



**AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**REGULAR MEETING**  
**7105 WHITLEY ROAD, WATAUGA, TEXAS 76148**  
**TUESDAY, SEPTEMBER 28, 2021**  
**5:30 PM**

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC COMMENT** If speaking for an organization or group, the speaker should identify the group represented. If speaking during Public Comment (for matters not posted on that particular meeting's agenda), members of the Board and Staff may only provide a statement of factual information in response to the inquiry or recite existing policy in response (e.g., to correct a factual misstatement made by the citizen or provide factual information requested by the citizen). Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a future meeting. If necessary, the Chair will task the designated staff to respond to the citizen and report back to the Board as soon as practicable. Such report to the Board shall not constitute a meeting called by the Board nor shall it constitute deliberation or formal action. Individual citizens addressing the Board during Public Comment shall not exceed three (3) minutes in their comments; however, the Chair may extend or reduce the speaker's allotted time in order to conduct an efficient and effective public meeting. The time allotted shall not be donated to others desiring to speak. Public Comment is not established to engage in a conversation with the Board and no formal Board action will be taken.

**APPROVAL OF MINUTES**

1. **Consider action to approve the meeting minutes of the October 29, 2020 Regular Meeting of the Zoning Board of Adjustment**

**NEW BUSINESS**

1. **Discussion and action on selection of Zoning Board of Adjustment Officers - Chairperson, Vice-Chairperson, and Secretary**

**ADJOURNMENT**

**Meeting Notices and Reservation of Rights**

The Zoning Board of Adjustment may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding

the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the to address a subject matter on the agenda. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

**NOTICE**

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY’S OFFICE AT (817) 514-5825, OR FAX (817) 281-1991 FOR FURTHER INFORMATION.

I, Terri Johnson, Interim City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Friday, September 24, 2021, before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

  
Terri Johnson, Interim City Secretary





## AGENDA MEMORANDUM

**DATE:** September 23, 2021

**TO:** Zoning Board of Adjustment Members

**FROM:** Randy Richards, Building Official  
Paul Hackleman, Director of Public Works

**SUBJECT:** Consider action to approve the meeting minutes of the October 29, 2020 Regular Meeting of the Zoning Board of Adjustment

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**BACKGROUND/INFORMATION:**

This item contains Meeting Minutes Draft for Zoning Board of Adjustment review and approval.

**FINANCIAL IMPLICATIONS:**

NA

**RECOMMENDATION/ACTION DESIRED:**

Respectfully recommend the Zoning Board of Adjustment review and take action on the item presented.

**ATTACHMENTS/ SUPPORTING DOCUMENTATION:**

1. October 29, 2020 DRAFT

**REVIEWED BY:**

Randy Richards, Building Official  
Paul Hackleman, Director of Public Works  
Terri Johnson, Interim City Secretary

Approved - 9/23/2021  
Approved - 9/24/2021  
Final Approval - 9/24/2021

*Approved as to form for inclusion on Agenda*



**MINUTES  
ZONING BOARD OF ADJUSTMENT  
THURSDAY, OCTOBER 29, 2020  
CITY HALL-COUNCIL CHAMBER, 7105 WHITLEY ROAD  
REGULAR MEETING  
6:00 P.M.**

**CALL TO ORDER:**

Chairperson David Villafuerte called the meeting to order at 6:12 PM.

**MEMBERS PRESENT:**

David Villafuerte, Place 1  
Damon Solko, Place 2  
Pete Beierschmitt, Place 3  
Charlie Mann, Place 5 – arrived 6:15 p.m.  
Lissa Sieja, Alternate, Place 3  
Jan Hill, Alternate, Place 4

With

Mel Eperthener, Place 4 – absent with notice  
Mary Stormer, Alternate, Place 1 – absent with notice

And

Andrew Neal, Primary Council Liaison  
Randy Richards, Building Official  
Jeannette Garcia, Planning and Zoning Coordinator

