, pollution or other features that are objectionable to a reasonable person.~~~~
- ~~(4) — The following uses are permitted in district K with a specific use permit:~~
- ~~a. — Telephone switching facilities.~~
  - ~~b. — Mini-storage facilities.~~
  - ~~c. — Child day-care operations (licensed child-care centers and school-age program centers).~~
  - ~~d. — Retail establishment selling or offering for sale any alcoholic beverage.~~

(b) Setbacks.

<u>Setbacks (feet) for District K (fifth business district)</u>	
<u>Nonresidential buildings</u>	
<u>Front</u>	<u>25' to the front lot line</u>
<u>Rear</u>	<u>25' to the rear lot line</u>
<u>Side street</u>	<u>25' to the side street lot line</u>
<u>Side</u>	<u>25' to the side lot line</u>
<u>Notes</u>	
<u>Note 1: Any building or structure erected on a lot abutting district A may not be closer to the boundary line of district A than 50 feet for a single story, 100 feet for a two-story, or 150 feet for three and four-story.</u>	
<u>Note 2: Buildings and other structures may abut adjacent buildings or other structures at a side lot line, provided that a firewall which complies with current city building codes is erected. Each group of abutting buildings shall be separated on the side by an open space of not less than 25 feet to the next side lot line or side street line.</u>	

(b) c) Height and area regulations in district K.

- (1) Height. Buildings shall not exceed four stories (56 feet) in total height without an approved Specific Use Permit. Rooftop mechanical equipment shall not be included when determining overall building height.
  - a. Gasoline filling stations shall not exceed one story in height.
  - b. The height of service center buildings shall not exceed 16 feet and shall not exceed one story. Height shall be measured from the ground finished floor to the highest point of the roof deck.
  - c. Office buildings, education buildings, retail stores, parking garages, hospitals and hotels which exceed four stories in height shall be permitted if located not less than 425 feet from the southern boundary of district A.
  - d. The height of distribution warehouse buildings shall not exceed 40 feet and shall not exceed two stories. Building height shall be measured from the finished floor, regardless of whether the floor is at dock height or ground level, to the height of the roof deck. No second story windows may face district A unless located at least 225 feet from district A.
- (2) Building area. The building area of each building shall not be less than 1,000 square feet of ground floor area, provided that gasoline filling stations shall contain not less than 500 square feet of ground floor area.
- (3) Location on lot. The setbacks established in subsection 14-88(b) are modified as follows: Buildings or structures shall not be located closer than 25 feet to the front property line, or 25 feet to a side lot line or ten feet to a rear lot line. Buildings and other structures may abut adjacent buildings or other structures at a side lot line, provided that a firewall which complies with current city building codes is erected. Each group of abutting buildings shall be separated on the side by an open space of not less than 25 feet to the next side lot line or side street line.



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(4 3) *Open area.*

- a. A minimum of ten percent of total area within the property lines shall be devoted to landscaping. All open unpaved space including, but not limited to, front, side and rear building setback areas shall be planted and landscaped. See article XII of this chapter.
- b. *Building fronts.* An average of at least ten feet and a minimum of five feet shall be a green area and walkway between the building and parking area.
- c. Notwithstanding anything to the contrary contained in this section, distribution warehouse subdivisions in excess of 70 acres shall have a minimum of ten percent total open area including stormwater detention and utility easement area.

(e d) *Construction.* The exterior walls on all buildings shall be masonry or concrete construction with masonry, exterior insulation finish system (EIFS), concrete and wood or metal fascia. EIFS must be installed at levels no less than eight feet above grade or platforms. Plain CMU shall not be used for the exterior walls, however, split-face CMU is permissible. Service center front elevation shall consist of a minimum of 15 percent glass.

(d e) *Outside storage regulations in district K.*

~~(1) *Screening.* Refuse containers or like equipment outside enclosed spaces shall be screened from public view, from adjacent buildings or from adjacent property, both private and public. Screens shall be permanent and opaque and of wood, metal or masonry material, shall be at least as high as the screened object and shall not be less than six feet in height.~~

~~(2) *Unscreened containers.* Notwithstanding anything to the contrary contained in this section, distribution warehouse subdivisions in excess of 70 acres may have unscreened refuse containers located adjacent to the distribution warehouse buildings, provided they are at a minimum distance of 120 feet from any street right-of-way.~~

(3 1) *Outside storage.* There shall be no outside storage except as permitted under subsection (d h)(2 1) of this section. Distribution warehouse subdivisions in excess of 70 acres may have associated outside storage of inventories, machinery and other similar materials within the project if screened from the view of adjacent properties by:

- a. Opaque fencing made of wood, metal or masonry material not less than six feet in height nor more than ten feet in height;
- b. Fencing not less than six feet in height nor more than ten feet in height with dense opaque landscaping of not less than three feet in width and capable of attaining five to ten feet in height within 18 months of planting; or
- c. Existing buildings, provided that the total area devoted to outside storage shall not exceed ten percent of the building area.

(f) *Buffering.*

(1) Bufferyards will be required on the perimeter, or parts thereof, of a nonresidential development adjoining or surrounding residential developments in conjunction with the screening requirements provided below.

(2) Bufferyards shall be provided to protect the adjacent residential properties from environmental impact of the nonresidential facility such as visual blight, parking or roadway illumination, headlights, noise, blowing paper and dust and service areas.

(3) Bufferyards shall be provided according to the standards provided in Sec. 14-88, Example 14-7.

(4) See also sections 14-310 and 14-311 for landscaping standards.

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(g) Screening.

- (1) Notwithstanding anything to the contrary contained in this section, distribution warehouse subdivisions in excess of 70 acres may have unscreened refuse containers located adjacent to the distribution warehouse buildings, provided they are at a minimum distance of 120 feet from any street right-of-way.
- (2) For development of nonresidential lots directly abutting and adjacent to residential zoning districts, an obscuring wall shall be required. The required wall shall be located inside the nonresidential lot lines abutting and adjacent to the residential zoning districts; provided, however, where a masonry wall has been constructed in a residential subdivision abutting nonresidential lots prior to development of the nonresidential lots, the masonry wall in the residential lots shall serve as the required screen and shall meet all requirements required of screens on nonresidential lots. Where a masonry wall of at least six feet in height exists in the residential lots abutting a nonresidential development, the nonresidential developer shall provide a buffer yard one and one-half times the width required elsewhere in this Code with two times the landscaping requirements in lieu of a second masonry wall.
- (3) All walls shall be constructed of a solid unpierced masonry material with the surface facing the residential lots constructed of a common or face brick, decorative block or similar material that is compatible with the principle buildings in the adjacent residential areas. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four inches wider than the wall to be erected.
- (4) No opening shall be permitted for access through the wall unless a solid gate equally the height of the wall is provided. Such gate shall remain closed at all times except when in actual use.
- (5) The quality and type of materials used structurally for the walls shall conform with those specified in the building code which apply to foundation footing and supporting materials used in residential construction within the city.
- (6) Any person causing an excavation to be made on property adjacent to an existing wall shall protect the excavation in such a manner so that the soil of the adjacent property will not cave in or settle causing damage to the existing wall.
- (7) Walls shall be maintained to remain harmonious with the surrounding property by being repaired, rebuilt or replaced at intervals necessary to preserve the health, safety and welfare of the public. Notification of necessary maintenance will be by certified mail from the development officer to the current property owner who is responsible for the maintenance of the walls constructed.
- (8) If such freestanding walls are not repaired, rebuilt or replaced within 60 days after receipt of such notification by certified mail that certain maintenance is deemed necessary for the health, safety and welfare of the public, such penalties for violation shall be enforced as established in this article and other legal recourse.

(h) Commercial waste enclosures.

