



AGENDA

Planning and Zoning Commission Meeting

July 13, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Notice is hereby given that a meeting of the City of Lucas Planning and Zoning Commission will be held on July 13, 2023, at 6:30 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651, at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

If you would like to watch the meeting live, you may go to the City's live streaming link at <https://www.lucastexas.us/departments/public-meetings/>.

How to Provide Input at a Meeting:

Speak In Person: Request to Speak forms will be available at the meeting. Please fill out the form and give to the City Secretary prior to the start of the meeting. This form will also allow a place for comments.

Submit Written Comments: If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email Joshua Menhennett, Management Analyst at jmenhennett@lucastexas.us no later than 3:30 pm the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made. Any requests received after 3:30 pm will not be included at the meeting.

Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

Regular Agenda

1. Consider the request by Jason Blakely to approve the Savino minor plat on a tract of land being 23.691 acres of land located in the Peter F. Lucas survey, abstract number 537, town of Lucas, Collin County, Texas, being all of the Jason Blakely and Jessica Blakely tract, more commonly known as 355 Winningkoff Road. **(Development Services Director Joe Hilbourn)**
2. Discuss updating the City of Lucas Code of Ordinances, Chapter 14 titled "Zoning". **(Development Services Director Joe Hilbourn)**
3. Consider approval of the minutes of the June 8, 2023 Planning and Zoning Commission Meeting. **(Management Analyst Joshua Menhennett)**

Executive Agenda

As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.

4. Executive Session: There is not an executive session scheduled for this meeting.
5. Reconvene from Executive Session.
6. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on July 7, 2023.

Joshua Menhennett, Management Analyst

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Management Analyst Joshua Menhennett at 972-912-1214 or by email at jmenhennett@lucastexas.us at least 48 hours prior to the meeting.



Item No. 01

City of Lucas
Planning and Zoning Agenda Request
July 13, 2023

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider the request by Jason Blakely to approve the Savino minor plat on a tract of land being 23.691 acres of land located in the Peter F. Lucas survey, abstract number 537, town of Lucas, Collin County, Texas, being all of the Jason Blakely and Jessica Blakely tract, more commonly known as 355 Winningkoff Road.

Background Information

This lot is 23 +/- acres of land currently zoned Residential 2-acre lots (R-2), and the applicant is considering subdividing the property into three lots. The request matches the City of Lucas Comprehensive Plan. The Federal Emergency Management Agency (FEMA) flood boundaries were compared to the FEMA panel maps and are accurate. There are no public improvements. The proposed lots are 2.844 acres, 4.134 acres, and 16.322 acres.

Attachments/Supporting Documentation

1. Minor Plat
2. Drainage Calculations
3. Location Map

Budget/Financial Impact

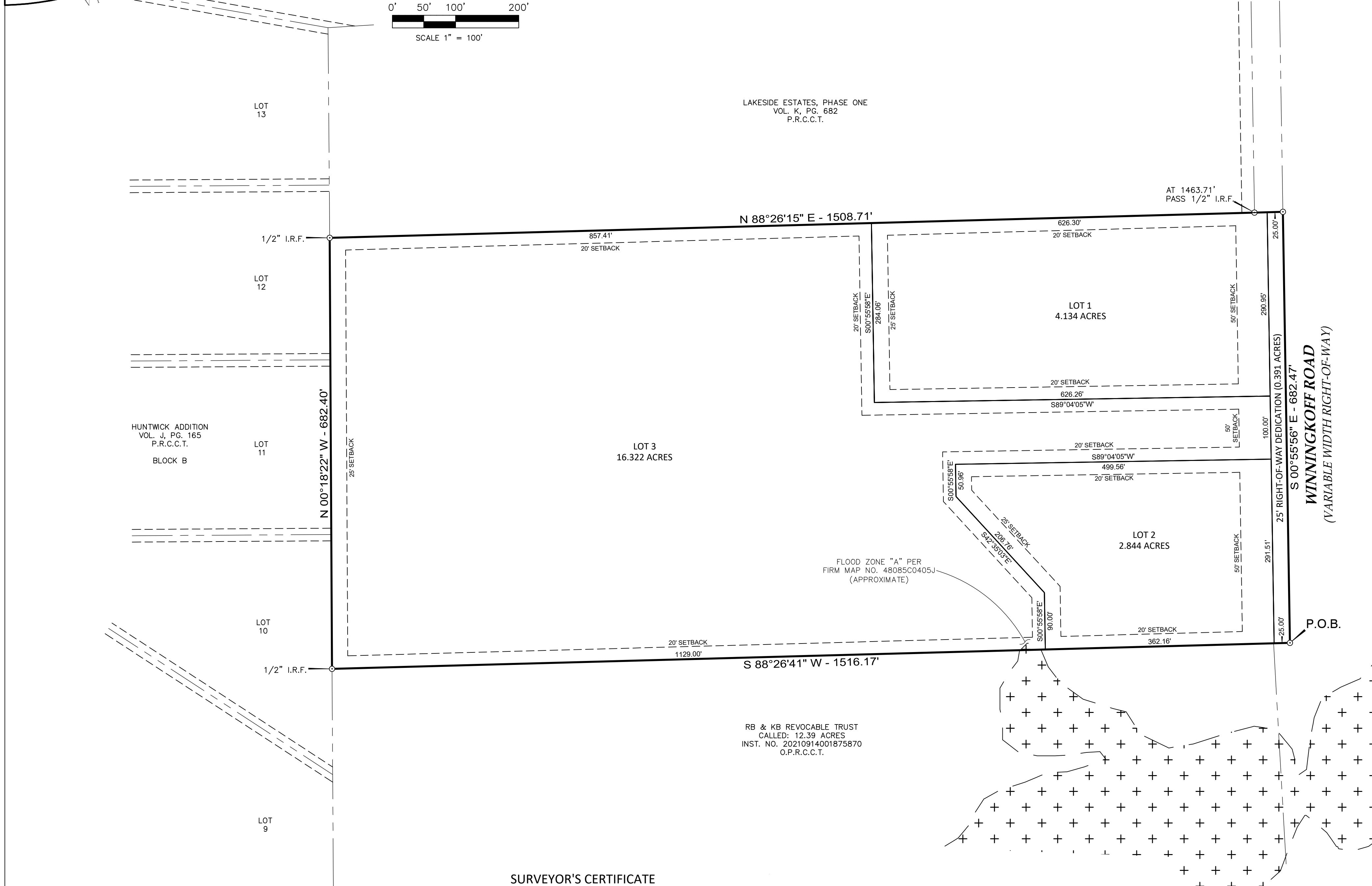
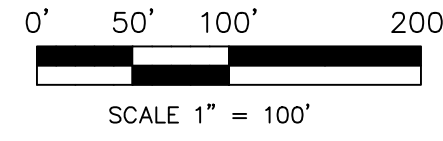
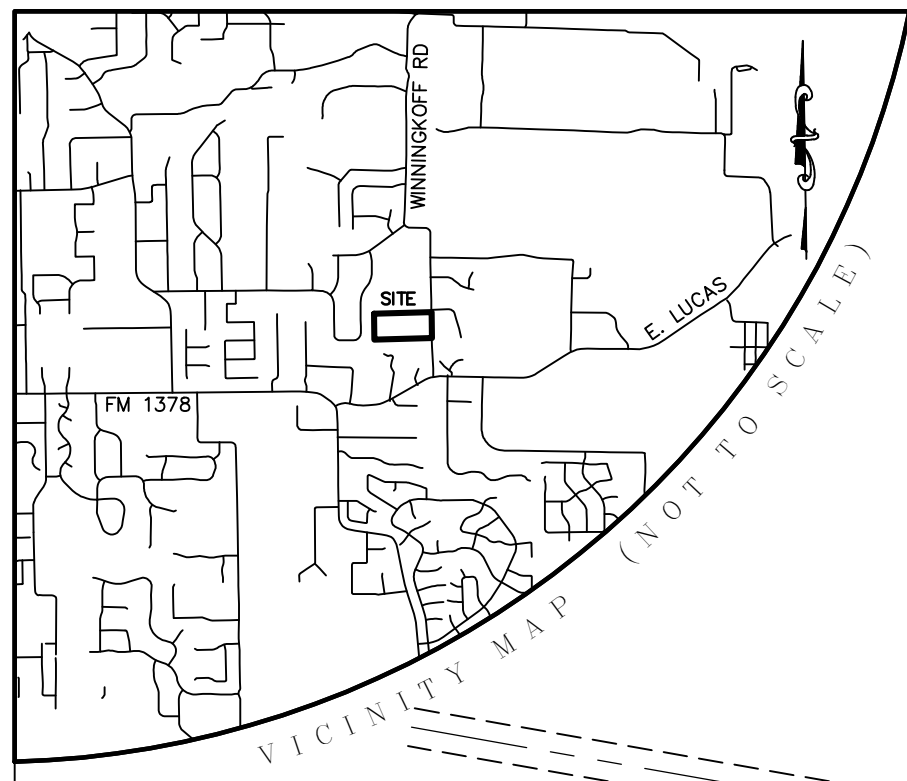
NA

Recommendation

City staff recommends approving the request as presented.

Motion

I make a motion to approve/deny the request by Jason Blakely approving the Savino minor plat on a tract of land being 23.691 acres of land located in the Peter F. Lucas survey, abstract number 537, town of Lucas, Collin County, Texas, being all of the Jason Blakely and Jessica Blakely tract, more commonly known as 355 Winningkoff Road.



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DANIEL CHASE O'NEAL, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT AND THE FIELD NOTES MADE A PART THEREOF FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE PLATTING RULES AND REGULATIONS OF THE CITY OF LUCAS PLANNING AND ZONING COMMISSION.

DATED THIS ___ DAY OF ____, 2023

"PRELIMINARY - THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE"

DANIEL CHASE O'NEAL
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 6570

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DATE PERSONALLY APPEARED DANIEL CHASE O'NEAL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ___ DAY OF ____, 2023.

NOTARY PUBLIC FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: _____

- LEGEND OF SYMBOLS AND ABBREVIATIONS**
- 1/2" IRON ROD SET WITH RED CAP STAMPED "ONEAL 6570" (UNLESS NOTED)
 - POINT OF CURVATURE/TANGENCY
 - P.O.B. POINT OF BEGINNING
 - I.R.F. IRON ROD FOUND
 - (CM) CONTROLLING MONUMENT
 - PD. VOLUME
 - R.O.W. RIGHT-OF-WAY
 - INST. NO. INSTRUMENT NUMBER
 - P.R.C.C.T. PLAT RECORDS, COLLIN COUNTY, TEXAS
 - O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
 - ESMT. EASEMENT
 - AC. ACRE
 - SQ. FT. SQUARE FOOT
 - VAR. VARIABLE
 - BL. BUILDING LINE
 - UE. UTILITY EASEMENT
 - DE. DRAINAGE EASEMENT
 - MIN. FFE. MINIMUM FINISH FLOOR ELEVATION

- NOTES:**
- BASIS OF BEARINGS = STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983. ADJUSTMENT REALIZATION (CORS 2011)
 - UNLESS OTHERWISE NOTED, A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" WILL BE SET AT ALL LOT CORNERS AND/OR AT REFERENCE POINTS TO LOT CORNERS, WHEREVER POSSIBLE, AFTER THE COMPLETION OF ALL UTILITIES AND SUBDIVISION CONSTRUCTION.
 - ACCORDING TO MY INTERPRETATIONS OF THE COLLIN COUNTY, TEXAS AND INCORPORATED AREAS, FLOOD INSURANCE RATE MAP NUMBER 48085C0405J, DATED JUNE 2, 2009, THE SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "A" AND ZONE "X". THIS STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
 - THE PURPOSE OF THIS MINOR PLAT IS TO CREATE 3 LOTS OUT OF THE 23.691 ACRE JASON AND JESSICA BLAKELY TRACT AS RECORDED IN INSTRUMENT NUMBER 2022000147928, DEED RECORDS, COLLIN COUNTY, TEXAS.