**PUBLIC TESTIMONY** Members of the public are invited and encouraged to attend all public meetings of the City Council that are not closed to the public in accordance with the Texas Open Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Public input to the City Council is encouraged during the Public Testimony, Public Hearings, or Action Item sections of a meeting agenda. Individuals desiring to speak during Public Testimony shall be called upon to speak only after completing a Request to Speak form provided. The Request to Speak form for Public Testimony shall be submitted to the administrative staff prior to speaking. Individuals desiring to speak on an agenda item or during a public hearing shall submit the Request to Speak form prior to the introduction of that respective item by the Chair. Once the form is received by administrative staff, the individual shall be recognized and called upon by the Chair prior to speaking. Any public testimony must occur prior to formal action being taken by the Body. The Chair shall have the power to suspend citizen comments at any time during the meeting to preserve the order and efficiency of the meeting. Reasonable time limitations may be placed on public testimony by the presiding officer in order to conduct an efficient and

effective public meeting.

No online or in person request were received for Public Testimony.

### **APPROVAL OF MINUTES:**

1. Approval of Minutes from the September 29, 2020 Regular Meeting of the Zoning Board of Adjustment.

Member Pete Beierschmitt made a motion to approve the minutes of September 29, 2020 as presented. Member Damon Solko seconded the motion, which was approved as follows:

AYES: Villafuerte, Solko, Beierschmitt, Sieja, Hill  
NAYS: None  
ABSENT: Eperthener, Mann  
ABSTAIN: None

### **PUBLIC HEARING**

1. **ZBA Case No. 20-01:** Request for a Special Exception to Watauga City Code of Ordinances, Chapter 115 - Zoning, Article II, Section 115-34, Paragraph (e), to allow an authorized special exception (7) Outside storage for department stores and hardware stores. **Conditions:** Storage Items must not be located in the designated front yard setback area. All stored Items within the storage area shall be displayed items for sale and not discarded items. The property is located at 5609 Watauga Road, Lot 1R Block 5 of the Schellinger, I J Subdivision. Harry Saginaw, owner. Raul Ramon, authorized applicant/owner of El Sol Mexican Imports.

The public hearing was opened at 6:16 p.m. Randy Richards introduced the case no. ZBA. 202-01 in stating that the applicant, Raul Ramon, has been a long tenured business owner in the City for over 26 years and advised of the applicants request for outside storage at their new location, 5609 Watauga Rd. Code of Ordinance Section 115-34(e) does allow for the use of storing outside items which are for sale and not discarded items. Staff recommends approval of the outside storage for retail use which is allowed in a local business zoning district with a reminder items must not be located in the front yard setback area. With no other questions, Chairperson Villafuerte closed the public hearing at 6:20 p.m. and reconvenes the regular meeting.

### **NEW BUSINESS**

1. Discussion and Action of **ZBA Case No. 20-01:** Consider request for a Special Exception to Watauga City Code of Ordinances, Chapter 115 - Zoning, Article II, Section 115-34, Paragraph (e), to allow as an authorized special exception (7) Outside storage for department stores and hardware stores. **Conditions:** Storage Items must

not be located in the designated front yard setback area. All stored Items within the storage area shall be displayed items for sale and not discarded items. The property is located at 5609 Watauga Road, Lot 1R Block 5 of the Schellinger, I J Subdivision. Harry Saginaw, owner. Raul Ramon, authorized applicant/owner of El Sol Mexican Imports.

Member Pete Beierschmitt made a motion to approve ZBA case no. 20-01 as presented. Member Damon Solko seconded the motion, which was approved as follows:

AYES: Villafuerte, Solko, Beierschmitt, Mann, Sieja, Hill  
NAYS: None  
ABSENT: Eperthener  
ABSTAIN: None

**ADJOURNMENT:**

With no further business to discuss, Chairperson David Villafuerte adjourned the meeting at 6:22 p.m.