- (1) Garbage and refuse containers in district K shall be screened from public view, from adjacent buildings and from adjacent property, public or private. Screens shall be permanent and opaque and of wood, metal or masonry material, shall be at least as high as the screened object and shall not be less than six feet high.

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(i) Fencing standards.

(1) Fences in district K shall be constructed of the following materials, such as:

- a. Redwood;
- b. Cedar;
- c. Wrought iron;
- d. Brick or other approved masonry material of equal quality;
- e. Chain-link
  - i. Where chain link fencing is constructed within district K, the fencing material should be a minimum of four feet in height and a maximum of six feet in height. All fencing four feet in height shall be a minimum of 11-gauge galvanized material and all fencing higher than four feet shall be a minimum of nine-gauge galvanized material.

(2) The use of barbed wire, razor wire or any other similar material is not allowed.

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## Sec. 14-244. Permits and fees.

- (a) *Permit required.* It shall be unlawful for any person to construct, reconstruct, alter or use a sign, or for any owner or occupant of land to allow the construction, reconstruction, alteration, or use of a sign on land owned or occupied by such person, without first having secured a written permit from the city to do so, subject to the exceptions set forth in subsection (b) of this section. It is an affirmative defense to prosecution under this subsection that a sign is excepted under subsection (b) of this section from the requirement of a project.
- (b) *Exceptions.*
- (1) Permits shall not be required under this article for on-premises signs of the following descriptions:
- a. The repainting, cleaning or maintenance of a sign;
  - b. Signs painted on glass surfaces or windows or doors which do not cover more than 50 percent of the total surface area;
  - c. Wall signs not over ~~25~~ 5 square feet in area;
  - d. Signs erected by governmental agencies and their lessees;
  - e. Railroad signs;
  - f. Legal notices and noninternally illuminated house numbers not less than two inches nor more than six inches in height;
  - g. A sign not greater than 32 square feet in area setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises as permitted by section 14-252;
  - h. Any sign:
    1. Erected or maintained pursuant to and in discharge of any governmental function;
    2. Required by law, ordinance or governmental regulation; or
    3. Located on property owned, leased or under the control of a governmental entity.
  - i. Signs on private property not greater than four square feet in area and four feet in height that contain no advertising (except logo) and that direct the movement of traffic, warn of obstacles or overhead clearances or that control parking, including entrance and exit signs.
  - j. National, state, municipal, religious, and corporate flags; provided that the total flag display allowed is equal to or less than one-third of the flagpole height. The maximum number of flagpoles allowed for a single occupant detached business and integrated business developments shall be three. The maximum size of any one flag shall be ten feet by 19 feet.
  - k. Historical and commemorative plaques of recognized historical societies and organizations not greater than 15 square feet in area.
  - l. Decorations clearly incidental, customary and commonly associated with a national, local, ethnic or religious holiday; provided, however, that such decorations are displayed for only the length of time that such holiday or event is normally and customarily celebrated by the public.
  - m. Nameplates, not exceeding two square feet in area, for residents or occupants of commercial, industrial and professional buildings or dwellings, apartments, boardinghouses or roominghouses or other similar facilities.

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- n. Protection or security signs, not exceeding four square feet in area, erected by the occupant of a premises denoting security devices or no trespassing.
  - o. Signs located in the interior of a building which are designed and located to be viewed by patrons within the building and not by persons outside the building.
  - p. Signs on vehicles required by any governmental agency.
  - q. Signs on licensed commercial vehicles, including trailers; provided, however, that such vehicles shall not be used as parked or stationary outdoor signs and further provided that such vehicles or trailers are not designed or constructed for the primary purpose of providing an advertising medium.
  - r. Director signs, menu boards and the like which are designed to be read from a distance no greater than ten feet. (i.e. fast food drive thru menus.)
- (c) *Application.* An application for a construction permit shall be submitted on a form provided by the city and shall be accompanied by plans, drawn to scale, which shall include the following:
- (1) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached;
  - (2) The dimensions of the sign's supporting members;
  - (3) The proposed location of the sign in relation to the face of the building, on, in front of which it is to be located;
  - (4) The proposed location of the sign in relation to the boundaries of the lot or parcel of land upon which it is to be located;
  - (5) The location of all electrical transmission lines within 30 feet of any part of the proposed sign or sign structure;
  - (6) Plans and specifications if applicable for the electrical system of the sign;
  - (7) The dimensions and location of all existing signs whether exempt from these guidelines or permitted under them on the premises;
  - (8) The address or location of the proposed sign;
  - (9) The names and signatures of sign owners, landowners, sign erector;
  - (10) The area of the sign face; and
  - (11) Business frontage (if integrated business development/shopping center).
- (d) *Operating permits.* Operating permits expire December 31 of each year and shall be renewed within 60 days prior to the expiration date. Failure to renew the operating permit by the established deadline shall result in the assessment of late fees as detailed in the adopted fee schedule of the city. It shall be unlawful for any person to maintain or use, or to permit or suffer the use of on premises owned by or under the control of such person, a sign for which a permit is required by subsection (a) of this section without securing an annual operating permit from the city.
- (e) *Operating permits for existing signs.*
- (1) The building official shall not issue an operating permit for an existing sign that was erected in violation of any law or ordinance in effect at the time of its erection or for an existing sign that does not comply with the provisions of section 14-248.
  - (2) Nonconforming signs. Existing signs that were erected in compliance with all laws and ordinances in effect at the time of their erection must conform with the provisions of this article when an operating

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permit is issued after January 1, 2005. Existing signs that were erected in violation of any law or ordinance in effect at the time of their erection must conform to the provisions of this article prior to issuance of an operating permit. The conformity dates for the removal or modification of those signs for which the conformity date is required to be extended or for which the city is required to compensate the owner or operator by the state or federal law shall be extended for so long as the conformity date extension or compensation is required by state or federal law. When any sign or a substantial part thereof is blown down or otherwise destroyed, or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on such sign, it shall not be re-erected, reconstructed, repaired, or rebuilt, except in full conformance with this article. For purposes of this section and section 14-259, a sign or substantial part thereof is considered to have been destroyed only if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location.

- (f) *Subterfuge.* A permit secured before or after the effective date of this article which has been secured through subterfuge and not in full compliance with the provisions of this article shall be revoked by the building official in accordance with the procedures for revocation provided by this article.
- (g) *Construction permit effectiveness; removal permit.* A permit for construction of a sign shall become null and void unless construction of the sign is completed within 180 days from issuance. A permit may be renewed one time for a period not to exceed 180 days.
- (h) *Fees.* Each application shall be accompanied by the payment of a fee in accordance with the duly adopted schedule of fees.
- (i) *No refund of fees.* The applicant for, or holder of, a permit shall not be entitled to a refund of any fee paid.
- (j) *Deposit or bond.* When any work on a sign structure is to be done on the pavement side of the curblin or on or over public property which may cause the city to sustain loss, damage or injury to public property, or to be put to expense in correcting conditions resulting therefrom, the building official shall require the person proposing to do such work to furnish a bond in the amount of \$25,000.00 in a form satisfactory to the city attorney, or to post a deposit of a like amount, to indemnify the city against any cost that may be incurred or any loss, damage or injury that may be sustained by the city because of such work, and as a guaranty of compliance with this and other applicable laws and ordinances. Such required bond or deposit shall be furnished or posted before a permit is issued for the work.

(Ord. No. 00-16, § 2, 5-15-00; Ord. No. 03-24, § 4, 6-16-03; Ord. No. 2010-46, § 1, 10-18-10)

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## Sec. 14-252. Signs in commercial and industrial zoning districts.