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, JASON BLAKELY AND JESSICA BLAKELY ARE THE OWNERS OF A TRACT OF LAND IN THE PETER F. LUCAS SURVEY, ABSTRACT NUMBER 537, COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A MAG NAIL SET IN THE APPROXIMATE CENTERLINE OF WINNINGKOFF ROAD (VARIABLE WIDTH RIGHT-OF-WAY) AT THE SOUTHEAST CORNER OF SAID 23.691 ACRE TRACT;

THENCE SOUTH 88 DEGREES 26 MINUTES 41 SECONDS WEST, LEAVING SAID CENTERLINE, A DISTANCE OF 1516.17 FEET TO A 1/2" IRON ROD FOUND IN THE EAST LINE OF THE HUNTWICK ADDITION, AN ADDITION TO THE TOWN OF LUCAS BY PLAT THEREOF RECORDED IN VOLUME J, PAGE 165, PLAT RECORDS, COLLIN COUNTY, TEXAS (P.R.C.C.T.) AT THE SOUTHWEST CORNER OF SAID 23.691 ACRE TRACT AND THE COMMON NORTHWEST CORNER OF THE RB & KB REVOCABLE TRUST CALLED 12.39 ACRE TRACT AS DESCRIBED IN INSTRUMENT NUMBER 20210914001875870, (O.P.R.C.C.T.);

THENCE NORTH 00 DEGREES 18 MINUTES 22 SECONDS WEST, ALONG THE EAST LINE OF SAID HUNTWICK ADDITION, A DISTANCE OF 682.40 FEET TO A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID 23.691 ACRE TRACT, SAME BEING THE COMMON SOUTHWEST CORNER OF THE LAKESIDE ESTATES, PHASE ONE ADDITION, AN ADDITION TO THE TOWN OF LUCAS BY PLAT THEREOF RECORDED IN VOLUME K, PAGE 682, (P.R.C.C.T.);

THENCE NORTH 88 DEGREES 26 MINUTES 15 SECONDS EAST, ALONG THE COMMON LINE OF SAID 23.691 ACRE TRACT AND SAID LAKESIDE ESTATES, PHASE ONE, AT A DISTANCE OF 1463.71 FEET PASS A 1/2" IRON ROD FOUND AND CONTINUING FOR A TOTAL DISTANCE OF 1508.71 FEET TO A MAG NAIL SET IN THE APPROXIMATE CENTERLINE OF WINNINGKOFF ROAD AT THE NORTHEAST CORNER OF SAID 23.691 ACRE TRACT;

THENCE SOUTH 00 DEGREES 55 MINUTES 56 SECONDS EAST, ALONG THE APPROXIMATE CENTERLINE OF WINNINGKOFF ROAD, A DISTANCE OF 682.47 FEET TO THE POINT OF BEGINNING AND CONTAINING 23.691 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WE, JASON BLAKELY AND JESSICA BLAKELY, OWNERS, DO HEREBY BIND THEMSELVES AND THEIR HEIRS, ASSIGNEES AND SUCCESSORS OF TITLE THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS SAVINO, AN ADDITION TO THE CITY OF LUCAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS, AND RIGHT-OF-WAY EASEMENTS SHOWN THEREON, AND DO HEREBY RESERVE THE EASEMENT STRIPS SHOWN ON THIS PLAT FOR THE MUTUAL USE AND ACCOMMODATION OF GARBAGE COLLECTION AGENCIES AND ALL PUBLIC UTILITIES DESIRING TO USE OR USING SAME. ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THESE EASEMENTS STRIPS, AND ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON THE SAID EASEMENT STRIPS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. ADDITIONALLY, WE CERTIFY THAT WE ARE THE SOLE OWNERS OF THE DEDICATED PROPERTY AND THAT NO OTHER'S INTEREST ARE ATTACHED TO THIS PROPERTY UNLESS OTHERWISE INDICATED ON THE REQUIRED MORTGAGE HOLDER CERTIFICATION THAT IS INCLUDED ON THIS PLAT. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF LUCAS, TEXAS.

WITNESS, OUR HANDS, THIS THE ___ DAY OF ____, 2023.

JASON BLAKELY, OWNER _____ JESSICA BLAKELY, OWNER _____

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DATE PERSONALLY APPEARED JASON BLAKELY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ___ DAY OF ____, 2023.

NOTARY PUBLIC FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES ON: _____

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DATE PERSONALLY APPEARED JESSICA BLAKELY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ___ DAY OF ____, 2023.

NOTARY PUBLIC FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES ON: _____

CITY APPROVAL CERTIFICATE

THIS PLAT IS HEREBY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF LUCAS, TEXAS

CHAIRMAN, PLANNING AND ZONING COMMISSION
DUSTY KUYKENDALL _____ DATE _____

ATTEST:

SIGNATURE _____ DATE _____

NAME AND TITLE _____

THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF LUCAS, TEXAS HEREBY CERTIFIES THAT TO THE BEST OF HIS/HER KNOWLEDGE OR BELIEF, THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE LUCAS DEVELOPMENT CODE AND WITH ENGINEERING CONSTRUCTION STANDARDS AND PROCESSES ADOPTED BY THE CITY OF LUCAS, TEXAS AS TO WHICH HIS APPROVAL IS REQUIRED.

SCOTT HOLDEN, DIRECTOR OF PUBLIC WORKS _____ DATE _____

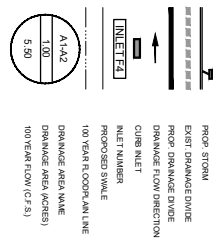
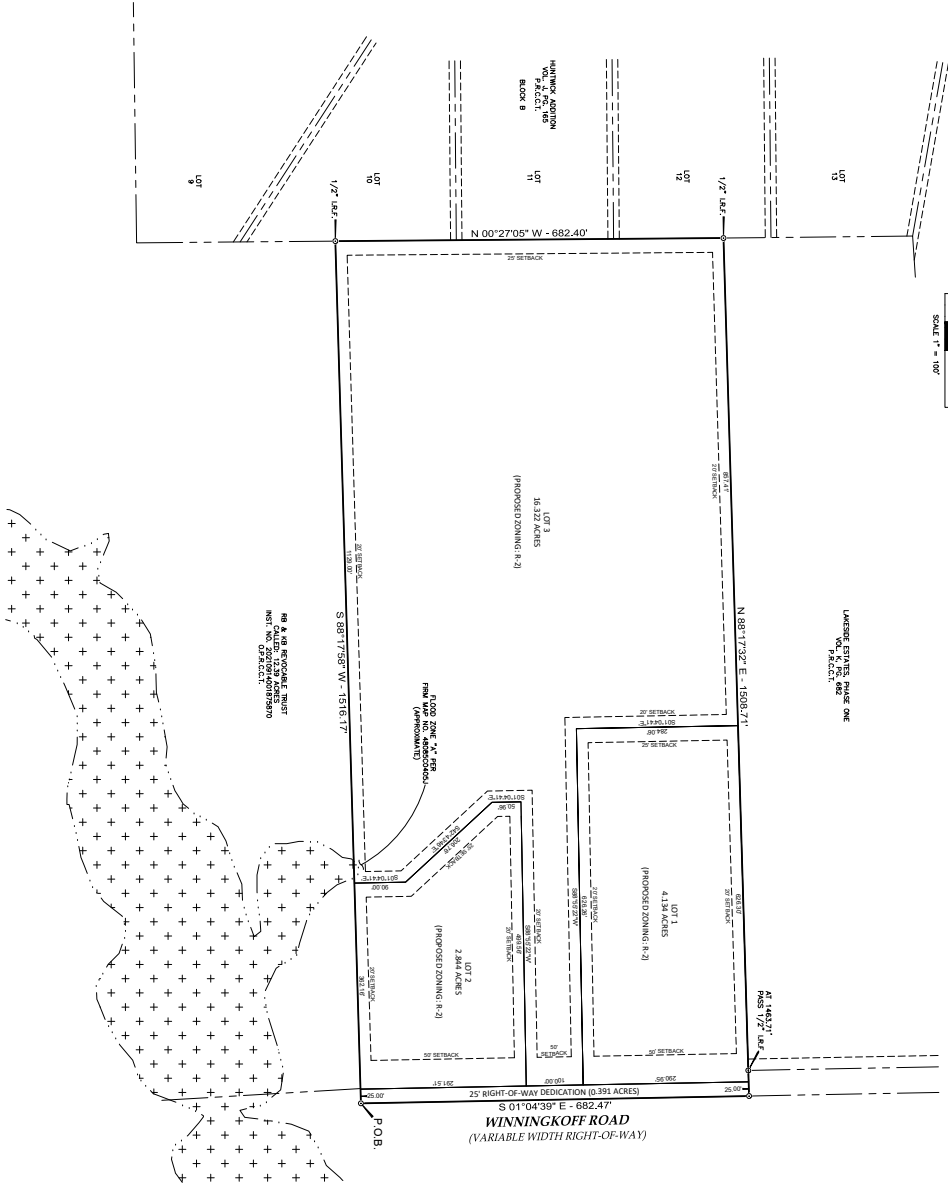
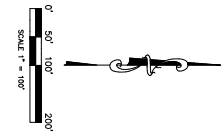
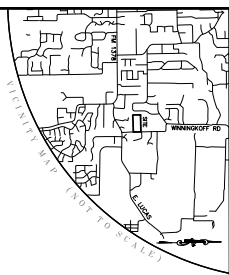
THE DEVELOPMENT SERVICES DIRECTOR OF THE CITY OF LUCAS, TEXAS HEREBY CERTIFIES THAT TO THE BEST OF HIS/HER KNOWLEDGE OR BELIEF, THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CODE OF ORDINANCES, OR AS MAY HAVE BEEN AMENDED OR MODIFIED, AS ALLOWED, BY THE PLANNING AND ZONING COMMISSION AS TO WHICH HIS/HER APPROVAL IS REQUIRED.

JOSEPH HILBOURN, DEVELOPMENT SERVICES DIRECTOR _____ DATE _____

OWNER
JASON & JESSICA BLAKELY
355 WINNINGKOFF ROAD
LUCAS, TEXAS 75002
(972) 424-4070

SAVINO MINOR PLAT
LOTS 1-3, BLOCK A
BEING
23.691 ACRES
SITUATED IN THE
PETER F. LUCAS SURVEY, A-537
TOWN OF LUCAS
COLLIN COUNTY, TEXAS

O'NEAL SURVEYING CO.
205 WINDCO CIR., STE. 100
WYLIE, TX 75098
TBPLS FIRM # 10194132
WWW.ONEALSURVEYING.COM



PREDEVELOPMENT:
 O=CIA
 0.35 X 5.40 X 23.3 = 44.0 cfs

POST-DEVELOPMENT:
 O=CIA
 0.35 X 5.40 X 23.3 = 44.0 cfs

NOTE: BASED ON THE SIZE OF THE LOTS AND OVERLAND FLOW TO THE CREEK THERE IS NO INCREASE IN FLOW CAUSED BY THIS REPLANT.

CAUTION - EXISTING UTILITIES
 THE LOCATION OF EXISTING UTILITIES IS SHOWN ON THIS PLAN FOR INFORMATION ONLY. THE EXACT LOCATION AND DEPTH OF EXISTING UTILITIES IS NOT GUARANTEED. ANY UTILITIES FOUND TO BE IN CONFLICT WITH THE PROPOSED CONSTRUCTION SHALL BE RELOCATED AT THE OWNER'S RISK AND EXPENSE.

PETITT - ECD
 ENGINEERING SUPERVISING & CONSTRUCTION ADMINISTRATION
 JAMES PAUL REESTRICH
 ENGINEERING REG. NO. 1145
 1500 North Loop West, Suite 2500
 Houston, Texas 77008
 Tel. No. (713) 441-4041
 Fax No. (713) 441-4041

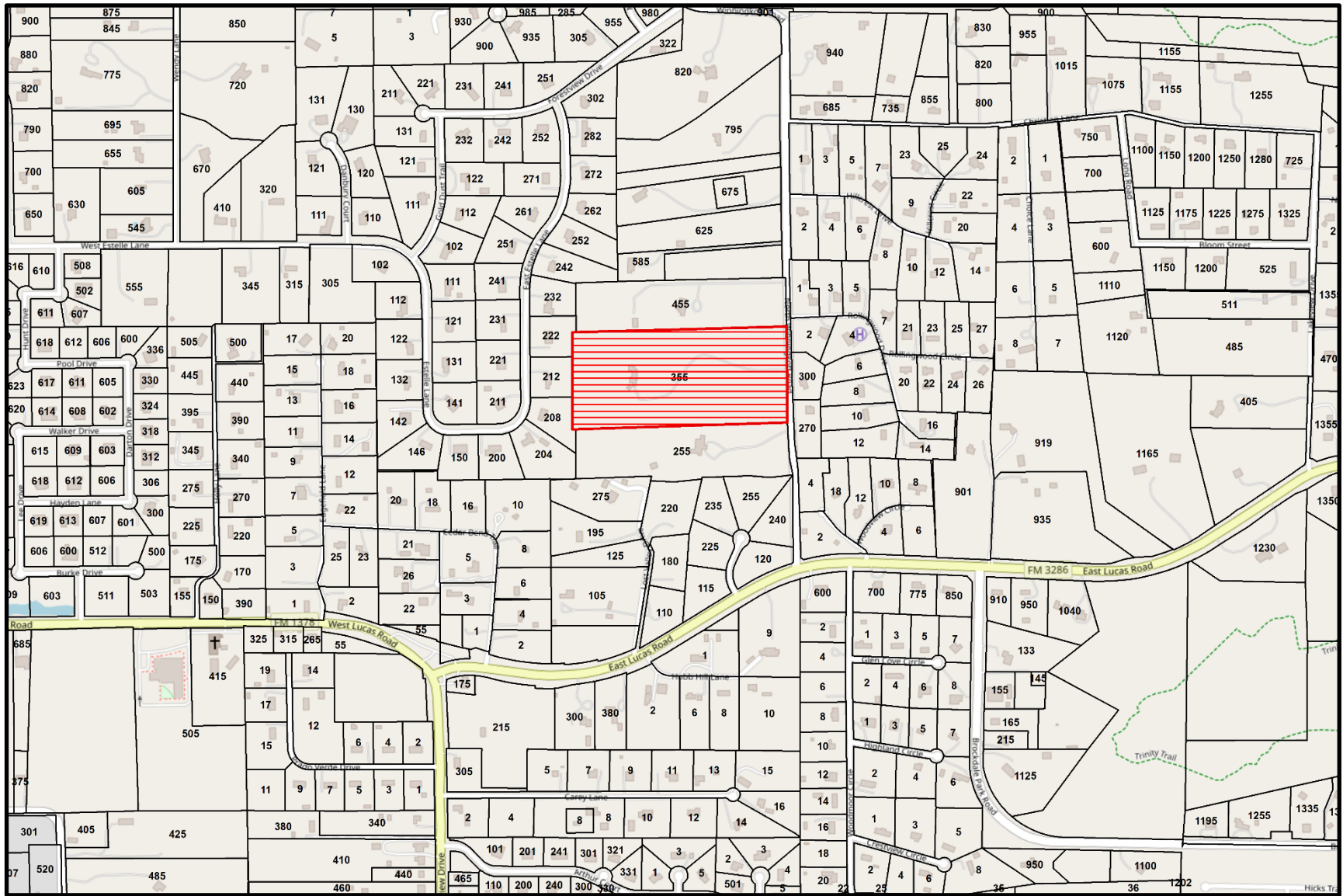
REVISIONS	
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NO. 2	DATE: 02/20/2013
NO. 3	DATE: 02/20/2013
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NO. 48	DATE: 02/20/2013
NO. 49	DATE: 02/20/2013
NO. 50	DATE: 02/20/2013

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF TODD C. WINTESS, P.E. (87088) ON 02/24/2023. IT IS NOT BEING RELEASED FOR CONSTRUCTION, BIDDING, OR PERMITTING.