**APPROVED:** this the \_\_\_\_\_ day of \_\_\_\_\_ 202\_.

**SIGNED:** this the \_\_\_\_\_ day of \_\_\_\_\_ 202\_.

**APPROVED:** \_\_\_\_\_  
David Villafuerte, Chairperson

**ATTEST:** \_\_\_\_\_  
Damon Solko, Secretary



## AGENDA MEMORANDUM

**DATE:** September 23, 2021

**TO:** Zoning Board of Adjustment Members

**FROM:** Randy Richards, Building Official  
Paul Hackleman, Director of Public Works

**SUBJECT:** **Discussion and action on selection of Zoning Board of Adjustment Officers - Chairperson, Vice-Chairperson, and Secretary**

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**BACKGROUND/INFORMATION:**

Article II.-Administration and Enforcement. Sec. 115-34. Board of adjustment (a) (5) Annual meeting; adoption of rules; installation of members; duties of officers. The board shall hold an organizational meeting in September of each year and shall elect a chairman, vice-chairman and a secretary from among its members before proceeding to any other matters of business. The chairperson shall preside at all meetings and is a voting member of the board. A vice-Chairperson shall assist the chairperson and act in the chair's absence. The secretary is responsible for accuracy of the minutes and shall sign approved minutes.

**FINANCIAL IMPLICATIONS:**

NA

**RECOMMENDATION/ACTION DESIRED:**

Respectfully recommend selection of officers.

**ATTACHMENTS/ SUPPORTING DOCUMENTATION:**

1. Sec. 115-34 Board of Adjustment

**REVIEWED BY:**

Randy Richards, Building Official  
Paul Hackleman, Director of Public Works  
Terri Johnson, Interim City Secretary  
*Approved as to form for inclusion on Agenda*

Approved - 9/23/2021  
Approved - 9/24/2021  
Final Approval - 9/24/2021

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## Sec. 115-34. Board of adjustment.

(a) *Organization of the board.*

- (1) *Creation.* There is hereby created a board of adjustment to be composed of five members who shall be qualified electors of the city. It is the declared policy of the city council that it will consider for appointment by the mayor and subject to approval and consent of the city council, only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, and availability to prepare for and attend meetings. The city council may appoint up to four alternate members of the board of adjustment who shall serve in the absence of one or more regular members of the board when requested to do so by the mayor or city manager, as the case may be. Alternate members shall be qualified electors of the city and shall serve for a period of two years from September 1 of the year in which they are appointed.
- (2) *Term of office.* The board of adjustment shall consist of five regular members. Places on the board shall be numbered one through five with all members appointed for two-year terms to expire August 31. Members serving in odd-numbered places shall have their terms expire on each odd-numbered year, and members serving in even-numbered places shall have their terms expire on even-numbered years. The board may submit to the mayor the names of those current members who are recommended for reappointment. An interview committee composed of three members of the city council shall be appointed by the mayor for a term of one year (October 1 through September 30) to interview applicants to fill vacancies on the board. The mayor shall designate one of these three members as an "alternate." In the event the city council has a quorum of four members, all three members (including the alternate) shall serve in their capacity to interview applicants. In the event the city council has a quorum of three members, the alternate will not participate in the interviewing of applicants. However, the alternate shall serve in his or her capacity to interview applicants in the absence of one of the two other members. Members of the interview committee, individually, or as a group, shall submit the names of those recommended for appointment to the mayor. No person shall be recommended for appointment to the mayor by a member of the interview committee unless they have been interviewed by at least one member of the interview committee. The mayor may accept or reject the names submitted. The mayor, subject to the approval and consent of the city council in an open meeting, shall appoint members to the board.
- (3) *Vacancy.* Vacancies shall be filled for unexpired terms; no member shall be appointed for a term in excess of two years. A vacancy in a term of office shall occur whenever the city council finds that a member:
  - a. Has resigned or has not maintained the qualifications required for appointment;
  - b. Has repeatedly failed to attend properly called meetings of the board without just cause; or
  - c. Has been guilty of malfeasance or misconduct in office.
- (4) *Liaisons.* In addition to regular board members, each board shall have two members of the city council appointed by the mayor, subject to the approval and consent of the city council, to serve as liaisons to the board. The purpose of the liaisons is to provide guidance to the board in matters pertaining to city administration and home rule charter affairs, and to provide interface with city staff, the city attorney, and the full city council in any matter that may arise. City council liaisons shall not have the right to vote in any matter before the board, but shall have the right to fully participate in all discussions of matters that come before the board. The appointment of liaisons by the mayor shall be at the second meeting in June of each year.
- (5) *Annual meeting; adoption of rules; installation of members, duties of officers.* The board shall hold an organizational meeting in September of each year and shall elect a chairman, vice-chairman and a