The following signs are permitted in commercial and industrial zoning districts when maintained in good condition:

- (1) *Temporary signs.*
  - a. *For sale, rental or lease signs for commercial lots or structures.* One nonilluminated temporary on-premises ground sign not exceeding 64 square feet shall be allowed for each commercial unit or vacant lot in a platted commercial development in order to give information concerning leasing, renting or selling of such while the unit or lot is actually available for lease, rent or sale. The sign may be located anywhere on the premises; provided, however, that such sign shall not project beyond the property line and shall not have a height greater than eight feet above the natural ground level. No permit shall be required for the erection of such signs.
  - b. *Under construction or to be constructed signs.* Temporary ground signs, not to exceed eight feet in height and 32 square feet in size, are allowed for commercial or industrial developments which are under construction in addition to permanent signs as provided by this section in order to give information concerning leasing, renting, selling, financing and/or contracting. The temporary "under construction" sign shall be removed 12 months from the date of its erection or when the construction of the development is completed, whichever first occurs. The sign shall be placed a minimum of ten feet behind the street right-of-way and not in the clear view triangle. See Figure 14-5. No permit shall be required for the erection of such signs.
  - c. *Banner signs.*
    1. *Grand opening signs.* One wall sign, in the form of a banner no greater than 32 square feet in area, advertising a grand opening celebration is allowed for a period not to exceed 30 days. Such 30-day period shall begin on the date of erection of the sign, and the sign shall be removed prior to the expiration of the thirtieth day. A grand opening sign shall comply with the location and height standards for wall signs contained in subsection (2)b.1 of this section. No permit shall be required for the erection of such signs.
    2. *Special event signs.* One wall sign, in the form of a banner not to exceed 32 square feet in area, advertising special events such as activities, sales or special consignments may be displayed for a period not to exceed one calendar month (i.e. from the date first displayed through the date minus one day of the next month) and shall be removed not later than one day after such activity or sale is completed. Each commercial or industrial establishment shall be limited to not more than four special even signs per calendar year. Such signs shall not be painted directly on the window glass and shall not utilize fluorescent paint or any type of reflectors. Each such sign must be permitted at least three business days prior to the erection or placement of the sign.
      - (a) *Location and height.* The location and height of such signs will be in accordance with the standards for wall signs contained in subsection (2)b.1 of this section; provided, however, that where such required wall is not available, the special event sign may be suspended by means of ropes or cables between two vertical poles, stakes or freestanding supports. The location of banners shall not obstruct pedestrian traffic or be within the clear view triangle. See Figure 14-5.
      - (b) *Pennants and ribbon streamers.* In the case of a special event consisting of more than one activity occurring at the same time, pennant and ribbon streamers may be used to outline the area of each activity, to separate each activity from the other, to provide a designated path for those attending the

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event or move from one activity to another without confusion, and to designate a proper parking area for those attending the event. Pennant and ribbon streamers shall not be erected more than four feet above ground level.

3. *Changing display signs.* One wall sign, in the form of a banner, with a maximum surface area of 200 square feet or two wall signs, in the form of a banner, with a maximum total surface area of 200 square feet advertising special sales opportunities may be displayed on buildings located on lots fronting U.S. Highway 290. No banner shall exceed 50 percent of the area of the wall on which the sign is displayed nor be mounted within 12 inches of any corner, change of elevation, change of building facade material, glass, or other signage. A banner shall not extend above the roofline or over a glass area, or wrap around a corner of a building. A banner shall be attached with not less than four attachment points, one for each corner, and shall have an attachment point a minimum of every 48 inches on all sides. All banners shall be mounted parallel and level with the ground. All banners shall be professionally constructed. For the purpose of this section, the area of the wall is defined as the wall surface on which the banner is mounted, bounded by any change of surface such as corners, changes of elevation of the structure, changes of building facade material, glass or other signage. An annual permit is required. The city shall be notified in writing, on a form provided by the city, of any change in the permitted signage.

(2) *Permanent signs.*

- a. *Commercial and industrial subdivisions.* A commercial or industrial subdivision containing not less than 40 acres of land may have one permanent identification monument type ground sign not to exceed eight feet in height and not to exceed 32 square feet in surface area at each major street entrance to the subdivision.
- b. *Single-occupant detached commercial and industrial buildings.* Single-occupant detached commercial and industrial buildings may have the following signs:
  1. *Wall signs.*
    - (a) *Size and number.* Wall signs are permitted for each single-occupant detached building ~~with an aggregate allowable sign area of one square foot for each linear foot of street frontage not to exceed the lesser of 25% of the elevation where the signs are located or 1,000 square feet. Only the street frontage that contains the main entrance shall be used for sign size calculations. No more than 50 percent of any wall may be covered with wall sign(s).~~
    - (b) *Location and height.* A wall sign may not project above the wall line of a building except for buildings with parapet walls, in which case the sign shall be flush with the wall and shall not project above the parapet. Signs placed on mansard roofs must be perpendicular to the ground with all permanent structural supports covered from view. Wall signs may be placed on the front or sides but not on the rear of buildings.
  2. *Ground signs.*
    - (a) *Size and number.* A single-occupant detached commercial or industrial building, may have one ground sign. A pole or monument type ground sign not more than 50 square feet in area is permitted for each lot or tract of land with a street frontage of 100 linear feet or more on which a single-occupant detached building is located;
    - (b) *Location and height.* A ground sign shall not exceed eight feet in height and shall be set back not less than ten feet from the street right-of-way and not less



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than 25 feet from interior or rear property lines. A ground sign shall not be located within 100 feet of another ground sign, measured from the closest points of the signs; provided however the 100-foot separation does not apply to additional signs permitted elsewhere in this article for signs on the same property.

- (c) *[Commercial property.]* Any lot on which a commercial building may be legally constructed shall be allowed to have a ground, monument type, sign not to exceed 25 square feet in sign face area and not to exceed four feet in height. The sign shall be located as close to the center of the lot's street frontage as possible and at least ten feet from the street right-of-way in front of the structure. This will not effect [affect] the location of any other ground sign allowed by this article with regards to the 100-foot separation requirement in subsection (b) above.

3. *Canopy signs.*

- (a) *Size and number.* The allowable sign face area for canopy signs shall not exceed 50 percent of the canopy surface. This sign face area shall be included in the total signage allowed for wall signs, see subsection (2)b.1. of this section.
- (b) *Location and height.* Canopy signs must be an integral part of the canopy, i.e. painted or sewn and must not extend above the wall line.

- c. *Signs permitted in integrated business developments.* It shall be the responsibility of the integrated business development owner/leasing manager to advise the tenants of, and monitor compliance with, the sign ordinance. No signs shall be allowed in integrated business developments except as follows:

1. *Wall signs.*

- (a) *Size and number.* Each business establishment in an integrated business development may have a wall sign ~~age not to exceed 50 percent of the wall fascia area designated for that establishment not to exceed the lesser of 25% of the elevation where the signs are located or 1,000 square feet. Individual letters shall not exceed 24 inches in height. See Figure 14-20.~~
- (b) *Location and height.* A wall sign may not project above the wall line of a building except for buildings with parapet walls, in which case the sign shall be flush with the wall and shall not project above the parapet. Signs placed on mansard roofs must be perpendicular to the ground with all structural supports covered from view. Wall signs identifying businesses in an integrated business development may only be placed on any wall of the building in which the business is located except the rear wall the front building elevation, unless the business is located on a corner of such a development, in which case, side elevation signs are permitted.

2. *Ground signs.*

- (a) *Size and number.* The aggregate sign area for all ground signs in an integrated business development shall not exceed 400 square feet and shall not exceed one square foot of sign area for each 300 square feet of gross leasable area or square footage of the buildings; provided, however, that each sign must meet spacing, size and height requirements contained in this subsection. Each integrated business development shall be allowed one 32 square foot ground sign on each street frontage.