DRAINAGE EXHIBIT
BLAKELY TRACT
 TOWN OF LUCAS, COLLIN COUNTY, TEXAS



LOCATION MAP: 355 WINNINGKOFF ROAD





City of Lucas Planning and Zoning Agenda Request July 13, 2023

Requester: Development Services Director Joe Hilbourn

Agenda Item

Discuss updating the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning”.

Background Information

The City Council requested that a strategic review of the Code of Ordinances be done with specific focus on Chapter 14 titled “Zoning.” At the June 1, 2023, City Council meeting, the Council gave direction that the Planning and Zoning Commission review Chapter 14 in segments and bring updates to the City Council. Councilmembers will inform City staff of any specific areas of concern to bring to the Planning and Zoning Commission.

The following is the proposed schedule for the Planning and Zoning Commission:

Section of Chapter 14	Meeting
14.01.004 (completed)	June 8, 2023 P & Z Meeting
14.02 Division 2 (completed)	
14.02 Division 3 (completed)	
14.02 Division 5 (completed)	
14.03 Division 6 14.03 Division 8 14.03 Division 10 14.03 Division 15	July 13, 2023 P & Z Meeting
14.04 Division 5 Remainder of 14.01 Remainder of 14.02	August 10, 2023 P & Z Meeting
Remainder of 14.03 Remainder of 14.04	September 14, 2023 P & Z Meeting
Final Review by Planning and Zoning of Chapter 14	October 12, 2023 P & Z Meeting
Review by City Council	November 2, 2023 City Council Meeting
First Public Hearing	December 14, 2023 P & Z Meeting
Second Public Hearing	January 4, 2024 City Council Meeting



City of Lucas

Planning and Zoning Agenda Request

July 13, 2023

Attachment/Supporting Documentation

1. Proposed Revisions to Chapter 14, Section 14.01.004
2. Proposed Revisions to Chapter 14, Section 14.02, Divisions 2, 3, and 5
3. Table of Contents for Chapter 14 with amendment dates
4. Chapter 14, Section 14.03, Divisions 6, 8, 10, and 15

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

ARTICLE 14.01 GENERAL PROVISIONS

Division 1 Generally

§ 14.01.001 **Short title and application of chapter.**

These regulations shall be known as, and may be cited as, “The City of Lucas, Texas, Zoning Ordinance” and shall apply to the land within the corporate limits of the city.

(1995 Code, sec. 9-1)

§ 14.01.002 **Interpretation and purposes.**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for promotion of the public health, safety, and welfare. The zoning regulations and districts as herein established have been made for the purpose of promoting health, safety, moral responsibility, and the general welfare of the city, and have been designed, among other things:

- (1) To lessen congestion on streets;
- (2) To secure safety from fire, panic, and other dangers;
- (3) To promote health and the general welfare;
- (4) To provide adequate light and air;
- (5) To prevent the overcrowding of land;
- (6) To avoid undue concentration of population;
- (7) To facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements;
- (8) To conserve the value of the property and encourage the most appropriate use of land throughout the community;
- (9) To minimize the threat of release, spillage or seepage of trash, garbage, debris, sewage, wastewater, noxious fumes or odors, or toxic materials; and
- (10) To lessen the potential pollution of the environment in the city or its environs.

(1995 Code, sec. 9-2)

§ 14.01.003 **Scope.**

It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by covenant, deed, easement, or other private agreement. Where this chapter imposes a greater restriction upon land, buildings, or structures than is imposed or required by other ordinances, covenants, or agreements, the provisions of these regulations shall govern. Where other ordinances impose a greater restriction than is imposed herein, the provisions of such other ordinances shall govern.

(1995 Code, sec. 9-3)

§ 14.01.004 **Definitions.**

Accessory building or use.

Is:

- (1) Subordinate to and serves a principal building or principal use;
- (2) Subordinate in area, extent, or purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience, and necessity of occupants of the principal building or principal use served; and
- (4) Located on the same building lot as the principal use served. "Accessory" when used in the text shall have the same meaning as accessory use.

Alley.

A public space or thoroughfare which may afford secondary means of access to property abutting thereon.

Area of the lot.

Shall be the net area of the lot and shall not include portions of public streets or alleys.

Art Studio.

An accessory building designed to foster arts, crafts, and other hobbies that may be conditioned, or unconditioned space. May include open spaces for creating art, crafts, painting, sculpture, pottery, photography, hanging arts and crafts, and may include the study of dancing, singing, acting, and musical instruments as well as storage, and sanitation. An Art studio shall not include spaces for sleeping, or the preparation of food.

Athletic/Sports training facility.

Means a facility designed and used primarily for training in team sports, athletic performance programs, consisting of outdoor and/or indoor athletic fields and related facilities, including but not limited to gymnasiums, equipment, training rooms, offices, locker rooms, and batting cages.

Automobile repair.

- (1) Collision services. Body, frame, and fender straightening or repair; customizing; painting.
- (2) Major. Major repair, rebuilding or reconditioning of engines, radiators, or transmissions; undercoating and rust proofing; any operation requiring dismantling or removal of head, crankcases, engines or other major parts; and recapping or re-grooving of tires; any use of a welder or cutting torch; any repair of heavy load vehicles; and other operations not listed as minor repair, but not collision services.
- (3) Minor. Minor repair or replacement of parts, tires, batteries, and accessories; diagnostic services; minor motor services such as grease, oil, spark plug and filter changes; tune-ups; replacement of starters, alternators, hoses, brake parts, mufflers, water or fuel pumps; state inspections; steam cleaning and detailing; servicing of air-conditioning systems; for vehicles, but not heavy load vehicles and not including any operation listed as major repair or collision service.

Block.

Commented [KS1]: Need to add definitions for art studio, pool house, and privately owned athletic training facilities. Joe Hilbourn will provide definitions for consideration

PZ look at possibly adding a nuisance definition

Commented [JH2R1]: Done see below

Commented [KS3]: Add 1-acre minimum for septic requirements to another zoning section

Commented [JH4R3]: This would belong in the district requirements not definitions

Commented [JH5]: Added Art Studio

Commented [JH6R5]: Added Athletic/Sports training facility

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

Building.

Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building height.

The number of stories contained in a building and/or the number of feet above the average level of the adjoining ground.

Building line (setback line).

A line parallel or approximately parallel to the centerline of a street or to a property line when not adjacent to a street and having a specific minimum distance as established by this code based on the zoning district in which the property is located delineating where a building may be erected.

Building lot.

A single tract of land located within a single block which (at the time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may be subsequently subdivided into two or more "building lots" or a number of "building lots," subject to the provisions of this chapter and the subdivision ordinance.

Building official.

The building inspector or administrative official charged with the responsibility for issuing permits and enforcing the zoning ordinance, subdivision ordinance, and building code.

Certificate of occupancy or compliance.

An official certificate issued by the city through the building official which indicates conformance with or approval of a conditional waiver from the zoning regulations and authorizes legal use of the premises for which it was issued.

Child care center.

A facility licensed, certified or registered by the Texas Department of Family and Protective Services ("TDFPS") 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.

Church or rectory.

A place of assembly and worship by a recognized religion including synagogues, temples, churches, instruction rooms, and the place of residence for the ministers, priests, rabbis, teachers, and directors of the premises.

City.

The word "city" shall mean the City of Lucas.

Clinic.

A group of offices for one or more physicians, surgeons, dentists or similar members of the medical profession to treat sick or injured outpatients or animals.

College or university.

An institution established for educational purposes and offering a curriculum similar to the public schools or an accredited college or university, but excluding trade and commercial schools.

Commission and/or planning commission.

The planning and zoning commission of the city.

Community home.

A place meeting the requirements established under section 123.004 of the Texas Human Resources Code and where no more than six (6) persons with disabilities and up to two (2) supervisors reside at the same time to provide services to persons with disabilities including food, shelter, personal guidance, care, habilitation and supervision.

Conditional use.

A use which shall be permitted in a particular district only upon fulfillment of the conditions as set forth for that use in the use regulations for the appropriate district.

Council.

The word "council" shall mean the city council.

Courtyard.

An open, occupied space bounded on more than two (2) sides by the walls of a building. An inner courtyard is entirely surrounded by the exterior walls of a building. An outer courtyard is a court having one side open to a street, alley, yard, or other permanent open space.

Depth of lot.

The mean horizontal distance between the front and rear lot lines.

Design review committee (DRC).

The DRC is comprised of staff members representing the various departments and divisions involved in the review and approval process (administration, planning, engineering, building inspection, public works, fire, parks and health). DRC is responsible for review of development and building plans, subdivision plats and zoning applications. It offers reports and recommendations to both P&Z and city council pertaining to applications and proposals requiring actions by these bodies. DRC has final approval authority for certain plats such as amending plats, replats and minor plats in compliance with Texas Local Government Code, section 212.0065 and section 212.016.

Development or to develop.

A "development" includes the construction of new buildings or structures on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To "develop" is to create a development.

District.

A section of the city for which the regulations of this chapter, such as the area, height, use, etc., of the land and buildings, are uniform.

Drive-through, drive-thru, drive-in, or drive-up.

A product or service provided by a business that allows customers to purchase a product or service without leaving their cars. For the purposes of this definition, any product or service that is provided to a customer without the need for the customer to leave their vehicle is a drive-through, drive-thru, drive-in or drive-up.

Dwelling unit.

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

Dwelling, multiple family.

Any building or portion thereof which is designed, rented, leased, or let to be occupied as two or more dwelling units or apartments of [or] which is occupied as a home or residence of two or more families.

Dwelling, single-family.

A detached building, but not a mobile home, manufactured housing or RV, having accommodations for and occupied by not more than one family, located on a lot or separate building tract, and having no physical connection to a building located on any other separate lot or tract.

Equestrian boarding.

A business consisting of a minimum of two (2) acres and up to five (5) acres for the boarding of a maximum of two (2) horses per acre regardless of ownership, that receives compensation through the boarding of horses. On lots greater than five (5) acres no such limit shall be imposed.

Equestrian facilities.

A facility or place used for horse boarding, including equestrian pasture boarding, horse training, riding lessons, horse breeding, horse rescue or horse shows. The facility may contain a riding arena provided the arena does not exceed 10% of the total lot size or a maximum of 20,000 square feet regardless of the size of the lot.

Family.

One or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

Farm or ranch.

An area which is used for growing of usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on said premises, but not including the commercial feeding or the feeding of garbage to swine or other animals and not including any type of agricultural or husbandry specifically prohibited by ordinance or law.

Farmer's market.

The retail sale of farm produce by individual vendors for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers and honey, where such produce, or its portion, is not grown on the premises.

Commented [KS7]: Courtney Morris will look into definition as it pertains to cottage food laws. Concerns regarding herbs and spices

Floor area.

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

Commented [CM8R7]: No change recommended

Garage, auto repair.

A building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.

Halfway house.

A residence for former mental patients, convicts, or recovering drug users or alcoholics that serves as a transitional environment between confinement and the return to society.

Home occupation.

A business, occupation, or profession conducted wholly within an allowable residential building and dwelling unit by only the residents thereof, and which shall have the following characteristics:

- (1) The activity shall employ only members of the immediate family of the resident of the dwelling unit.
- (2) There shall be no external evidence of the occupation detectable at any lot line, said evidence to include, advertising signs, or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of a business or that creates a nuisance to persons of ordinary sensibilities that occupy surrounding properties.

Hospital.

A legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

HUD-code manufactured home.

A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR section 3282.8(g).

Commented [KS9]: Double check status of state legislation related to HUD manufactured or industrialized homes

Commented [CM10R9]: No change recommended

Kennel.