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secretary from among its members before proceeding to any other matters of business. The board shall meet regularly and shall designate the time and place of its meetings. The board shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the state statutes and this chapter. Newly appointed members shall be installed at the first regular meeting after their appointment. Duties of the officers shall be as follows:

- a. *Chairperson.* The chairperson shall preside at all meetings, represent the board at public functions, appoint special committees, and provide an agenda for each meeting, which will include any item requested by another board member, or by the director of the department with whom this board directly interfaces. The agenda shall be provided to the city secretary in advance of any meeting to provide proper posting and notification notice in accordance with Texas Open Meeting Act (V.T.C.A., Government Code ch. 551). The chairperson shall schedule meetings of the board, if other than the pre-established time, day, and/or week of the month. The chairperson shall be a voting member of the board.
  - b. *Vice-chairperson.* The vice-chairperson shall assist the chairperson in directing the affairs of the board and act in the chair's absence.
  - c. *Secretary.* The secretary is responsible for the accuracy of the minutes of the board meetings. A draft copy of those minutes will be provided to the city secretary within three working days following any meeting. In addition, the secretary shall sign the approved minutes.
- (6) *Quorum and attendance at meetings.* Four members of the board shall constitute a quorum for the conduct of business. The members of the board shall regularly attend meetings and public hearings of the board and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.
- (7) *Removal.*
- a. The board shall recommend to the mayor and city council removal of any member who is absent from two consecutive meetings without first notifying the chair or the city secretary's office by 12:00 noon of the meeting date and/or fails to exhibit a general interest in the endeavors of the board. Two consecutive absences by a member, whether or not the member first notifies the chair or the city secretary's office by 12:00 noon of the meeting date, shall require a specific agenda item at the next regularly scheduled meeting to determine if the reasons for the absences are sufficient to be excused or constitutes a failure to exhibit a general interest in the endeavors of the board.
  - b. After a public hearing and upon a written charge, the council may remove a board member for cause pursuant to V.T.C.A., Local Government Code § 211.008(b).
- (b) *Duties and powers of the board.* The board of adjustment shall have the powers and exercise the duties of a board in accordance to V.T.C.A., Local Government Code § 211.008. Board members are representatives of the city and shall have the right to inspection of premises where required in the discharge of their responsibilities under the laws of the State of Texas and the ordinances of this city. The board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications, and to that end shall have the necessary authority to insure continuing compliance with its decision.
- (1) *Interpretation.* To render an interpretation of the zoning regulations or the manner of their application where it is alleged that there is error in any order, requirement, or determination made by the zoning official in the administration of such provisions. In reaching its decisions the board shall establish firm guidelines for future administrative actions on like matters.
  - (2) *Special exception.* To decide upon those applications for a special exception use or development of property when the same is authorized under this chapter subject to board approval. In reaching its decision the board shall not grant the application if it finds:

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- a. That the use is not specifically permitted under this chapter;
  - b. That the locations of proposed activities and improvements are not clearly defined on the site plan filed by the applicant; or
  - c. That the exception will not be wholly compatible with the use and permitted development of adjacent properties.
- (3) *Variance.* To authorize upon appeal in specific cases such variance from the development controls set forth in this chapter as will not be contrary to public interest. In reaching its decision, the board shall not grant the variance appeal if it finds:
- a. That literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property;
  - b. That the situation causing the hardship or difficulty is not unique to the affected property or is self-imposed;
  - c. That the relief sought will injure the permitted use of adjacent conforming property; or
  - d. That the granting of the variance will not be in harmony with the spirit and purposes of this chapter.
- (c) *Appeal and allocation procedure.*
- (1) *Interpretation request; variance appeal.* A request for interpretation of regulations or an appeal for variance from development controls may be taken by any person aggrieved or by any officer, department, or board of the city affected by a decision of the zoning official. Such appeal shall be taken within a reasonable time as determined by rules of the board of adjustment, by filing with both the zoning official and the board of adjustment a notice of appeal, specifying the grounds thereof. The zoning official shall transmit to the board all papers constituting the record upon which the action appealed from was taken.
  - (2) *Stay of proceedings.* An appeal shall stay all proceedings of the action appealed from, unless the zoning official, after the notice of appeal has been filed with him, certifies to the board that by reason of facts stated in his certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the board or by a court of record on application and notice to the zoning official from whom the appeal is taken.
  - (3) *Special exception application.* An application for a special exception to use or develop property as specifically authorized in district use regulations or in this chapter may be filed by any person owning the affected property or by any tenant upon written authorization of the owner. Such application shall be filed with the board, and a copy thereof with the zoning official.
  - (4) *Form of appeal or application.* The appeal or application shall be in such form and contain such information as the board may require under its rules of procedure. It shall be accompanied by the required fee. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the board, and shall not be reviewed or scheduled for hearing until brought to completion.
  - (5) *Notice of hearing.* Official written notice of public hearing on every application for a variance or special exception or for an interpretation of regulations applying solely to an individual property shall be sent to all owners of property, or to the person rendering the same for city taxes, affected by such application, located within 200 feet of any property affected thereby, within not less than ten days before such hearing is held. Such notice shall be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on requests for interpretation of regulations applying to more than one property and ownership shall be

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given by means of a general notice as provided below. In addition, a list of items on the agenda to be heard by the board shall be posted at a public place in city hall at least 72 hours before the hearing on said items, and a list of agenda items shall be published in a newspaper of general circulation in the city at least 24 hours before the hearing at which action will be considered.

(d) *Hearing and decision.*

(1) *Generally.*

- a. The board of adjustment shall fix a reasonable time for the hearing of an appeal, give public notice thereof, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by attorney or agent. Evidence supporting the grant or denial of an appeal shall be submitted only through the zoning official or to the board in public meeting.
- b. Any appeal or application may be withdrawn upon written notice to the zoning official, but no appeal shall be withdrawn after posting of hearing notice and prior to board action thereon without formal consent of the board.

(2) *Decision and voting.*

- a. Every decision of the board shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings. The enumerated conditions required to exist on any matter upon which the board is authorized to pass under this chapter shall be construed as limitations on the power of the board to act.
- b. Nothing herein contained shall be construed to empower the board to change the terms of this chapter, or to effect changes in the zoning districts. The powers of the board shall be so applied that the terms of this chapter will be strictly enforced.
- c. In exercising its powers, the board of adjustment, in conformity with the provisions of V.T.C.A., Local Government Code §§ 211.008—211.013 may modify in whole or in part any order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
- d. The concurring vote of four members of the board shall be necessary to reverse on appeal, any order, requirement, decision, or determination of the zoning official, or to approve any application upon which it is required to pass under this chapter or to effect any variance in said chapter.

(3) *Disqualification from voting.*

- a. A member shall disqualify himself from voting whenever he has a personal or monetary interest in the property under appeal, or will be directly affected by the decision of the board.
- b. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the member's vote on the appeal, other than in the public hearing.

(4) *Approval of request.*

- a. In approving any request, the board of adjustment may designate such conditions in connection therewith in order to secure substantially the objectives of the regulation or provision to which such variance is granted and to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted.
- b. When necessary, the board of adjustment may require guarantees, in such form as it deems proper, to insure that conditions designated in connection therewith are being or will be complied with.