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- (b) *Location and height.* A ground sign shall not exceed eight feet in height and shall be set back not less than ten feet from street rights-of-way and not less than 50 feet from interior or rear property lines. A ground sign shall not be located within 100 feet of another ground sign, measured from the closest points of the two signs. If consistent with the above location and setback requirements, a ground sign allowed for a tract may be placed on any street frontage.

3. *Canopy signs.*

- (a) *Size and number.* The allowable sign face area for canopies shall not exceed 50 percent of the canopy surface. This sign face area shall be included in the total signage allowed for wall signs, see subsection (2)b.1.(a) of this section.
- (b) *Location and height.* Canopy signs must be an integral part of the canopy, i.e. painted or sewn and shall not extend above the wall line.

(Ord. No. 00-16, § 2, 5-15-00; Ord. No. 03-24, § 3, 6-16-03; Ord. No. 04-04, § 1, 2-16-04)

**Sec. 14-283. Table 14-11 off-street parking standards.**

OFF-STREET PARKING STANDARDS

<u>SIC-Group</u> <u>NAICS Codes</u>	Land Use Category	Off-Street Parking Standards	Special Provisions
<del>20-39</del> <u>31-33</u>	MANUFACTURING:	1 parking space per <del>1,000</del> <u>square-foot of gross-leasable area max # of workers on any one shift.</u>	
<del>40-49</del> <u>48/51/22</u>	TRANSPORTATION/COMMUNICATIONS/UTILITIES:		
<del>41</del> <u>48</u>	Bus terminals/airports	To be determined by the planning commission	
<del>42</del> <u>48</u>	Motor freight terminals/warehousing	1 parking space per <del>1,000</del> <u>square-foot of gross-leasable area max # of workers on any one shift.</u>	
<del>50-51</del> <u>42</u>	WHOLESALE TRADE:	3.3 parking spaces per 1,000 square feet of gross leasable area	Minimum spaces: 2
<del>52-59</del> <u>44-45</u>	RETAIL TRADE:		
<del>53</del> <u>45</u>	General merchandise	<del>5</del> <u>4</u> parking spaces per 1,000 square feet of gross leasable area	
<del>55</del> <u>44</u>	Automotive stores	1 parking space per 800 square feet of floor area plus site area	
<del>58</del> <u>72</u>	Eating/drinking places	1 parking space per <del>2</del> <u>4</u> seats	
<del>60-67</del> <u>52/52/53</u>	GENERAL OFFICE (FINANCE/INSURANCE/REAL ESTATE, ETC.):	5 parking spaces per 1,000 square feet of gross leasable area	Minimum spaces: 3

<del>70-89</del> <u>54, 56, 61, 72, 81</u>	SERVICES:		
<del>70</del> <u>72</u>	Hotel, motel	1 parking space per bedroom	
<del>72</del> <u>56, 81</u>	Personal services	<del>5</del> <u>4</u> parking spaces per 1,000 square feet of gross leasable area	
<del>726</del> <u>81</u>	Funeral homes	1 parking space per 4 seats	Minimum spaces: 3
<del>73</del> <u>54</u>	Business services	3.3 parking spaces per 1,000 square feet of gross leasable area	Minimum spaces: 3
<del>75</del> <u>81</u>	Automotive repair services	<del>4 parking spaces per service bay</del> <u>1 parking space per 375 square feet of gross floor area plus 4 spaces per repair bay</u>	Minimum spaces: 4
<del>78-79</del> <u>71</u>	Amusement and recreation	1 parking space per 4 seats	
<del>80</del> <u>62</u>	Health services	4 parking spaces per 1,000 square feet of gross floor area	
<del>805</del> <u>62</u>	Personal care facility	1 parking space per 6 beds	
<del>806</del> <u>62</u>	Hospital	1 parking space per 2 beds	
<del>81</del> <u>54</u>	Legal	5 parking spaces per 1,000 square feet of gross floor area	Minimum spaces: 3
<del>82</del> <u>61</u>	Elementary school	2 parking spaces per classroom	

<del>82</del> <u>61</u>	Secondary school	10 parking spaces per classroom	
<del>83</del> <u>62</u>	Childcare services	1 parking space per 7 children	Minimum spaces: 5
<del>84</del> <u>71</u>	Museums, cultural centers	3.3 parking spaces per 1,000 square feet of floor area	Minimum spaces: 10
<del>86</del> <u>81</u>	Religious organizations	1 parking space per 4 seats	
<del>N/C</del> <u>2361</u>	RESIDENTIAL:		
<u>2361</u>	1 and 2 family dwellings	2 parking spaces per dwelling unit	
<u>2361</u>	Multifamily:		
<u>2361</u>	1 bedroom	1.5 parking spaces per dwelling unit	<sup>(1)</sup>
<u>2361</u>	2 bedrooms	2.5 parking spaces per dwelling unit	<sup>(1)</sup>
<u>2361</u>	3 or more bedrooms	3.5 parking spaces per dwelling unit	<sup>(1)</sup>
<u>2361</u>	Roominghouse/boardinghouse	1 parking space per 2 beds	
<u>2361</u>	Congregate housing	1 parking space per 2 beds	

<sup>(1)</sup> For multifamily complexes with ten or more units, the required number of guest parking spaces will be determined by multiplying the total number of parking spaces otherwise required for such apartment complex by 0.05.

<sup>(2)</sup> Parking for office areas shall be provided according to the standards for office uses in this table.

(Ord. No. 95-04, § 1(table 10-1), 2-20-95; Ord. No. 97-32, § 4, 12-15-97)

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## Sec. 14-309. Specific standards.

(a) *Residential lots.*

- (1) Residential lots shall have landscaped areas which in the aggregate include not less than 50 percent of the area contained within the building setbacks.
- (2) A minimum of two trees (either existing or planted) measuring one inch or greater in diameter four feet above the ground at time of planting or measurement (if existing) are required within the front or side street setback areas.
- (3) Landscaping shall be in harmony with the surrounding area adequate to minimize visual monotony and barrenness.

(b) *Nonresidential lots.*

- (1) At least ten percent of the total area within a lot shall contain landscaped areas. Multi-family lots shall dedicate an additional twenty percent of total area within a lot to landscaped areas.
- (2) A landscaped area ten feet in width shall be provided adjacent to each street right of way. Drives and sidewalks shall not be included in the required landscaped area except to the extent to which they may be required to cross the buffer to provide access.
- (3) All open, unpaved space including, but not limited to, front, side and rear building setback areas shall be landscaped.
- (4) An average of at least ten feet and a minimum of five feet shall be a landscaped area and walkway between the building and parking areas.
- (5) Trees required. Trees, either existing or planted, measuring a minimum of two inches average diameter measured four feet above ground level at the time of planting or measurement (if existing) shall be provided according to the following standards:
  - a. In lots containing 20,000 square feet or less, one tree per 2,000 square feet, or fraction thereof;
  - b. In lots containing more than 20,000 square feet, but less than 100,000 square feet, ten trees, plus one tree per 2,500 square feet or fraction thereof in excess of 10,000 square feet;
  - c. In lots containing more than 100,000 square feet, 46 trees plus one tree per 5,000 square feet, or fraction thereof, over 100,000 square feet;
  - d. A minimum of 25 percent of the trees required by this section shall be canopy trees with the remainder in noncanopy trees.

Each tree planted shall be in a planting area with a radius not less than three feet measured from tree trunk to the near edge of the landscaped area. All tree plantings shall be encompassed with an approved curb barrier to prevent access by vehicular traffic.