Any business or establishment other than a veterinary hospital, whether operated separately or in connection with another business or establishment, that keeps, breeds and/or boards and/or trains dogs and/or cats for profit. Veterinary hospitals shall not be considered a kennel, unless such hospitals contain pens or facilities for housing, boarding, breeding, training, harboring, or keeping dogs, cats or other domesticated animals, swine, equine, or other livestock or animals other than, or in addition to, short-term care incidental to the hospital use. Kennels must be established, maintained and operated in compliance with all applicable zoning and land use regulations of the city.

Livestock.

Any horses, mules, donkeys, ponies, cattle, sheep, goats, hogs, pigs, of any and all kinds regardless of sex.

Lot.

Land occupied or to be occupied by a building(s) and its accessory building including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

Commented [KS11]: Add (s) to building

Commented [JH12R11]: Added (s)

Lot depth.

The distance, measured in a straight line, between the front lot line and the rear lot line measured at the respective midpoints of the front lot line and the rear lot line.

Lot Depth Illustration

[\[Image\]](#)

Lot flag.

A lot of irregular shape with reduced frontage along a public or private street with dimensions that are otherwise adequate at the building lines.

[Image]

Lot lines.

The lines bounding a lot as defined herein.

- (1) *Lot line, front.* A "front lot line" is that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots, either street line may be selected as the front lot line providing that a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.
- (2) *Lot line, rear.* The "rear lot line" is that boundary of a building lot which is the most distant from and is, or is most nearly, parallel to the front lot line.
- (3) *Lot line, side.* A "side lot line" is that boundary of a building lot which is not a front lot line or a rear lot line.

Lot of record.

A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk by the city prior to the adoption of this chapter May 1, 1995

Lot width.

The width of a lot, measured in a line generally parallel to the front property line at the front building line setback line.

Lot Width Illustration

[Image]

Main building.

The building or buildings on a lot which are occupied by the primary user.

Major retail development.

A singular retail establishment or shopping center that involves any one, or a combination of the following and as defined herein:

- (1) New construction of a singular retail sales establishment that is greater than 20,000 gross square feet in size;
- (2) New construction of a shopping center on a parcel or combination of parcels comprising ten acres or larger; or
- (3) Expansion to a singular retail sales establishment or shopping center existing as of the effective date of adoption of this chapter May 1, 1995 and which said expansion will increase the square footage of a singular retail sales establishment to become more than 20,000 gross square feet in area or increase the size of a shopping center to more than ten acres.

Man Cave/She Shed.

- Commented [KS13]:** Add that the plat has been filed by the city
- Commented [KS14]:** Change to county
- Commented [JH15R14]:** DoneDone
- Commented [KS16]:** Add adoption date. Courtney Morris will double check if the adoption is referring to 1995
- Commented [JH17R16]:** Struck through adoption of chapter added May 1, 1995

- Commented [KS18]:** Double check the term "primary"
- Commented [JH19R18]:** Struck Through

- Commented [KS20]:** Add adoption date
- Commented [JH21R20]:** Struck through adoption of chapter added May 1, 1995
- Commented [JH22]:** Added definition Man Cave/She shed
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An accessory building designed to give privacy, separation, and a place to express individuality away from the main structure. Man Cave/ She Shed may be conditioned, or unconditioned space, ~~May may~~ include areas used for relaxation, entertaining, bar area, storage, and sanitation, ~~but~~ shall not include spaces for sleeping, or the preparation of food.

Masonry.

An exterior building material which includes: Brick of a minimum three and one-half inch (3-1/2") nominal thickness, stone with a minimum average thickness of two inches (2") or stucco.

Mobile home.

A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Mobile home park.

Any premises on which one or more mobile homes are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more mobile homes whether such vehicles stand on wheels or on rigid supports. A trailer park is a mobile home park.

Museum, library or art gallery (public).

An institution for the collection, display and distribution of books and objects of art, or science and sponsored by a public or quasipublic agency and open to the general public.

Nonconforming.

A building, structure, or use of land lawfully occupied at the time of the ~~effective date of this chapter~~ May 1, 1995 or amendments thereto, and which does not conform to the use ~~of~~ for the regulations of the district in which it is situated.

Noxious matter.

A material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.

Nuisance.

An unreasonable or unlawful use of property that results in material annoyance, inconvenience, discomfort, or injury to another person or to the public. The unlawful use may involve doing something (for example, piling garbage on residential property) or failing to do something (for example, cutting or removing noxious weeds from residential property).

Nursing home facility (also termed skilled nursing facility, convalescent home, assisted living, memory care facility or long-term care facility.)

A facility providing primarily inpatient health care, personal care or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision and such facilities comply with the required state licensing, if any.

Occupancy.

The use or intended use of the land or building by proprietors or tenants.

Office, general business or professional.

Commented [KS23]: Add adoption date

Commented [JH24R23]: Struck through adoption of this chapter added May 1, 1995

Commented [KS25]: Change to "for" instead "of"

Commented [JH26R25]: Done

Commented [JH27R25]: Added Nuisance for effect, this belongs in chapter 8 not chapter 14.

An establishment providing administrative, business, executive, management or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use.

Office, medical or dental.

An office or group of offices for one or more physicians, surgeons, dentists or other health-care professionals to treat sick or injured patients who do not remain overnight.

Open space or open areas.

Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, or porches.

Open storage.

The storage of any equipment, machinery, commodities, raw or semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level.

Public, Park, playground, community center.

An open recreation facility or park owned and operated by a general public agency and available to the general public. Any publicly owned park, playground, parkway, greenbelt, or roadway within the jurisdiction and control of the city.

Commented [KS28]: Combine definition with public park definition as one definition

Commented [JH29R28]: Combined definitions

Parking space.

A surface area, enclosed or unenclosed, sufficient in size to store one automobile together with a surface driveway connecting the parking space with the street or alley and permitting ingress or egress of an automobile.

Pet.

A domesticated animal kept for companionship or pleasure that includes any dogs, cats, birds, rodents, of any and all kinds regardless of sex, and those similar in nature and function.

Pet boarding.

Commercial establishment which provides accommodations, feeding and general care for pets.

Plat.

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

Pool House.

An accessory building designed to enhance the poolside experience by minimizing the need to enter the ~~actual primary residence~~ house during pool time. A pool house may be conditioned, or unconditioned space, and ~~may may~~ include spaces for entertaining guests, game rooms, bar area, storage, and sanitation including full shower and/or bathtub. A pool house shall not include spaces for sleeping, or the preparation of food.

Commented [JH30]: Added definition pool house

Premises.

Land together with any buildings or structures occupying it.

Primary or Principle Building.

Commented [JH31]: Added principle building

Commented [JH32R31]: Struck Through

The building or buildings on a lot which are occupied by the primary user or tenant.

Public park.

~~Any publicly owned park, playground, parkway, greenbelt, or roadway within the jurisdiction and control of the city.~~

Recreation area.

A privately owned park, playground, or open space maintained by a community club, property owners' association, or similar organization.

Refueling station.

Any building or premises used for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, propane, natural gas, or electrical recharging. If the dispensing, sale, or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

Registered family home.

- (1) A home that is registered with the Texas Department of Family Protective Services ("TDFPS") and that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time.
- (2) The term does not include a home that provides care exclusively for any number of children who are related to the caretaker. For purposes of this definition regular care means care that is provided at least:
 - (A) Four hours a day, three or more days a week, for three or more consecutive weeks; or
 - (B) Four hours a day for 40 or more days in a period of 12 months.

Residence.

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

Restaurant or cafeteria.

An eating establishment where service is provided to customers at tables and not involving service of food to customers in automobiles.

Retail sales establishment.

An establishment or place of business primarily engaged in selling goods directly to the consumer, where such goods are generally available for immediate purchase and removal from the premises by the purchaser.

Retirement home/senior independent living facility.

A multifamily dwelling complex or similar living arrangements that is age restricted for senior citizens but which is not an assisted-living center or long-term care facility.

School, private.

A school under the sponsorship of a private agency or corporation other than a public agency.

School, public or parochial.

A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including private, trade, or commercial schools.

Schools, trade and commercial.

Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art, or occupation.

Screening device.

A barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density, and acceptable design at least four (4) feet in height, where the solid area equals at least sixty-five percent (65%) of the wall surface, including an entrance gate or gates; or foliage of an acceptable type with a density that will not permit through passage; or an acceptable combination of these materials. Such screening device shall be continuously maintained.

~~Servant's quarters.~~

~~An accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed full time by the occupants of the principal residence.~~

Commented [KS33]: Needs to be removed and codified

Commented [JH34R33]: Struck through

Shopping center.

A grouping of two (2) or more commercial units built primarily for retailing purposes on common property planned, developed, owned or managed as a unit with common off-street parking provided on the same site. For purposes of this chapter, a neighborhood shopping center shall be considered to be a shopping center primarily serving adjacent residential area.

Specific use.

A means for developing certain designated uses in a manner in which the specific use will be compatible with the adjacent property and consistent with the character of the neighborhood.

Stadium or playfield, public.

An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, football field or stadium.

Street.

An area for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or otherwise designated.

Street line.

A dividing line between a lot, tract, or parcel of land and contiguous street.

Structural alterations.

Any change in the supporting member of a building, such as a bearing wall, column, beams, or girders.

Toxic materials.

Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Use.

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

Use, principal.

The main use of land or buildings as distinguished from a subordinate or accessory use.

Utility facilities, private or franchised.

A nonpublic utility requiring specific facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or the normal franchised utilities.

Yard.

An open space other than a courtyard, on the lot on which a building is situated and which is open and unobstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang, similar special building features and other accessory structures as provided for in this code.

Yard, front.

An open, unoccupied space on a lot facing a street extending across the lot between the side lot lines and from the front building line to the street.

Yard, rear.

An open, unoccupied space from the rear building line extending across the rear of a lot from one side lot line to the other side lot line to the rear property line.

Yard, side.

An open, unoccupied space or spaces between the property line and the side building line that would not be consider front yard or rear yard that extends between the front building line and the rear building line.

**Yard &
Building,
Line
Illustrations**

[\[Image\]](#)

Zoning district map.

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

(Ordinance 2012-05-00715, sec. 2, adopted 5/17/12; Ordinance 2012-06-00718, sec. 1, adopted 6/21/12; Ordinance 2012-10-00737 adopted 10/4/12; Ordinance 2013-07-00760 adopted 7/18/13; Ordinance 2015-08-00816 adopted 8/20/15; Ordinance 2016-03-0832 adopted 3/3/16; Ordinance 2016-04-00835 adopted 4/7/16; Ordinance 2018-03-00876 adopted 3/1/18; Ordinance 2022-05-00953 adopted 5/19/22; Ordinance 2022-08-00535 adopted 9/1/2022)

§ 14.01.005 Compliance with the regulations.

Except as herein specifically provided:

- (1) No land shall be used except for a purpose permitted in the district in which it is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
- (3) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
- (4) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in

conformity with the area regulations of the district in which such building is located.

- (5) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to the extent specifically provided herein except in conformity with the off-street parking and loading regulations provided herein for the use for which the building is intended.
- (6) The minimum yards, parking spaces, and open area, including lot area per dwelling unit, required by this chapter for each and every building existing at the time of passage of this chapter or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking, nor shall any lot area be reduced below the requirements of this chapter for the district in which such lot is located.
- (7) Every building hereafter erected or structurally altered shall be located on a building lot as herein defined and, except as specifically provided herein, there shall not be more than one main building on one (1) lot.
- (8) No construction of any sewer system, sanitary landfill, public utility, or facility for the treatment of wastewater in any part of the city or its extraterritorial jurisdiction and within 2,000 feet (2000') of Lake Lavon shall be permitted.
- (9) All lots shall front on a street and all lots shall have street frontage of not less than 50% of the required width at the front building line, but not less than forty feet (40)'; No lot shall be landlocked.

Commented [JH35]: Added but not less than 40'

(1995 Code, sec. 9-5; Ordinance 2022-08-00535 adopted 9/1/2022)

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

ARTICLE 14.02 ADMINISTRATION

Division 1 Generally

§ 14.02.001 Enforcement and penalties.

Any person, firm, corporation, or political subdivision who violates any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction in the municipal court, shall be subject to a fine of not more than two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense and such violation is hereby declared to be a common nuisance which may be abated by the city in any manner authorized by law, including injunction and an action for damages.

(1995 Code, sec. 9-6)

§ 14.02.002 through § 14.02.030. (Reserved)

Division 2 Board of Adjustment

§ 14.02.031 Members and terms of office.

- (a) There is hereby created a board of adjustments consisting of five (5) regular members and (2) alternate members who shall be appointed by the city council. The members shall serve for a period of two (2) years and until their successors are duly appointed and qualified. Members may be removed for cause by the city council upon written charges and after public hearing. A vacancy for the unexpired term of any member will be filled in the same manner as the original appointment was made.
- (b) The members of the board of adjustments shall meet the requirements of section 1.05.001 of this code.

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.032 Meetings.

The board of adjustments will have the authority to adopt rules consistent with state law. Meetings of the board of adjustments shall be held at the call of the chairman and at such other times as the board of adjustments may determine. The chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustments shall be open to the public. The board of adjustments City shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustments and shall be a public record.

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.033 Quorum and voting.