- c. Unless a building permit or certificate of occupancy is obtained, appeal shall expire 60 days after the board's decision unless a greater time is requested in the application and is authorized by the board. Any approval may be granted one emergency extension of 60 days on written request filed with the board before expiration of the original approval.
- (5) *Denial of request.* No appeal or application that has been denied shall be further considered by the board under a subsequent request obtained by filing new plans and obtaining of a new decision from the zoning official unless:
- a. The new plans materially change the nature of the request; or
- b. The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the board, so as to support an allegation of changed conditions.
- (6) *Appeal of board action.* Any persons, jointly or separately, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, or board of the city, may present to a court of record a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within ten days after the filing of the decision complained of in the office of the board of adjustment, and not thereafter.
- (e) *Authorized special exceptions.* The following privately owned or privately operated uses may be permitted as special exceptions by the board in the districts indicated below, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the board may impose for protection of public health or safety:

Special Exception		District Where Permitted
(1)	Aviation field, airport, or aircraft landing area	I
(2)	Extension of cemetery, mausoleum, or crematory for the disposal of human dead	All districts
(3)	Shared parking: Sharing of the same off-street parking space by two or more uses, as follows:	CF, GU, LB, GB, C or I
	(A) When two or more uses, according to such approved plan, share the same off-street parking space, each may be considered as having provided such sharing space individually.	
	(B) The land uses and common parking facility must be located in close proximity to one another.	
	(C) The land uses must be located not farther from the shared parking than a distance of 300 feet, measured by a straight line from the nearest point of the shared off-street parking space.	
(4)	Off-site parking when the following applies:	
	(A) Must be located not farther from the use served than a distance of 300 feet, measured by a straight line from the nearest point of the land on which the use served is located to the nearest point of the separated off-street parking space.	
	(B) A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to service.	
(5)	Reduction of required parking between 11% and 50%.	CF, GU, LB, GB, C or I

(6)	Antenna facilities which do not meet the requirements of section 115-116, Antenna facilities. See section 115-116, Antenna facilities.	
(7)	Outside storage for department stores and hardware stores. Conditions: Must not be located in the designated front yard setback area.	CF, GU, LB, GB, C or I
(8)	Carpports. Conditions: Must have minimum five foot front yard setback from the sidewalk (or ten-foot front yard setback in yards where there is no sidewalk), and minimum five-foot side yard setback. Carports may be constructed of (1) all metal finished in a color or color scheme identical to, or compatible with, the trim of the existing residential structure, or (2) a combination of wood and masonry so designed that the masonry and roofing material used in the construction of the carport is compatible with the existing residential structure. However, residences constructed pursuant to 80% or greater masonry requirements (based on square footage measurements) must have carports constructed with vertical columns of brick or natural stone. Residences constructed pursuant to zoning buildings regulations with masonry requirements of less than 80% are exempt from the requirement of masonry or natural stone columns. The maximum height of any portion of the carport shall not be higher than the highest part of the residence. Flat roof designed carports shall not extend below the lowest point of the eaves of the house. Carports will not be built to accommodate vehicles more than eight feet in height.	SFA, SF6, D, and MF and residential uses; permitted in nonresidential districts by provisions otherwise contained within the zoning ordinance.
(9)	Seasonal merchants. Conditions: The special exception shall be limited to outdoor retail sales of items to include pumpkins, hay bales, Christmas trees, holiday yard art or holiday accessory items, shrubbery, outdoor plants, potted plants, hanging baskets and container plants as well as fruit and vegetable plants, shrubs and trees. These special exception sales may only occur March 1 through December 31. Seasonal permits must be obtained annually from the department of public works.	GB, LB, C and I

(Code 2001, § 14.604; Code 2010, § 14.06.004; Ord. No. 1439, § IV, 2-22-2010; Ord. No. 1543, § I, 1-27-2014; Ord. No. 1673, § I, 10-22-2018)

State law reference(s)—Board of adjustment, V.T.C.A., Local Government Code § 211.008 et seq.