- (6) Tree removal. The clearance of any land and/or the removal of one or more trees with a caliper size greater than 10 inches (measured at 4 feet above ground level) in the course of developing a commercial lot, shall require an equivalent total replacement caliper to be provided by the planting of replacement trees. The following documents must be provided prior to removal:

- a. Tree Survey/Landscape Plan:
  1. Existing trees on the site;
  2. Tree proposed for removal;
  3. Locations indicated for replacement tree; and

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4. Note indicating how irrigation will be provided to new plantings.

b. Tree Disposition/Protection Plan:

1. Tree Table:

i. Caliper size (inches);

ii. Quantity; and

iii. Species.

(7) Tree replacement. When required to replace one or more trees, it is permitted to provide the equivalent total caliper by planting several smaller replacement trees in lieu of one larger replacement tree. Trees determined to be in undesirable or poor health by an Arborist are not subject to this section.

a. Due to the heavily wooded nature of some vacant lots, there may be instances in which it is not feasible to reasonably develop the property while preserving existing trees or matching their aggregated caliper size. In these instances, prospective developers may submit an alternative plan for tree preservation and replacement, which may be approved by the City Manager and/or their designee. If, after reviewing the plan, the official determines that reasonable efforts to preserve or replace trees have not been exhausted, the official's decision may be appealed to the city council, which shall have the final decision.

(8) Permitted replacement trees. Replacement trees shall be selected from the species listed below:

a. Oak, Pine, Elm, Hickory, Maple, Ash, Magnolia; or

b. Alternative replacement tree(s). A request for alternative species shall be subject to approval by the City Manager and/or their designee.

(6 9) Ground signs. A landscaped area not less than ten feet in width shall be located around the supporting structure of each ground sign and extending not less than three feet beyond each end. A hedge or other durable planting, which is not less than one foot in height at the time of planting and which will attain an average height of at least three feet shall extend the entire length and width of the required landscaped setup. Two flowering trees, not less than eight feet in height, shall be located within the required landscape setup. The remainder of the landscaped setup may be in grass or a decorative ground cover.

(7 10) Parking lots and other vehicular areas. Vehicular use areas, parking areas, parking lots, and their parked vehicles shall have effective buffering from the street view. A minimum amount of the total area of all vehicular use areas and parking areas of a lot shall be devoted to landscaped islands, peninsulas, or medians. The minimum total area in such islands, peninsulas, and medians shall be 90 square feet for each 12 parking spaces therein. No parking space shall be located further than 50 feet from a permeable landscaped island, peninsula or median or tree. All islands, peninsulas and medians required in the areas stated above, shall be more or less evenly distributed throughout such parking areas, respectively; however, the distribution and location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total area requirement for landscaped islands, peninsulas, and medians for the respective parking areas above is satisfied.

(Ord. No. 00-15, § 4, 5-15-00)

Editor's note(s)—Ord. No. 00-15, § 4, adopted May 15, 2000, repealed § 14-309, which pertained to procedures, and derived from Ord. No. 95-04, § 1(1103), adopted Feb. 20, 1995. Section 4 of said Ord. No. 00-15 adopted new provisions to read as herein set out.

# **EXHIBIT B**

## **Planning and Zoning Commission Minutes**

**March 27, 2023**

### **Preliminary Report Residential Code Edits**





**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION  
PRELIMINARY REPORT  
RESIDENTIAL CODE AMENDMENTS**

The Planning and Zoning Commission has previously met several times in order to discuss amendments to Chapter 14 “Building and Development”, by amending Section 14-5 “Definitions” to include a definition for home occupation; by adding Section 14-100 “Residential Permitted Use Table” to Chapter 14 “Building and Development”; by repealing and replacing Sections 14-101 through 14-104 of Chapter 14 “Building and Development” to allow for updates to residential development standards; and by removing Section 104-103.1 in its entirety. In connection with same, The City Council accepted the Commission’s Final Report on October 17, 2022, and approved their recommendations under Ordinance 2022-39.

Since that time, it has come to the Commission’s attention that additional amendments are required. Accordingly, the Commission met on March 27, 2023, to further review the City’s Residential Code in order to identify areas where additional amendments are needed.

After review and discussion, the Commissioners preliminarily proposed that the Code of Ordinances of the City of Jersey Village, Texas, be amended to reflect residential code amendments that are in line with the goals and objectives established by the Jersey Village Comprehensive Plan.

These preliminary changes to the City’s comprehensive zoning ordinance are more specifically detailed in the proposed ordinance attached as Exhibit “A.”

The next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

Respectfully submitted, this 27<sup>th</sup> day of March 2023.

s/Rick Faircloth, Chairman



**ATTEST:**

s/Lorri Coody, City Secretary

# Exhibit A

## Proposed Ordinance

**ORDINANCE NO. 2023-xx**

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, BY AMENDING CHAPTER 14 “BUILDING AND DEVELOPMENT”, BY AMENDING SECTIONS 14-100 THROUGH 14-104 TO ALLOW FOR UPDATES TO RESIDENTIAL DEVELOPMENT STANDARDS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council (the “Council”) of the City of Jersey Village, Texas (the “City”), determines it in the best interest of the health, safety, and welfare of the citizens of the City’s to amend the City’s Code of Ordinances related to Zoning Regulations (the “Code”); and

**WHEREAS**, the Planning & Zoning Commission (the “Commissions”) has issued its report and has recommended amendments to the Code to add and amend portions of Chapter 14 of the Code to allow for updated development standards related to residential development; and

**WHEREAS**, the Commission and the Council have conducted, in the time and manner required by law, a public hearing on such amendments; and

**WHEREAS**, the Council now deems that such requested amendments to the Code is in accordance with the City’s Comprehensive Plan and is appropriate to grant; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE:**

**SECTION 1. THAT** the facts and matter set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2. THAT** Section 14-100 of the Code of Ordinances, City of Jersey Village, Texas is hereby amended by repealing and replacing the existing language with language to read as follows:

**Sec. 14-100. Residential Permitted Use Table.**

<b>USE</b>	<b>District A</b>	<b>District B</b>	<b>District C</b>	<b>District M</b>
Churches or other places of worship and related schools	PC <sup>(1)</sup>	PC <sup>(1)</sup>		
Electric Power Lines and Substations	PC <sup>(2)</sup>	PC <sup>(2)</sup>		
Golf Courses and Country Clubs	P	P		
Home Occupations	PC <sup>(3)</sup>	PC <sup>(3)</sup>	PC <sup>(3)</sup>	PC <sup>(3)</sup>
Model Homes	PC <sup>(4)</sup>	PC <sup>(4)</sup>	PC <sup>(4)</sup>	

Multi-family Dwellings				PC <sup>(5)</sup>
Municipal Government Buildings, Police Stations, Fire Stations, and Public Libraries	P	P		
Patio Homes		P	P	
Public Parks and Playgrounds, Public Recreational Facilities, Public Schools, Community Buildings and Public Museums not operated for profit	P	P		
Short-term Rentals	PC <sup>(6)</sup>	PC <sup>(6)</sup>	PC <sup>(6)</sup>	PC <sup>(6)</sup>
Single-Family Dwelling	P	P		
Townhouses		PC <sup>(7)</sup>	PC <sup>(7)</sup>	
Water Supply Reservoirs, Filter Beds, Towers, Surface or Below Surface Tanks, Artesian Wells, Water Pumping Plants and Water Wells	P	P		
Additional Structures. Accessory uses and freestanding structures in addition to a single-family dwelling:				
Accessory Quarters	PC <sup>(8)</sup>	PC <sup>(8)</sup>		
Cabana/Dressing Room	A	A	A	A
Detached Carport	A	A		A
Detached Private Garage (1 per building site)	A	A		
Gazebo	A	A	A	A
Greenhouse	A	A	A	A
Hobby Structure	A	A	A	A
Pet House	A	A		
Playhouse	A	A		
Pool	A	A	A	A