Cases must be heard by a minimum of seventy-five percent (75%) of the members of a board panel. The concurring vote of 75% of the members of a panel is necessary to:

- (1) Reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance;

Commented [KS1]: Needs to be changed to the city, not the board

Commented [JH2R1]: Changed, former crossed out

- (2) Decide in favor of an applicant on a matter on which the board is required to pass under state law, the city charter, or city ordinance; or
- (3) Authorize a variation from the terms of the zoning ordinance. For purposes of this section, administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.034 Powers and duties.

- (a) The board of adjustments shall have the authority, subject to the standards established in chapter 211 of the Texas Local Government Code, as amended, and those established herein, to exercise the following powers and perform the following duties:
 - (1) To hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter or an ordinance adopted under this chapter;
 - (2) To interpret the intent of the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply;
 - (3) To hear and decide special exceptions that are expressly provided for in this chapter;
 - (4) To grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that:
 - (A) The variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;
 - (B) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - (C) The variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this section to other parcels of land with the same zoning.
 - (5) Hear and decide special exceptions to the requirements when necessary or appropriate to:
 - (A) Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with any master plan and present no conflict or nuisance to adjacent properties.
 - (B) Permit a public utility or public service structure or building in any district with a ground area or of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - (C) Grant a permit for the extension of a height or area regulation into an adjoining district which divides a lot into a single ownership on the effective date of this chapter.
 - (D) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act

of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

- (E) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision or [of] parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- (F) Determine, in cases of uncertainty, the classification of any use not specifically named in this chapter.
- (b) In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose has the same authority as the administrative official.

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.035 Appeals.

- (a) Procedure. A decision made by an administrative official of the city may be appealed to the board of adjustment by a person aggrieved by the decision or by any officer, department, board or bureau of the city affected by the decision. Such appeal shall be made by filing a notice of appeal with the office of the board and with official from whom the appeal is taken specifying the grounds thereof. The office, official or department from which the appeal is taken shall forthwith transmit to the board of adjustment all of the papers constituting the records upon which the action appealed from was taken. The appeal must be filed within twenty (20) days after the date of the decision of the administrative official from which the appeal is taken.
- (b) Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In such case, the proceedings may be stayed only by a restraining order granted by the board or by a court of record on application, after notice to the official, if due cause is shown.
- (c) Notice of hearing on appeal. The board shall set a reasonable time for the hearing on the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within ~~two hundred feet (200')~~ five hundred feet (500') or less of street frontage of any point of the lot or portion thereof on which a variation is desired. The city shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall hear and decide the appeal within a reasonable time. Notice of such hearings may be sent by the board in writing, properly addressed to the last known addresses of the proper parties, and such notices shall be deemed complete when deposited in the mail.

Commented [KS3]: Make it consistent with 500 feet
Commented [JH4R3]: Changed, former crossed out

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.036 Decisions.

- (a) Every decision of the board shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. The decision shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the ~~building official~~ city secretary, and shall be open to the public for inspection. A true and correct copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be publicly posted in the office of the ~~building official~~ city secretary for two (2) weeks after the filing thereof.

Commented [KS5]: Courtney Morris will clean up sections
Commented [KS6]: Change to the city secretary
Commented [JH7R6]: Changed, former crossed out
Commented [KS8]: Change to city secretary
Commented [JH9R8]: Changed, former crossed out

- (b) The board shall in every case reach a decision without unreasonable or unnecessary delay.
- (c) If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official, or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision.
- (d) Any person, firm, or corporation aggrieved by any decision of the board may present to a court of competent jurisdiction a petition duly verified setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Unless such verified petition (appeal) shall be presented to the court within ten (10) days of the date that the decision of the board is filed with the city secretary, the decision of the board shall become final.

(Ordinance 2016-01-00826, sec. 3, adopted 1/7/16)

§ 14.02.037 through § 14.02.059. (Reserved)

Division 3
Changes and Amendments

§ 14.02.060 **Zoning upon annexation.**

- (a) All territory hereinafter annexed to the city shall be classified as “AO” Agricultural until other zoning is established by the city. The procedure for establishing zoning other than “AO” for annexed territory shall conform to the procedure set forth in this division.
- (b) Following annexation, the city shall schedule public hearings to zone the recently annexed land.
- (c) In an area classified as “AO” Agricultural:
 - (1) No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building or use permitted in the “AO” District, unless and until such territory has been classified in a zoning district other than the “AO” District, by the city council in the manner prescribed by this division.
 - (2) An application for a building permit for any proposed use other than those specified in the “AO” District must be made to the building official of the city within three (3) months after annexation. If the applicant shows that plans and other preparation for developing the property commenced prior to annexation by the city, the city council may authorize the construction of the project by a majority vote. The action of the city council concerning any such permit shall take into consideration the appropriate land use for the area. Upon approval by the city council, the city manager shall notify the building official.

Commented [KS10]: Change to "AO"?

Commented [JH11R10]: Change made

(Ordinance 2008-10-00631 adopted 10/16/08)

§ 14.02.061 **Declaration of policy.**

- (a) The council declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:
 - (1) To correct a manifest error in the regulations or map;
 - (2) To recognize substantial changed or changing conditions or circumstances in a particular locality; or
 - (3) To recognize substantial changes in technology, the style of living, or manner of doing business.

- (b) Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in the preamble of these regulations.

(1995 Code, sec. 9-7)

§ 14.02.062 Authority to amend.

The council from time to time, after receiving a final report thereon by the commission and after public hearings required by law, may amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts. Any amendment, supplement, or change may be ordered for consideration by the council, be initiated by the commission, or be requested by proposal of the owner of the property or by a person holding a lease on the property with the consent of its owner. The commission on its own motion or on request of council may initiate consideration of a change in any district boundary or zoning regulation whenever it finds that public benefit will derive from consideration of such matter.

(1995 Code, sec. 9-8)

§ 14.02.063 Procedure.

- (a) Proposal required. Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in section **14.01.002** (Interpretation and purposes).
- (b) Public hearing and notices.
 - (1) Prior to making its report to the council, the commission shall hold at least one public hearing thereon.
 - (2) Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for city taxes, located within five hundred feet (500') of any property affected thereby before the 15th day before such hearing is held. Such notice may be served by using the last known address as listed on the city roll and depositing the notice, postage prepaid, in the United States mail.
 - (3) Posting of property. Not less than fifteen (15) or more than forty-five (45) days prior to the date set for the public hearing on any proposed changes in district boundaries, the city shall erect at least one (1) notification sign on the affected property. Such sign(s) shall be erected within twenty-five (25) feet of whatever boundary line of such land that abuts the street of the advertised address. If no public road abuts thereon, then such sign shall be erected along the nearest opened public right-of-way. Signs shall be erected in such a manner as may be most readily seen by the public. Each sign shall indicate a proposed land use change, a public hearing will be held, the telephone number to call and the website to visit for further information. If the affected land includes more than one (1) tract as shown on a plat recorded in the land records of the county, then a sign shall be erected on the land in each such tract. Any such sign shall be maintained on the property at all times until a decision on the application has been made by the city council.
- (c) Commission report. The commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings and evaluation of the request and of the relationship of the request to the city plan at such time as the city plan has been adopted by council. The commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the commission shall consider the following factors:
 - (1) Whether the uses permitted by the proposed change would be appropriate in the area concerned;
 - (2) Whether adequate public school facilities and other public services (water, etc.) exist or can be provided to serve the needs of additional structures likely to be constructed as a result of such change and the consequences of such change;

Commented [KS12]: Make sure numbers are spelled out for consistency

Commented [JH13R12]: Change made

- (3) How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- (d) Council consideration.
 - (1) Proposal recommended for approval. Every proposal which is recommended favorably by the commission shall be forwarded to the council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.
 - (2) Proposal recommended for denial. When the commission determines that a proposal should be denied, it shall so report and recommend to the council. No hearing shall be set on the proposal until and unless the council has reviewed the recommendations of the commission, has considered any appeal, as provided below, and has adopted a motion setting the matter for hearing.
 - (3) Appeal procedure. An appeal from the decision of the commission may be taken whenever any party in interest is aggrieved by the action of the commission on a specific proposal. Such appeal shall show that the commission either (a) has been prejudiced in its deliberation or (b) has not been given the opportunity to consider certain information because it could not have been made available to the commission at the time of its public hearing. The following procedure shall be required:
 - (A) The aggrieved party shall reduce to writing his appeal stating specifically how, in his opinion, the commission committed an error. He shall file his appeal with the city secretary and the commission within thirty (30) days following the commission action. The city secretary shall forward the appeal to the council with the regular report of commission action on the subject proposal.
 - (B) Upon receipt of written appeal, the council shall determine whether or not the zoning commission committed error. If the council concludes that certain previously unavailable information should be considered by the commission, it may refer the original proposal and the appeal for a new hearing, new report, and recommendation. If the council concludes that commission prejudice prevents a fair hearing or recommendation, the council may schedule its own hearing on the original proposal and recommendation.
 - (4) Council hearing and notice. The council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the council. Notice of council hearing shall be given by publication one time in the official paper of the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.
 - (5) Negative recommendations and written protest. An amendment, supplement, or change shall not become effective except by favorable vote of three-fourths (3/4) of all members of the council, if:
 - (A) The commission recommends disapproval of the proposed change; or
 - (B) Written protest is filed by the owners of at least 20% of either:
 - (i) Of the area of the lots or land included in such proposed change; or
 - (ii) The area of the lots or land immediately adjoining the area of such proposed change and extending five hundred feet (500') therefrom.

Protests signed by property owners may be filed prior to or at one of the public hearings conducted by either the commission or the council. Written protests filed with the commission shall be forwarded to the council with the commission's recommendation.

- (C) In computing the percentage of land area under subsection (d), the area of streets and alleys shall be included.

(1995 Code, sec. 9-9; Ordinance 2005-08-00532, sec. 1, adopted 8/1/05; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.02.064 Limitation on reapplication.

When the city council has denied a proposal, or when the applicant has withdrawn his proposal at the commission meeting thereon, no new applications of like nature shall be accepted by the city or scheduled for hearing by the commission within a period of twelve (12) months of the date of the council denial or applicant's withdrawal. Provided, however, on receipt of written request by the original applicant stating how conditions have changed substantially in the community since prior consideration of his proposal so as to justify an earlier review of this matter, the city council may waive the mandatory delay period and authorize the acceptance of a new application.

(1995 Code, sec. 9-10)

§ 14.02.065 through § 14.02.080. (Reserved)

Division 4
Specific Use Permits

§ 14.02.081 Generally.

- (a) A specific use permit allows uses compatible with other permitted uses, provided the uses meet the specific criteria established by the city under this section.
- (b) The city council may authorize the granting of a specific use permit, by an affirmative vote, after notice to all parties affected and a public hearing, in accordance with state law, and after recommendation from the planning and zoning commission that the use is in general conformance with the comprehensive plan of the city and containing such requirements and safeguards as are necessary to protect adjoining property.
- (c) Specific use permits shall not be used to legalize nonconforming structures or uses, and shall not be used when a variance, deviation, waiver or minor modification could be used to achieve the same result.
- (d) A development plan shall be submitted concurrently with the application for a specific use permit. However, development plans will not be approved until the specific use permit is approved by the city council. Approval of the specific use permit does not constitute approval of a development plan.
- (e) Uses permitted by a specific use permit shall not be enlarged or substantially modified, structurally altered, or otherwise significantly changed without an amendment to the specific use permit. Amendment to a specific use permit requires the same processes and procedures as an original specific use permit application, specifically, public notice and hearing. Minor changes or alterations or changes that do not alter the basic relationship of the proposed development to adjacent property or expand the use into other portions of the building or property and may be approved by the development services director. Changes or alterations that change the uses permitted, increase the density, building height, coverage of the site, off-street parking ratio, or area regulations are not minor changes and must be considered through the amendment process.
- (f) All recommendations made by the city planning and zoning commission to the city council shall be considered advisory in nature and shall not be binding upon the governing body; the city council shall have the sole and final authority to grant or deny any request for specific use permits.

- (g) The board of adjustment does not have authority to hear an appeal or act on an application for a specific use permit.
- (h) A specific use permit may be granted for those uses indicated by “S” in the schedule of uses chart in section **14.03.801(e)**.
- (i) Refer to article 14.04, division 8, accessory buildings, structures and uses for additional regulations.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.082 Application and processing.