Pool Cover	A	A	A	A
Utility Structure	A	A		
PC Notes.				
<p><i>Note 1:</i> Churches or other places of worship which shall:</p> <p>(1) Contain not less than four thousand square feet (4,000 sq ft) of ground floor area.</p> <p>(2) No church or other place of worship shall be constructed on a lot having less than five (5) acres of total area.</p>				
<p><i>Note 2:</i> Power lines and substations may include accessory uses customarily incidental thereto; provided such accessory uses shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities, and disposition by reason of vibration, noise, emission of odor, dust, smoke, or pollution.</p>				
<p><i>Note 3:</i> To operate a home occupation, the following standards shall be met:</p> <p>(1) The home occupation must be clearly incidental to the use of the dwelling as a residence;</p> <p>(2) No outdoor sign, display or storage of materials, goods, supplies or equipment shall be allowed;</p> <p>(3) There shall be no change to the exterior of the building nor any visible evidence or signs that the residence contains a home occupation;</p> <p>(4) A home occupation shall not generate a nuisance such as traffic, on-street parking, noise, and electrical interference or hazards;</p> <p>(5) The maximum area devoted to a home occupation shall be twenty-five percent (25%) of the gross floor area of the dwelling unit; and</p> <p>(6) The home occupation shall not use employees who do not reside on the premises.</p>				
<p><i>Note 4:</i> Provided that a builder may have no more than one model home in a subdivision. A model home must have a temporary certificate of occupancy and may be open for business only between the hours of six o'clock (6:00) a.m. and nine o'clock (9:00) p.m. Use of a structure as a model home shall terminate on the first of the following events to occur:</p> <p>(1) Thirty (30) days after building permits have been issued for ninety percent (90%) of the lots in the subdivision;</p> <p>(2) Thirty (30) days after building permits have been issued for all lots owned by the builder in the subdivision; or</p> <p>(3) One hundred eighty (180) days after issuance of the latest building permit to the builder for a lot in the subdivision.</p>				
<p><i>Note 5:</i> New multi-family dwelling districts shall contain less than one hundred (100) acres of land.</p>				
<p><i>Note 6:</i> No short-term rental home shall be permitted within a five thousand foot (5,000') radius, measured from property line to property line, from any other previously established short-term rental home.</p>				
<p><i>Note 7:</i> No "flats" or apartment style building shall be constructed in single-family townhouse style dwelling units in a unified development.</p>				
<p><i>Note 8:</i> Accessory quarters shall comply with all the following standards:</p> <p>(1) Accessory quarters (may include a full kitchen) must be located on the same building site as a principal building containing a single-family dwelling (detached) use;</p> <p>(2) Must include no more than six hundred square feet (600sqft) of gross floor area; unless located on the second story of a garage, in which case the maximum gross floor area is the footprint of the garage; and</p>				

(3) An existing private garage structure shall not be converted to habitable space for the purpose of constructing accessory quarters.

<b>Legend</b>
P = Permitted Use
A = Accessory Use
PC = Permitted Use with Conditions

**SECTION 3. THAT** Sections 14-101(a) through (c) of the Code of Ordinances, City of Jersey Village, Texas are hereby amended by repealing and replacing the existing language with language to read as follows:

**“Sec. 14-101. Regulations for district A (single-family dwelling district).**

(a) Use regulations. No building or land shall be used, and no building shall be hereafter erected, moved or altered in district A except for as provided in Sec. 14-100.

(b) Setbacks.

<b>Table 14-101A: Setbacks (feet) for Single-Family Residential and Related Structures</b>	
<b>Single-Family Residential</b>	
Front <sup>(2),(3),(4)</sup>	Twenty-five feet (25') to front lot line
Rear	Twenty-five feet (25') to rear lot line
Side	Seven and one-half feet (7.5') to side lot line
Side Street <sup>(1)</sup>	Ten feet (10') to side street lot line
<b>Freestanding Structures (≥ 70' to front lot line)</b>	
Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line
Side Street <sup>(1)</sup>	Ten feet (10') to side street lot line
To Dwelling	Ten feet (10') to single-family dwelling
<b>Detached Private Garages (≥ 70' to front lot line)</b>	
Front	Seventy feet (70') to front lot line
Rear	Ten feet (10') to rear lot line

Side	Three feet (3') to side lot line
Side Street <sup>(1)</sup>	Twenty feet (20') to side street lot line
<b>Attached Private Garages</b>	
Front	Twenty-five feet (25') behind front façade wall closest to front lot line
Rear	Twenty-five feet (25') to rear lot line
Side	Seven and one-half feet (7.5') to side lot line
Side Street (Front-loaded)	Ten feet (10') to side street line
Side Street (Side-loaded) <sup>(1)</sup>	Twenty feet (20') to side street line
<b>Attached Carports</b>	
Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line
Side Street (Front-loaded)	Ten feet (10') to side street lot line
Side Street (Side-loaded) <sup>(1)</sup>	Twenty feet (20') to side street lot line
<b>Detached Carports ( ≥ 70' to front lot line)</b>	
Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line
Side Street (Front-loaded)	Ten feet (10') to side street lot line
Side Street (Side-loaded) <sup>(1)</sup>	Twenty feet (20') to side street lot line
To Dwelling	Ten feet (10') to single-family dwelling
<b>Notes</b>	

(1) Where one or more lots have frontage on a street, all other lots in that block with side lot lines on the same street shall have a side-street setback requirement of twenty-five feet (25') (all structures).

(2) Single-family residences shall be constructed with a front yard setback of twenty-five feet (25') from the property line, except for Lots 6-11 Block 20, Lots 1-14 Block 21, Lots 1-25 Block 25, Lots 1-41 Block 26, Lots 1-22 Block 27, Lots 1-24 Block 28, Lots 1-36 Block 30, Lots 23-44 Block 31, Lots 6-13 Block 32, Lots 1-28 Block 33, Lots 6-8 Block 36, Lots 1-15 Block 38, Lots 1-3 Block 41, Lot 5 Block 41, Lots 1-21 Block 42, Lots 25-48 Block 42, Lots 1-4 Block 43, Lots 1-7 Block 47, Lots 1-31 Block 48, Lots 1-21 Block 49, Lots 1-11 Block 50, Lots 2-6 Block 53, Lots 10-12 Block 54, Lots 1-25 Block 55, Lots 1-19 Block 56, Lots 1-27 Block 61, Lots 1-39 Block 62, Lots 1-29 Block 63, Lots 1-20 Block 64, Lots 1-15 Block 65, which shall have an increased setback from the property line as noted on the recorded plat of Jersey Village.

(3) Single-family residences shall be constructed with a front yard setback of twenty-five feet (25') from the property line, except for Tracts 1-11A Block 19, Tracts 1-5 Block 20, Lots 26-44 Block 25, Lots 1-9 Block 54, Lots 1-14 Block 59, Lots 1-8 Block 60, and Lots 1-21 Block 69 which shall have an increased setback from the property line as noted on the recorded plat of Jersey Village Country Club Estates.

(4) Single-family residences shall be constructed with a front yard setback of twenty-five feet (25') from the property line, except for Lots 22-24 Block 42 which shall have an increased setback from the property line as noted on the recorded partial replat of Lots 22-24 Block 42 of Jersey Village; except for Lots 1-9 Block 37A and Lots 18-26 Block 43 which shall have an increased setback from the property line as noted on the second recorded replats of Lots 1-9 Block 37A and Lots 18-26 Block 43 of Jersey Village; except for Tracts 1 & 1A Block 53 which shall have an increased setback from the property line as noted on the amended recorded replat of Tracts 1 & 1A Block 53 of Jersey Village; except for Lot 1 Lakeside which shall have an increased setback from the property line as noted on the recorded plat of Estates-Cy-Fair.

<b>Table 14-101B: Setbacks (feet) for Non-Residential Buildings</b>	
<b>Non-Residential Buildings</b>	
Front	Twenty-five feet (25') to front lot line
Side	Twenty-five feet (25') to side lot line
Rear	Twenty-five feet (25') to rear lot line

(c) Height.

1) Single-family residences shall not exceed two and one half (2½) stories in height, except for Blocks 26, 38, 41, 42 and 47, which shall not exceed one and one half (1½) stories.

a. The maximum height of a two and one half (2½) story home shall be thirty-five feet (35').

b. The maximum height of a one and one half (1½) story home shall be twenty-five feet (25').



- 2) Nonresidential structures shall not exceed thirty-five feet (35') in height.
- 3) Calculating maximum height in district A. The maximum height for a single-family dwelling, structure, or accessory structure shall be calculated from the minimum flood elevation protection standards enumerated in Article IX "Storm Drainage and Flood Damage Prevention".
- 4) Any finished floor that is elevated more than twelve (12) inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight (8) inches of slab exposed. All crawl spaces resulting from pier-and-beam and stem-wall types of construction must provide dropped veneers with vents sufficient to cover the sub-slab void."

**SECTION 4. THAT** Section 14-101(j)(3)a. of the Code of Ordinances, City of Jersey Village, Texas is hereby amended by repealing and replacing the existing language with language to read as follows:

"a. Exceed eight (8) feet in height, except for chain-link fencing;"

**SECTION 5. THAT** Section 14-102(a) through (d) of the Code of Ordinances, City of Jersey Village, Texas is hereby amended by repealing and replacing the existing language with language to read as follows:

**"Sec. 14-102. Regulations for district B (townhouse/patio home district).**

(a) Use regulations. No building or land shall be used and no building shall be hereafter erected, moved or altered in district B except for as provided in Sec. 14-100.

(b) Setbacks.

<b>Table 14-102A</b>	
<b>Setbacks for Single-Family Residential, Townhouses, Patio Homes, and Related Structures</b>	
<b>Single-Family Residential</b>	
Front	Twenty-five feet (25') to front lot line
Rear	Twenty-five feet (25') to rear lot line
Side	Seven and one-half feet (7.5') to side lot line
Side Street <sup>(1)</sup>	Ten feet (10') to side street lot line
<b>Townhouses and Patio Homes<sup>(2)</sup></b>	
Front	Twenty-five feet (25') to front lot line
Rear <sup>(3)</sup>	Sixteen feet (16') to rear lot line

Side <sup>(4)</sup>	Seven and one-half feet (7.5') to side lot line
Side Street <sup>(1)</sup>	Ten feet (10') to side street lot line
<b>Freestanding Structures ( ≥ 70' to front lot line)</b>	
Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line
Side Street <sup>(1)</sup>	Ten feet (10') to side street lot line
To Dwelling	Ten feet (10') to single-family dwelling
<b>Detached Private Garages ( ≥ 70' to front lot line)</b>	
Front	Seventy feet (70') to front lot line
Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line
Side Street <sup>(1)</sup>	Twenty feet (20') to side street lot line
<b>Attached Private Garage</b>	
Front	Twenty-five feet (25') to front wall of the dwelling
Rear	Twenty-five feet (25') to rear lot line
Side	Seven and one-half feet (7.5') to side lot line
Side Street (Front-loaded)	Ten feet (10') to side street lot line
Side Street (Side-loaded) <sup>(1)</sup>	Twenty feet (20') to side street lot line
<b>Attached Carports</b>	
Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line
Side Street (Front-loaded)	Ten feet (10') to side street lot line
Side Street (Side-loaded) <sup>(1)</sup>	Twenty feet (20') to side street lot line
<b>Detached Carports ( ≥ 70' to front lot line)</b>	

Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line
Side Street (Front-loaded)	Ten feet (10') to side street lot line
Side Street (Side-loaded) <sup>(1)</sup>	Twenty feet (20') to side street lot line
To Dwelling	Ten feet (10') to single-family dwelling

**Notes**

(1) Where one (1) or more lots have frontage on a street, all other lots in that block with side lot lines on the same street shall have a side-street setback requirement of twenty-five feet (25') (all structures).

(2) For townhouse lots, the setbacks are modified as follows when required:

- a. Buildings that do not abut a building on an adjacent lot with a common firewall between them shall not be closer than five feet (5') to a side lot line on that side.
- b. Abutting buildings shall have a common firewall that complies with current city building codes.
- c. A series of abutting buildings shall not have a combined width of greater than three hundred feet (300').
- d. Each group of abutting buildings shall be separated on the side by an open space of not less than ten feet (10') to the next side lot line.

(3) Excluding fencing.

(4) Zero feet (0') for townhouses and one (1) side of patio homes.

**Table 14-102B: Setbacks (feet) for Non-Residential Buildings**

<b>Non-Residential Buildings</b>	
Front	Twenty-five feet (25') to front lot line
Side	Twenty-five feet (25') to side lot line
Rear	Twenty-five feet (25') to rear lot line

(c) Building area. For townhouses and patio homes: The building area shall be not less than one thousand four hundred (1,400) square feet.

(d) Height.

- 1) For single-family detached residences, the maximum height of a two and one-half (2½) story home shall be thirty-five (35) feet.

2) For townhouses and patio homes: The height of buildings shall not exceed two (2) stories and thirty (30) feet.

3) For other uses: Buildings shall not exceed twenty-five (25) feet in height.

4) Nonresidential structures shall not exceed thirty-five (35) feet in height.

5) Calculating the maximum height in district B. The maximum height for a single-family dwelling, townhouse, patio home, structure, or accessory structure shall be calculated from the minimum flood elevation protection standards enumerated in Article IX “Storm Drainage and Flood Damage Prevention”.

6) Any finished floor that is elevated more than twelve (12) inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight (8) inches of slab exposed. All crawl spaces resulting from pier-and-beam and stem-wall types of construction must provide dropped veneers with vents sufficient to cover the sub-slab void.”

**SECTION 6. THAT** Section 14-102(j)(1) of the Code of Ordinances, City of Jersey Village, Texas is hereby amended by repealing and replacing the existing language with language to read as follows:

“(j) Fences and walls.

1) Fences and walls in district B shall not:

a. Exceed eight (8) feet in height, except for chain-link fencing.

b. Chain-link fencing shall be a maximum of six (6) feet in height.

c. Be topped with barbed or razor wire.

d. Be electrified.

e. Be constructed of (or modified with) any fencing material(s) intended to be injurious or malicious in nature (such as, but not limited to, broken glass or metal spikes) that have the potential to cause bodily harm or injury.”

**SECTION 7. THAT** Section 14-103(a) through (d) of the Code of Ordinances, City of Jersey Village, Texas is hereby amended by repealing and replacing the existing language with language to read as follows:

**“Sec. 14-103. Regulations for district C—Townhouse/patio home district.**

(a) Use regulations. No building or land shall be used and no building shall be hereafter erected, moved or altered in district C except for as provided in Sec. 14-100.

(b) Setbacks.