- (a) Any individual, partnership, corporation, or group of persons having a proprietary interest in any property, upon proof of such, may file an application with the planning and zoning commission for a specific use permit.
- (b) The application for a specific use permit shall be accompanied by a development plan and sign plan, as applicable. The city shall make available application forms specifying application requirements. The application shall include:
 - (1) A site plan that includes the dimensions, bearings, and street frontage of the property;
 - (2) The location of buildings, structures, and uses;
 - (3) The method of ingress and egress;
 - (4) Off-street parking and loading requirements, as applicable;
 - (5) Screening, lighting, and landscaping, as applicable;
- (6) A traffic impact analysis if the development services director determines that the analysis is necessary;
- (7) Any other information the development services director, planning and zoning commission or city council determines necessary for a complete review of the proposed development which may include, but is not limited to additional information or drawings, operating data, expert evaluation, or testimony concerning the location, function, or characteristics of any building or proposed use.
- (c) The planning and zoning commission shall provide notice and hold a public hearing in accordance with section **14.02.063**.
- (d) Following the public hearing by the planning and zoning commission, the commission shall make a recommendation for the city council at the properly noticed public hearing, where the council shall consider the granting or denial of the specific use permit.
- (e) In recommending that a specific use permit be granted, the planning and zoning commission and city council shall determine that such uses are compatible with the building structures and uses of abutting property and other property in the vicinity of the premises under consideration and shall make recommendations for conditions and requirements to be included in the specific use permit. In approving the requested specific use permit, the planning and zoning commission and city council may consider the following:
 - (1) Whether the use is compatible with surrounding existing uses or proposed uses;
 - (2) Whether the use requests by the applicant are normally associated with the permitted uses in the base district;

- (3) Whether the nature of the use is reasonable;
- (4) Whether any negative impact on the surrounding area has been mitigated;
- (5) Any additional conditions specified ensure that the intent of the district purposes is being upheld.
- (f) The conditions and requirements approved by the council shall be set forth in the ordinance granting the specific use permit, including, but not limited to, attached site plan drawings and other depictions of design and use elements.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.083 Zoning amendment and limitations.

- (a) Each specific use permit granted under the provisions of this chapter shall be considered as an amendment to the comprehensive zoning regulations applicable to such property. When the city council authorizes granting of a specific use permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, said amendment to indicate the specific use by an "S" designation.
- (b) In granting any specific use permit, the city council may impose conditions and requirements as necessary and which shall be complied with by the grantee before any building permit is issued and as an ongoing requirement to retain a certificate of occupancy.
- (c) A building permit shall be obtained from the city not later than six (6) months after the effective date of the ordinance granting the specific use permit if new construction is required to comply with the specific use permit, provided however, the director of development services may authorize one extension not to exceed six (6) months.
- (d) If the planning and zoning commission denies an application for a specific use permit, the application will not be considered by the city council unless the applicant requests the application be forwarded to the city council within ten (10) days of the planning and zoning commission denial of the application. If the applicant timely requests the application for specific use permit be forwarded to the city council, approval of the specific use permit by the city council shall require the affirmative vote of seventy-five percent (75%) of the city council.
- (e) Following the denial of a specific use permit, no new application for the same or a substantially similar request shall be accepted within one year of the date of denial unless it is determined by the development services director there has been a substantial change in the area or in the request in which the specific use permit has been requested.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.084 Expiration, termination, revocation.

- (a) A specific use permit shall expire if a required building permit has not been issued within the time required in this section, or if a building permit has been issued but has subsequently expired. If a building permit is not required, the specific use permit shall expire six (6) months after the effective date of the ordinance granting the specific use permit if a certificate of occupancy is not obtained. If the specific use permit expires in accordance with this section, the property shall conform to the regulations of the original zoning district of such property.
- (b) A specific use permit shall terminate if the property for which the specific use permit was issued is vacant, or the building or property, though still occupied, is not being used for the purpose for which the specific use permit was granted for a period of six (6) months. The development services director may grant one six (6) month extension upon written request by the owner of the property. Such written

request shall be filed with the development services director no later than 150 days after the onset of the vacancy. If the specific use permit terminates in accordance with this section, the property shall conform to the regulations of the original zoning district of such property.

- (c) A specific use permit may be revoked if the owner fails to meet the conditions and requirements set out in the ordinance granting the specific use permit. Revocation of a specific use permit may be recommended by the planning and zoning commission to the city council after proper notice and public hearing. After proper notice and public hearing, the city council may consider the planning and zoning commission's recommendation for revocation of a specific use permit. If the specific use permit is revoked in accordance with this section, the property shall conform to the regulations of the original zoning district of such property.

(Ordinance 2022-05-00950 adopted 5/5/22)

§ 14.02.085 through § 14.02.110. (Reserved)

Division 5 Final Plans Approval

§ 14.02.111 **Submission of final plans.**

- (a) After approval by the planning and zoning commission of the site plan and landscaping plan ~~(and, in the case of properties in the VC district only, the architectural plan)~~, and the architectural plan, the developer shall, within twelve (12) months thereafter, submit to the city ~~nine (9)~~ three (3) paper copies, one (1) electronic copy and one (1) mailer copy of the final site plan and the final landscaping plan. At the same time, three (3) copies of the final construction plans for the development shall be submitted to the city and three (3) copies of the final construction plans to the city engineer.
- (b) In the event that the developer does not submit final plans within the twelve (12) months, the plans approved by the planning and zoning commission shall be considered as being void and must be resubmitted to planning and zoning commission along with payment of all appropriate fees.
- (c) After acceptance of the final plans by the city council, one (1) set each of the final site plan, the final landscaping plan, and the construction plans shall be returned to the developer signed by the city engineer and the mayor for the city council that the plans are approved for construction.
- (d) All final plans shall be in strict accordance with those approved by the planning and zoning commission including all conditions of approval. It shall be unlawful to issue a building permit prior to final approval of the site plan and landscaping plan by city council. As to proposed development located in the VC district, it shall further be unlawful to issue a building permit prior to approval of final construction plans by the city council.

(1995 Code, sec. 9-150)

Commented [JH14]: Crossed out everything in parenthesis, added architectural plan to all (in the past we only required architectural plan approval in the VC district now we require it in all commercial and light industrial districts).

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- 14.04.302 Accessory Buildings, structures, and uses permitted
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- 14.04.386 Purpose
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- 14.04.388 Maximum number of antennas and antenna support structures in residential districts
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- 14.04.431 Purpose
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- 14.04.435 Uses, lot size allowances, heights, setbacks, and required permits
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Div. 12 Residential Broadband Antenna Support Structures **adopted 2020, not amended**

- 14.04.451 Purpose
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- 14.04.453 General requirements
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DIVISION 6
VC Village Center District

§ 14.03.291. Purpose.

The intent of this district is to provide a clustered village setting with a rural country style as a retail and neighborhood services area.

(1995 Code, sec. 9-60)

§ 14.03.292. Use regulations.

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section 14.03.801, schedule of uses, and article 14.02, division 4, specific use permits.

(1) Any retail store or personal service listed in section 14.03.801 shall be permitted subject to the following conditions:

- (A) The business establishment supplies the everyday shopping needs of the area.
- (B) The business is conducted wholly within an enclosed building.
- (C) Such use not be objectionable because of odor, excessive lights, smoke, dust, noise, vibration, or similar nuisance.

(2) No mobile homes or HUD-code manufactured homes as defined herein shall be permitted.

(3) A specific use permit shall be required when the total square footage of any building exceeds 25,001 square feet.

(4) Major retail development by specific use permit.

(5) All drive-through, drive-in, and drive-up businesses shall require a specific use permit. (Ordinance 2015-08-00816 adopted 8/20/15; Ordinance 2017-08-00861 adopted 8/3/17)

§ 14.03.293. Building regulations.

- (a) Buildings shall be clustered on site.
- (b) No flat roofs.
- (c) A minimum of seventy-five percent (75%) of all building exteriors shall be constructed with a 75% masonry exterior. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.
- (d) All mechanical equipment shall be screened from public view either by landscaping materials or materials that blend with the building.
- (e) Refuse collection areas shall be screened from public view.
- (f) Parking and drive to be weather-impervious surface developed in accordance with city standards.
- (g) Development shall comply with performance standards (article 14.04, division 3, of this chapter). (1995 Code, sec. 9-62; Ordinance 2012-06-00718, sec. 6, adopted 6/21/12)

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§ 14.03.294. Height regulations.

Building height. Buildings shall not exceed a height of more than twenty-five feet (25').

(1) The height shall be measured from the sidewalk or ground surface elevation along the side of the building fronting onto a public right-of-way to the highest point of the roof excluding chimneys, weather vanes and similar materials.

(Ordinance 2011-09-00685, sec. 1, adopted 9/1/11)

§ 14.03.295. Area regulations.

(a) **Lot area.** Minimum three (3) acres net, exclusive of all street rights-of-way and the 100-year floodplain as determined by a registered survey.

(b) **Building area.** The total building area shall not exceed a floor-area-to-land ratio of 0.30 to 1.

(c) **Front yard.** Minimum fifty feet (50') from property line.

(d) **Side yard.** Minimum fifty feet (50') from property line.

(e) **Rear yard.** Minimum fifty feet (50') from property line.

(f) **Impervious coverage.** The maximum impervious coverage shall not exceed seventy percent (70%) of the total lot area.

(g) Development shall comply with performance standards (article 14.04, division 3, of this chapter).

(h) **Replacement of buffering/screening/fencing.** All buffering, screening, and fencing that is replaced is required to be replaced with materials required by code for new construction. If there is no material listed for the application then the replacement will match existing material for buffering, screening, or fencing, the item being replaced.

(1995 Code, sec. 9-64; Ordinance 2011-09-00685, sec. 1, adopted 9/1/11; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.296. Site plan approval.

(a) Prior to issuance of any building permit, an application in writing, for the approval of the site plan, together with seven (7) copies, shall be filed with the city secretary. The plans are to be submitted at least fourteen (14) consecutive calendar days before the meeting of the planning and zoning commission, if the site plan is to be considered at such meeting. No site plan will be considered by the city until the prescribed filing fees have been paid. Applicant shall submit proof of written notification set forth in chapter 6, article 4, section 6-11, of the Code of Ordinances. The site plan shall contain those items as designated by approved city procedure, but not be limited to the following information:

Editor's note—The reference above to “chapter 6, article 4, section 6-11, of the Code of Ordinances” is no longer applicable. Former chapter 6 has been completely superseded by Ordinance No. 2006-07-00567, which is now codified in chapter 10, article 10.03.

(1) The boundaries and dimensions of the proposed development, including total area.

(2) Adjoining property, owners, and zoning.

(3) Contour lines at five-foot intervals.

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- (4) Location map.
 - (5) Existing or platted streets, public rights-of-way, easements or railroads within or adjacent to the tract.
 - (6) Existing and proposed utility lines showing sizes of water and sewer lines.
 - (7) Existing and proposed fire hydrants and fire lanes.
 - (8) Location of all easements.
 - (9) Building setback lines.
 - (10) Location and dimensions of buildings.
 - (11) Means of ingress and egress.
 - (12) Engineering for drainage.
 - (13) Areas designated for landscaping and location of exterior lighting.
 - (14) Parking area locations and specifications.
 - (15) Must be drawn to an acceptable scale.
 - (16) Must provide signature lines for chairman of planning and zoning commission, city engineer, and mayor to signify approval.
- (b) For the purpose of assisting in-process planning, a properly designated “preliminary” site plan may be submitted for consideration. Approval of a “preliminary” site plan will not imply approval of all elements of a site plan.
- (c) Final plans shall be approved by city council as provided in article 14.02, division 5, of this chapter. (1995 Code, sec. 9-65; Ordinance 1996-11-00343, sec. 10, adopted 11/4/96; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.297. Landscaping plan approval.

- (a) Prior to issuance of any building permit, there shall be seven (7) copies of a landscape plan submitted to the city. The plans are to be submitted at least fourteen (14) days prior to the planning and zoning commission meeting at which they are to be considered. The landscape plan shall be approved or disapproved based on its compliance with the following requirements and any other deemed necessary to promote the character and value of the surrounding neighborhoods:
- (1) Plans shall be to same scale as approved site plan.
 - (2) A minimum of 15% of the gross area must be landscaped.
 - (3) The area between the property line and the street shall be included in the landscape plan and shall be maintained by the abutting property owner.
 - (4) Heights of landscaping materials shall be such that they do not create safety hazards for vehicular traffic by blocking sight lines at ingress and egress points.
 - (5) The specifications shall state the common names, sizes, and quantity of all materials to be utilized.

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(6) Where the property abuts a different zone, it shall be screened as provided in article 3.18 of this code.

- (b) It shall be the property owner's responsibility to permanently maintain the approved landscaping in a neat and orderly manner.
- (c) Final plans shall be approved by city council as provided in this chapter. (Ordinance 2011-09-00685, sec. 1, adopted 9/1/11; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.298. Architectural plan approval.

- (a) Prior to the issuance of a building permit, there shall be seven (7) copies of a proposed architectural elevation of the building or buildings submitted to the city. The plans are to be submitted at least fourteen (14) days prior to the planning and zoning commission meeting at which they are to be considered. The proposed architectural rendering, including use of site and/or building signage, shall be approved or disapproved based on its ability to create a village setting with a rural country style as a retail and neighborhood services area. This effort shall entail several design fixtures such as the use of clustered buildings as opposed to strip-type development. Sloping roofs are required as are overhanging colonnades.
- (b) Final plans shall be approved by city council as provided in this chapter. (1995 Code, sec. 9-67; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.299. Off-street loading and parking.

See article 14.04, division 2.
(1995 Code, sec. 9-68)

§ 14.03.300. through § 14.03.350. (Reserved)

DIVISION 8
PD Planned Development District

§ 14.03.411. General purpose and description.

- (a) The city council, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may authorize the creation of a planned development district.
- (b) The planned development district is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, retail centers, residential developments or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A planned development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions, which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.412. Permitted uses.