<b>Table 14-103: Setbacks (feet) for Townhouses, Patio Homes, and Related Structures</b>	
<b>Townhouses and Patio Homes<sup>(3)</sup></b>	
Front	Twenty-five feet (25') to front lot line
Rear <sup>(1)</sup>	Sixteen feet (16') to rear lot line
Side <sup>(2)</sup>	Seven and one-half feet (7.5') to side lot line
Side Street	Ten feet (10') to side street lot line
<b>Freestanding Structures (≥ 70' to front lot line)</b>	
Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line
Side Street	Ten feet (10') to side street lot line
To Dwelling	Ten feet (10') to single-family dwelling
<b>Detached Private Garages (≥ 70' to front lot line)</b>	
Front	Seventy feet (70') to front lot line
Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line
Side Street	Twenty feet (20') to side street lot line
<b>Attached Private Garages</b>	
Front	Twenty-five feet (25') to front wall of the dwelling
Rear	Twenty-five feet (25') to rear lot line
Side	Seven and one-half feet (7.5') to side lot line
Side Street (Front-loaded)	Ten feet (10') to side street lot line
Side Street (Side-loaded)	Twenty feet (20') to side street lot line
<b>Attached Carports</b>	
Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line

Side Street (Front-loaded)	Ten feet (10') to side street lot line
Side Street (Side-loaded)	Twenty feet (20') to side street lot line
<b>Detached Carports ( ≥ 70' to front lot line)</b>	
Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line
Side Street (Front-loaded)	Ten feet (10') to side street lot line
Side Street (Side-loaded)	Twenty feet (20') to side street lot line
<b>Notes</b>	
<p>(1) Excluding fencing.</p> <p>(2) Zero feet (0') for townhouses and one side of patio homes.</p> <p>(3) For townhouse lots, the setbacks are modified as follows when required:</p> <ul style="list-style-type: none"> <li>a. Building that do not abut a building on an adjacent lot with a common firewall between them shall not be closer than five feet (5') to a side lot line on that side.</li> <li>b. Abutting building shall have a common firewall that complies with current city building codes.</li> <li>c. A series of abutting buildings shall not have a combined width of greater than three hundred feet (300') feet.</li> <li>d. Each group of abutting building shall be separated on the side by an open space of not less than ten feet (10') to the next side lot line.</li> </ul>	

(c) Building area for townhouses and patio homes shall be not less than one thousand four hundred (1,400) square feet.

(d) Height.

1) For single-family detached residences, the maximum height of a two and one half (2½) story home shall be thirty-five (35) feet.

2) For townhouses and patio homes: The height of buildings shall not exceed two (2) stories and thirty (30) feet.

3) For other uses: Buildings shall not exceed twenty-five (25) feet in height.

4) Calculating the maximum height in district C. The maximum height for a single-family dwelling, townhouse, patio home, structure, or accessory structure shall be calculated from the minimum flood elevation protection standards enumerated in Article IX “Storm Drainage and Flood Damage Prevention”.

5) Any finished floor that is elevated more than twelve (12) inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight (8) inches of slab exposed. All crawl spaces resulting from pier-and-beam and stem-wall types of construction must provide dropped veneers with vents sufficient to cover the sub-slab void.”

**SECTION 8. THAT** Section 14-103(i) of the Code of Ordinances, City of Jersey Village, Texas is hereby amended by repealing and replacing the existing language with language to read as follows:

“(i) Fences and hedges.

1) No fence in district C shall be permitted in the front yard, extending past the building setback line. For side street fencing, where one or more lots have frontage on the street, wrought iron style fencing may be installed to within two (2) feet of the public sidewalk and shall not encroach beyond the side lot line.

2) Fences and hedges in district C may not be erected or planted directly on a property line without the express agreement of the property owners on both sides of the property line.

3) Fences in district C shall not:

a. Exceed eight (8) feet in height, except for chain-link fencing.

b. Be topped with barbed or razor wire.

c. Be electrified.

d. Be constructed of (or modified with) any fencing material(s) intended to be injurious or malicious in nature (such as, but not limited to, broken glass or metal spikes) that have the potential to cause bodily harm or injury.

4) Fences in district C shall be constructed of the following materials, such as:

a. Chain-link

i. All chain-link fencing to be a minimum of four (4) feet in height, a maximum of six (6) feet in height, and shall be a minimum of eleven (11) gauge galvanized material

ii. All chain-link fencing higher than four (4) feet shall be a minimum of nine (9) gauge galvanized material.

b. Redwood

c. Cedar

d. Wrought iron

e. Brick or other approved material of equal quality.”

**SECTION 9. THAT** Section 14-104(a) through (d) of the Code of Ordinances, City of Jersey Village, Texas is hereby amended by repealing and replacing the existing language with language to read as follows:

**“Sec. 14-104. Regulations for district M (multifamily dwelling district).**

(a) Use regulations. No building or land shall be used and no building shall be hereafter erected, moved or altered in district M except for as provided in Sec. 14-100.

(b) Setbacks.

<b>Table 14-104: Setbacks (feet) for Single-Family Residential and Related Structures</b>	
<b>Multi-Family Residential</b>	
Front	Twenty-five feet (25') to front lot line
Rear <sup>(1)</sup>	Twenty-five feet (25') to rear lot line
Side	Seven and one-half feet (7.5') to side lot line
Side Street <sup>(2)</sup>	Ten feet (10') to side street lot line
<b>Detached Carports (≥ 70' to front lot line)</b>	
Rear	Ten feet (10') to rear lot line
Side	Three feet (3') to side lot line
Side Street (Front-loaded)	Ten feet (10') to side street lot line
Side Street (Side-loaded)	Twenty feet (20') to side street lot line
<b>Notes</b>	
(1) Where one (1) or more lots have frontage on a street, all other lots in that block with side lot lines on the same street shall have a setback requirement of twenty-five feet (25').	
(2) Excluding fencing.	

(c) Building area.

1) Multi-family buildings shall contain not less than two thousand (2,000) square feet nor more than twenty-one thousand (21,000) square feet of ground floor area.

2) Accessory buildings shall contain not less than one hundred (100) square feet nor more than fifteen thousand (15,000) square feet of ground floor area. Accessory structures shall be constructed of permanent material.



3) Portable buildings of a temporary nature are prohibited.

(d) Height.

1) No building shall exceed fifty (50) feet or three (3) stories in height.

2) Calculating the maximum height in district M. The maximum height for a multi-family dwelling shall be calculated from the minimum flood elevation standards specified in Article IX “Storm Drainage and Flood Damage Prevention”.

3) Any finished floor that is elevated more than twelve (12) inches above natural grade shall be provided with a dropped brick ledge or dropped veneer so as to leave no more than eight (8) inches of slab exposed. All crawl spaces resulting from pier-and-beam and stem-wall types of construction must provide dropped veneers with vents sufficient to cover the sub-slab void.”

**SECTION 10. THAT** Section 14-104(i) of the Code of Ordinances, City of Jersey Village, Texas is hereby amended by repealing and replacing the existing language with language to read as follows:

“(i) Screening/Fencing Standards..

1) Screening. Refuse containers or like equipment outside of an enclosed space shall be screened from public view, either from adjacent buildings or adjacent property, both private and public. Such screens shall be permanent and opaque and of wood, metal or masonry material and shall be at least as high as the screened object, and in no case shall be less than six (6) feet in height.

2) Interior fences in district M shall be a maximum of eight (8) feet in height, shall be permanent and must be of the following types:

a. Redwood;

b. Cedar;

c. Wrought iron;

d. Brick or masonry; or,

e. Chain-link (sport court enclosures only) shall be maximum of twelve (12) feet in height and shall be a minimum of nine (9) gauge galvanized material.

3) No fence in district M shall:

a. Be topped with barbed or razor wire.

b. Be electrified.

c. Be constructed of (or modified with) any fencing material(s) intended to be injurious or malicious in nature (such as, but not limited to, broken glass or metal spikes) that have the potential to cause bodily harm or injury.”

**SECTION 11. THAT** in the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**SECTION 12. THAT** all other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

**SECTION 13. THAT** any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine as provided in Section 1-8.

**SECTION 14. THAT** this Ordinance shall be in full force and effect from and after its passage.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2023.

**FOR THE CITY:**

\_\_\_\_\_  
**BOBBY WARREN, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Lorri Coody, City Secretary**