An application for a planned development district shall specify the base district(s), [and] the use or the combination of uses proposed. Uses which may be permitted in a planned development district must be specified if not permitted in the base district(s). Specific use permits allowed in a base zoning district are allowed in a planned development district only if specifically identified at the time of approval by the city council.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.413. Planned development requirements.

- (a) Development requirements for each separate planned development district shall be set forth in the ordinance granting the planned development district and shall include, but may not be limited to: uses, density, lot area, lot width, yard depths and widths, building height, building elevations, building material coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, hours of operation, project phasing or scheduling, management associations, and other requirements as the city council may deem appropriate.
- (b) All applications for a planned development district shall list all requested deviations from the standard requirements set forth throughout this chapter. The planned development district shall conform to other sections of this chapter unless specifically excluded in the granting ordinances granting the planned development district.
- (c) Detailed site plan.A detailed site plan submitted as a part of the planned development district application shall set forth the final plans for development of the planned development district and shall be considered part of the planned development district. Changes of detail on the detailed site plan, which differ from the approved detailed site plan, but do not alter the basic relationship of the proposed development to the adjacent property, the uses permitted, or increase the density, building height or coverage of the site, the off-street parking ratio or reduce the yards provided at the boundary of the site, or do not significantly alter the landscape plans as indicated on the approved site plan, may be authorized by the city council without an amendment to the planned development

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district ordinance.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

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§ 14.03.414. Mandatory homeowners' association.

In a planned development district for residential uses, property owner or homeowner associations are to be established for the purpose of ownership, maintenance and management of open spaces. The initial term of the agreement, covenants and restrictions establishing and creating the homeowners' association shall be for a twenty-five-year period and shall automatically renew for successive ten-year periods, and the homeowners' association may not be dissolved without the prior written consent of the city.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.415. City/developer facilities agreement.

Planned development districts may require a city/developer facilities agreement prior to or contemporaneous with the final plat approval. This agreement shall reflect the cost-sharing agreement between the city and the developer for the installation or over-sizing of utility systems, perimeter streets, mandatory construction or dedication of park or open space area, landscaping or greenbelt development or other comparable items, phasing of the development, maximum density or intensity of use during the construction process, and the maintenance of open space.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.416. Zoning ordinance compliance and zoning map.

All planned development districts approved in accordance with the provisions of the zoning ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such planned development districts, together with the category of uses permitted therein, shall be maintained as a part of this code.

(Ordinance 2006-01-00548, sec. 1, adopted 1/3/06)

§ 14.03.417. through § 14.03.470. (Reserved)

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DIVISION 10
ED Estate Development District

§ 14.03.531. Purpose.

It is the intended purpose of this zoning district to provide for the unified and coordinated development of parcels or tracts of primarily vacant land. Certain freedom of choice as to intended land use shall be permitted, provided that the special requirements which may apply are complied with and that the intended uses are not in conflict with the general purpose and intent of either this chapter or the comprehensive plan for the city.

(1995 Code, sec. 9-90)

§ 14.03.532. Use regulations.

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in section 14.03.801, schedule of uses, and article 14.02 division 4, specific use permits. (Ordinance 2008-11-00634 adopted 11/20/08)

§ 14.03.533. Height, lot, and yard requirements.

- (a) Height, lot, and yard requirements shall conform to the requirements of the appropriate sections of this chapter, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this chapter, and will not adversely affect nearby properties.
- (b) The following requirements shall be used for areas developed as half-acre lots:
 - (1) Height regulations. No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height.
 - (2) Area regulations.
 - (A) Size of yards.
 - (i) Front yard. There shall be a front yard having a depth of not less than fifty feet (50').
 - (ii) Side yard. There shall be a side yard on each side of the lot having a minimum width of twenty-five feet (25'). A side yard adjacent to a side street shall not be less than fifty feet (50').
 - (iii) Rear yard. There shall be a rear yard having a depth of not less than twenty-five feet (25').
 - (B) Size of lot.
 - (i) Lot area. No building shall be constructed on any lot of less than twenty-one thousand seven hundred eighty (21,780) square feet.
 - (ii) It is intended to preserve the rural atmosphere with deep setbacks and wide lot widths.
 - (3) Building regulations. The minimum floor area of any dwelling, exclusive of garages, breezeways, and porches, shall be sixteen hundred square feet (1,600 sq. ft.) with a minimum of seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or

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combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures. (1995 Code, sec. 9-92; Ordinance 2012-06-00718, sec. 9, adopted 6/21/12)

§ 14.03.534. Area requirements.

For the purposes of this chapter, the entire tract to be zoned “ED” may be considered as one building lot, or separate areas intended for separate land uses may be considered as separate building lots. Required open space is established at a minimum of 15% of the total developed acreage. Open space must have public access and may include public street rights-of-way exclusive of impervious surface. (1995 Code, sec. 9-93)

§ 14.03.535. Parking regulations.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in article 14.04, division 2. (1995 Code, sec. 9-94)

§ 14.03.536. Special conditions.

The following special conditions apply to uses located in this zoning district:

- (1) A minimum land area often (10) acres shall be required before application for an estate development will be approved.
- (2) All requirements of any subdivision regulations of the city pertaining to procedure, plan, and design criteria among others shall be complied with and include height, lot, yard, and area requirements as designated in the appropriate sections of this chapter.
- (3) No front-entry garages will be allowed.
- (4) All proposed estate developments shall require a mandatory site and landscape plan submittal as per sections 14.03.296 and 14.03.297 of this chapter. The site and landscape plans will be reviewed and approved by the planning and zoning commission, city engineer, and the city council in public hearings prior to receiving plat approval or building permit. In addition to the site plan, the owner shall provide such other sketches, diagrams, and calculations necessary to determine whether the proposed development conforms with the provisions of the district and to determine the effect of the proposed development on population densities, streets, schools, recreation, and other community facilities in the area. Such site plans, sketches, diagrams, and calculations shall become a part of the amendment for the “ED” district and shall form the basis for issuance of a building permit on conformity therewith.
- (5) Property to be developed for nonresidential purposes, other than public and semipublic uses, shall be located upon a thoroughfare, except if it abuts property which is zoned for commercial or industrial purposes and which has major street frontage. A plan for development of the property, showing adequate access to and from the major streets, shall be submitted to the planning and zoning commission.
- (6) Prior to the issuance of a certificate of occupancy, a screening device, as defined in this chapter, shall be built along that boundary of the area proposed for “VC” use which abuts property developed, zoned, or designated for any type of residential use.
- (7) Lighting devices in conjunction with “VC” uses or parking lots shall not be operated so as to produce :2

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direct or reflected light or glare across abutting property lines.

- (8) Loudspeakers and similar devices in conjunction with commercial uses or parking lots shall not be used.
- (9) Accessory building and structures shall comply with article 14.04, division 8, of this chapter.
- (10) Open space will be interconnected from interior of the site to the exteriors when feasible.
- (11) A landscape plan shall include irrigation system size, quantity, and type of landscaping materials drawn to same scale as the site plan. A minimum of twenty percent (20%) shall be materials other than grasses. The landscape plan shall be submitted to the planning and zoning commission for approval.
- (12) Cluster development is preferred.
- (13) Residential uses are limited to single-family detached housing and their related accessory buildings.
- (14) Cul-de-sac streets shall have open space access for the public to the required open space system.
- (15) A homeowners' association must be created to maintain the open spaces. Association guidelines and rules will be submitted at time of site plan approval.
- (16) Underground utilities will be required.
- (17) A specific use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.
(1995 Code, sec. 9-95; Ordinance 2006-10-00577, sec. 2, adopted 10/16/06; Ordinance 2015-08-00816 adopted 8/20/15)

§ 14.03.537. through § 14.03.590. (Reserved)

DIVISION 15
Schedule of Uses

§ 14.03.801. Use designations.

(a) The use of land and/or buildings shall be in accordance with those listed in the following schedule of uses chart. No land or building shall hereinafter be used and no building or structure shall be erected, altered, converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in this schedule of uses is:

X	Designates use permitted in the zoning district indicated
	Designates use prohibited in district indicated
S	Designates use may be approved by specific use permit. (See also section 14.02.081)

(b) If a use is not listed, it is not allowed in any district.

(c) Use chart organization.

- (1) Residential uses.
- (2) Educational, institutional, public and special uses.
- (3) Office and professional.
- (4) Retail and related uses.
- (5) Automobile, transportation, utility, communication and related uses.
- (6) Other uses.

(d) Classification of new/unlisted uses. It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the schedule of uses chart shall be made as follows:

(1) Initiation.

- (A) A person, city department, the planning and zoning commission, or city council may propose zoning amendments to regulate new and previously unlisted uses.
- (B) A person requesting the addition of a new or unlisted use shall submit to the director of planning all information necessary for the classification of the use, including but not limited to:
 - (i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (ii) The type of product sold or produced under the use;
 - (iii) Whether the use has enclosed or open storage and the amount and nature of the storage;
 - (iv) Anticipated employment typically anticipated with the use;
 - (v) Transportation requirements;

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- (vi) The nature and time of occupancy and operation of the premises;
 - (vii) The off-street parking and loading requirements;
 - (viii) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and
 - (ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.
- (2) The development services director shall refer the question concerning a new or unlisted use to the planning and zoning commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statements of facts in subsection (B) above. An amendment to this chapter shall be required as prescribed by ordinance.
- (3) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the most similar and should be permitted.
- (4) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall approve [or] disapprove the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the zoning ordinance according to ordinance.
- (5) Standards for new and unlisted uses may be interpreted by the director of planning as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in subsection (B) above shall be followed for determination of the appropriate district. The decision of the director of planning may be appealed according to the process outlined in subsections (2) through (4) above.
- (e) Schedule of uses chart.

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Residential uses										
Accessory buildings	X	X	X	X			X	X		X
Accessory buildings with habitable space	X	X	X	X						
Caretaker/guard residence	X					S			X	
Community home	X	X	X	X						
Home occupation	X	X	X	X				X		X
Mobile home on individual lot								X		
Mobile home park								X		
Multifamily residence								X		
Registered family home	S	S	S	S						
Single-family dwelling (detached)	X	X	X	X						X
Temporary field construction office	X	X	X	X	X	X			X	X
Educational, institutional, public and special uses										
Adult, child care or day care center	S					X		S		S
Amateur communications antenna	X	X	X	X				X		
Athletic stadium or field (not with public school)	S	S	S	S		S			S	
Church including church related activities	X	X	X	X	X	X	X	X	X	X
Community center (public)	X	X	X	X	X	X		X	X	
Equestrian facilities	X	S				X	X		X	
Equestrian boarding	X	X				X	X		X	
Farm, ranch, garden or orchard	X	X	X	X		X	X	X	X	
Fire or police station	X	X	X	X	X	X		X	X	
Government offices (federal, state, county, city)	X	X	X	X	X	X	X	X	X	
Halfway house									X	
Hospital						S			X	

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Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Clinic					S	X			X	
Library (public)	X	X	X	X	X	X		X	X	
Movie theater						X			X	
Municipal uses operated by the city	X	X	X	X	X	X	X	X	X	
Museum	X	S	S	S	X	X		S	X	
Nursing home					S	S			S	
Pet boarding	S					S			S	
Pet day care						S			S	
Philanthropic institutions					S	X			X	
Public park or playground	X	X	X	X	X	X	X	X	X	
Radio, TV antenna or tower						S			S	
Broadband antenna support structure	X	X	X	X						
Recreation area					S	X			X	
Retirement home/senior independent living facility					S	S			S	
School (private)	S	S	S	S	S	X		S	X	
School (public)	X	X	X	X	X	X	X	X	X	X
School, trade or commercial	S				S	S			X	
Trade days/periodic or seasonal open market	S					S			X	
Office and Professional										
General professional office					X	X			X	
Bank or credit union					X	X			X	
Medical/dental clinic					X	X			X	
Medical laboratory					S	S			X	
Medical minor emergency clinic					S	S			X	
Radio broadcasting without tower					S	X			X	
Real estate sales office (permanent)					X	X			X	

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Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Retail and Related Uses										
Antique shop					X	X			X	
Art and craft supply store					X	X			X	
Bakery (retail)					X	X			X	
Barber shop or beauty salon					X	X			X	
Bicycle, lawnmower sales, repair enclosed						X			X	
Bookstore					X	X			X	
Building materials and hardware (inside)						X			X	
Camera store					X	X			X	
Ceramics store						X			X	
Clothing, apparel or shoe store (new)					X	X			X	
Coffee house					S	X			X	
Computer sales and repair (new and used)					X	X			X	
Convenience store with refueling station						S			X	
Convenience store without refueling station					X	X			X	
Dance studio or gymnastics					S	X			X	
Department store (retail)					S	S			S	
Donut shop					X	X			X	
Driving school						X			X	
Dry cleaning/laundry (no plant on site)					X	X			X	
Dry cleaning plant									X	
Fabric store					X	X			X	
Farmer's market	S				S	S			X	
Feed store						X			X	
Fish and tackle store					S	X			X	
Florist					X	X			X	

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Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Funeral home						X			X	
Furniture store, home furnishings					X	X			X	
Gift shop (new merchandise)					X	X			X	
Grocery store					X	X			X	
Gunsmith						S			S	
Hobby or toy store					X	X			X	
Ice cream or frozen yogurt sales					X	X			X	
Kennels	S								S	
Key shop or locksmith					X	X			X	
Laundromat (self-service)								S		
Meat market (retail)					X	X			X	
Medical aids and equipment					X	X			X	
Musical instrument sales and repair					X	X			X	
Nursery (retail)						X			X	
Outside display of merchandise	S					S			S	
Optical store					X	X			X	
Paint store						S			X	
Pet shop					S	S			S	
Pharmacist or drug store (without drive thru)					X	X			X	
Pharmacist or drug store (with a drive thru)					S	S			S	
Printing shop						X			X	
Produce stand (including wood and seasonal items)	S				S	X			X	
Recycling collection center						X			X	
Refueling station						S			X	
Restaurant, cafe or cafeteria (excluding smoked on site)					X	X			X	
Restaurant drive in					S	S			X	

§ 14.03.801

§ 14.03.801

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Restaurant (food smoked on site)					S	S			X	
Self-storage						S			S	
Sporting goods					X	X			X	
Tack and saddle shop	S				X	X			X	
Therapeutic message					S	S			S	
Used clothing store					S	S			S	
Veterinarian office (with outside pens)						S			X	
Veterinarian office (without outside pens)						X			X	
Wallpaper, flooring and carpet supply						X			X	
Automobile, Transportation, Utility, Communication and Related Uses										
Auto paint (in building)						S			S	
Auto parts store						X			X	
Automotive repair minor						S			S	
Automobile sales (new)						S			X	
Automobile sales (used)						S			X	
Boat sales (new or used)						S			X	
Communication towers						S			S	
Electrical substation	S	S	S	S		S	S	S	S	
Manufacturing (light industrial - enclosed only)									X	
Mobile home sales (new or used)									S	
Motorcycle repair/paint (enclosed)						S			X	
Recreation vehicle sales (new or used)									X	
Telephone exchange	S	S	S	S		S	S	S	S	
Truck sales (new)									X	
Truck sales (used)									X	

§ 14.03.801

§ 14.03.801

Use	AO	R2	R1.5	R1	VC	CB	OS	MH	LI	ED
Truck rental, leasing									X	
Trailer rental/sales									X	
Tractor sales (new or used)									X	
Vehicle leasing or rental						S			X	
Vehicle wash						S			X	
Water utilities	X	X	X	X	X	X	X	X	X	
Other uses										
Forestry	S									
Mining	S									
RV, boat, motorized or non-motorized vehicles, (inside or outside storage)									S	
Temporary real estate sales office		X	X	X	X					

§ 14.03.801

§ 14.03.801

(Ordinance 2008-11-00634 adopted 11/20/08; Ordinance 2012-05-00715, sec. 4, adopted 5/17/12; Ordinance 2012-10-00737 adopted 10/4/12; Ordinance 2016-03-00832 adopted 3/3/16; Ordinance 2016-10-00845 adopted 10/20/16; Ordinance 2017-04-00853 adopted 4/6/17; Ordinance 2017-07-00859 adopted 7/6/17; Ordinance 2018-03-00876 adopted 3/1/18; Ordinance 2020-12-00927 adopted 12/17/20)



City of Lucas
Planning and Zoning Agenda Request
July 13, 2023

Item No. 03

Requester: Management Analyst Joshua Menhennett

Agenda Item Request

Consider approval of the minutes of the June 8, 2023 Planning and Zoning Commission meeting.

Background Information

NA

Attachments/Supporting Documentation

1. June 8, 2023 Planning and Zoning Commission Minutes

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the June 8, 2023 Planning and Zoning Commission meeting.



PLANNING AND ZONING COMMISSION MEETING

June 8, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Commissioners Present:

Vice-Chairman Tommy Tolson
Commissioner Peggy Rusterholtz
Commissioner Joe Williams
Alternate Commissioner Chris Bierman
Alternate Commissioner Frank Hise

Staff Present:

City Manager Joni Clarke
Assistant City Manager Kent Souriyasak
Development Services Director Joe Hilbourn
City Attorney Courtney Morris
City Secretary Erin Flores
Management Analyst Joshua Menhennett

Commissioners Absent:

Commissioner James Foster
Commissioner Adam Sussman

City Council Liaison Present:

Mayor Jim Olk

Call to Order

The meeting was called to order at 6:30 pm and the Pledge of Allegiance was recited.

Regular Agenda

1. **Consider the request by Dave Wilcox (on behalf of Liberty Bank) for a final plat for Hendrick Estates, a parcel of land being 73.4268 acres of land located on the north and south sides of Blondy Jhune Road and east of Country Club Road, being part of the Peter Lucas Survey, A-537; J.W. Kerby Survey, A-506; James Grayum Survey, A-506, Tracts 1, 2, & 3.**

Development Services Director Joe Hilbourn presented the proposed final plat for the Dave Wilcox plot of land. There were no additional comments or questions.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Commissioner Williams to approve the request by Dave Wilcox as presented. The motion passed unanimously by a 5 to 0 vote.

2. **Consider the approval of the Declaration and Protective Covenants for Hendrick Estates, a parcel of land being 73.4268 acres of land being part of the Peter Lucas Survey, A-537; J.W. Kerby Survey, A-506; James Grayum Survey, A-506, Tracts 1, 2, & 3.**

Development Services Director Joe Hilbourn spoke to the Commission regarding the Housing Association documents that have been provided.

Alternate Commissioner Chris Bierman asked what the role of the City was in regards to the document. Development Services Director Joe Hilbourn said that City staff and the City Attorney reviewed and edited the documents in order to meet regulations. City Attorney Courtney Morris advised that she has reviewed them, and the presented documents are in compliance.

MOTION: A motion was made by Commissioner Williams, seconded by Alternate Commissioner Bierman to approve the Declaration and Protective Covenants for Hendrick Estates, a parcel of land being 73.4268 acres of land being part of the Peter Lucas Survey, A-537; J.W. Kerby Survey, A-506; James Grayum Survey, A-506, Tracts 1, 2, & 3. The motion passed unanimously by a 5 to 0 vote.

3. Discuss updating the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning.”

Development Services Director Joe Hilbourn asked the Commission how they would like to proceed on the review of Chapter 14 of the City’s Code of Ordinances. Commissioner Peggy Rusterholtz opined that the Commission review Chapter 14 page by page using the calendar of review that was provided. The Commission agreed to proceed on the review of the chapter in this manner.

The following changes were suggested and will be brought before the Planning and Zoning Commission on July 13, 2023:

- Provide draft definitions for “pool houses” and “art studios.”
- Specification of cottage food laws and preparation in regard to “Farmers market.”
- Make the use of “accessory building” in the definition of “Lot” plural and put parentheses around the “s.”
- Specification of adoption dates for Chapter 14 definitions.
- In the definition of “Lot of record” make mention that the plat be approved by the City of Lucas and change the word “country” to the word “county.”
- Eliminate the definition of “Main building” or move it to “Primary building” to match with recent changes to code regarding Accessory Dwelling Units.
- Change the fourth instance of the word “of” in the definition of “Nonconforming” to “or.”
- Combine the definition of “Park, playground, community center” with the definition of “Public park” into one definition.
- Adding the definition of “Nuisance” to this chapter.
- Section 14.02.032 “Meetings” should be corrected to reflect the proper staff member who is recording the minutes of the meeting.
- Section 14.02.036 (a) and 14.02.036 (d) should be corrected to reflect the proper staff member in charge of filing decisions of the Board of Adjustment.
- Section 14.02.060 (c) should be corrected from “ ‘A’ ” to “ ‘AO’ ”.

Development Services Director Joe Hilbourn advised the Commission on some details regarding athletic facilities in residential areas. Commissioner Rusterholtz advised Mr. Hilbourn that if he can provide a list of nuisances that go along with various construction projects then the Commission can react accordingly when reviewing Chapter 14. Mr. Hilbourn advised if excessive noise and lights can be limited or removed then most problems in regard to regulations would be alleviated.

There was no motion required for this item.

4. Consider the appointment of a Chair of the Planning and Zoning Commission to serve for a term ending December 31, 2023 and appoint a Vice-Chair if needed.

Vice Chairman Tolson opened the floor for nominations.

Commissioner Williams nominated Vice Chairman Tolson to serve as Chairman.

MOTION: A motion was made by Commissioner Williams, seconded by Alternate Commissioner Bierman to appoint Vice Chairman Tolson as the Chairman of the Planning and Zoning Commission. The motion passed unanimously by a 4 to 0 vote.

Chairman Tolson advised the Commission that the position of Vice Chairman must now be filled and opened the floor for nominations.

Alternate Commissioner Bierman nominated Commissioner Williams to serve as Vice Chairman.

MOTION: A motion was made by Alternate Commissioner Bierman, seconded by Chairman Tolson to appoint Commissioner Williams as the Vice Chair. The motion passed unanimously by a 4 to 0 vote.

5. Consider the 88th Legislative Session and discuss any proposed bill or significant resolution that may have an impact on the City of Lucas and provide guidance to the City Attorney and City Manager.

City Manager Joni Clarke advised the Commission that the 88th General Legislative Session is coming to an end, thus, Assistant City Manager Kent Souriyasak will be traveling to Georgetown to attend the Texas Municipal League Legislative Workshop to review the summary of bills that will be affecting cities once they are signed by the Governor.

There was no motion required for this item.

6. Consider approval of the minutes of the May 11, 2023 Planning and Zoning Commission Meeting.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Vice Chairman Williams to approve the minutes from the May 11, 2023 Planning and Zoning Commission Meeting. This motion was passed unanimously with a 5 to 0 vote.

Public Hearing Agenda

- 7. Conduct a public hearing and consider a Specific Use Permit (SUP) application to permit an accessory building in the front of the main structure at 253 East Blondy Jhune Road, Lot 5 of Rock Creek Acres, Lucas, Texas zoned R-2 (Residential 2-Acre).**
- A. Presentation by Development Services Director Joe Hilbourn**
 - B. Conduct public hearing**
 - C. Take action on Zoning Change Request**

Before the presentation and for the duration of the agenda item, Commissioner Rusterholtz recused herself from participation.

Development Services Director Joe Hilbourn gave a presentation highlighting the background information on the item, location map, site plan, proposed building plans, proposed elevation plan, and staff recommendations. Mr. Hilbourn noted that the siding requirement would allow for any siding that is horizontal. Mr. Hilbourn also advised that by tying the plans to the SUP, the requestor would have to request for any changes to be made to the structure in the future.

The Public Hearing was opened by Chairman Tolson at 7:41. Chairman Tolson closed the Public Hearing at 7:42 pm.

Chairman Tolson asked why the recommendation is written to have 75% minimum masonry. Development Services Director Joe Hilbourn advised that this was to allow the requestor to add any additional siding that may not be listed in case it comes up, as in vents or other decorative features. Chairman Tolson requested that the new structure stay consistent to others on the property (75% masonry). Chairman Tolson also requested a certain panel not be used. Mr. Hilbourn suggested specifying siding materials to be used. Mr. Hilbourn advised that all the buildings already on the property were 100% masonry. Alternate Commissioner Bierman advised that the guidelines remain consistent based on previous construction. Mr. Hilbourn advised that the precedent for these buildings in the future would be made based on the Commission's decision on this SUP.

Chairman Tolson advised that the roofing material of the new construction remain consistent with the dwellings on the property. Chairman Tolson also advised that a new land survey be conducted that shows the 300-foot setback and the person who conducted the survey. Mr. Tolson also stated that lighting on the exterior of the building should be shielded and pointed downward.

The Public Hearing was reopened by Chairman Tolson at 7:51 pm.

The owner, Jared Bunn, 253 East Blondy Jhune Road advised the Commission on the decision to plan for brick to go up the side of the building. Development Services Director Joe Hilbourn clarified to the Commission the specific material being used on the higher portion of the building. Mr. Bunn advised the Commission that the two lights planned to be put on the building are the same as the other buildings on the property, shielded and pointed downward.

Vice Chairman Williams advised that no matter the direction the hope is that the new construction matches, in style, the other buildings on the property.

The Public Hearing was closed by Chairman Tolson at 7:56 pm.

Chairman Tolson advised that two options could be used. The first being 100% brick veneer, or 75% brick veneer and 100% masonry. The Commission agreed that the second option would work for owner flexibility.

MOTION: A motion was made by Vice Chairman Williams, amended by Chairman Tolson, and seconded by Alternate Commissioner Bierman to approve a Specific Use Permit (SUP) application to permit an accessory building in the front of the main structure at 253 East Blondy Jhune Road, Lot 5 of Rock Creek Acres, Lucas, Texas zoned R-2 (Residential 2-Acre). The motion was amended to include 75% brick veneer and 100% masonry perimeter walls, the roofing material be 30-year composition asphalt shingles, a revised notation date, a line showing the distance from the corner of the building to the property line, and a name of the surveyor, along with noting that the SUP only applies to the building presented.

Commissioner Peggy Rusterholtz rejoined the meeting at 8:00 pm.

8. Adjournment.

MOTION: A motion was made by Vice Chairman Williams, seconded by Alternate Commissioner Bierman to adjourn the meeting at 8:01 pm. The motion passed unanimously by a 5 to 0 vote.

Tommy Tolson, Chairman

Joshua Menhennett, Management Analyst