



AGENDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7105 WHITLEY ROAD, WATAUGA, TEXAS 76148
WEDNESDAY, APRIL 19, 2023
6:30 PM

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS

1. Reminder about Cybersecurity training
Arthur Miner, Mayor

PRESENTATIONS

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 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 action will be taken.

PUBLIC TESTIMONY FOR ACTION ITEMS Only those persons who submit a completed Request to Speak form prior to the agenda item being introduced by the Chair will be allowed to speak on agenda items set for action (this doesn't include presentations or reports). The Chair shall ask each person requesting to speak to approach the podium when called to speak. Speakers' time shall generally not exceed three (3) minutes in their comments and all comments must be germane to the specific agenda item being discussed; however, the Chair may extend or reduce the speaker's allotted time. Speakers shall not be permitted to donate their time to other speakers. Members of the Board may ask questions or discuss the item directly with the citizen during the citizen's testimony if necessary. Any discussion between a

Board member and the citizen will not count toward the time limit and members are encouraged not to speak until the citizen has first utilized their allocated time.

REPORTS

CONSENT AGENDA All of the items on the consent agenda are considered to be self-explanatory by the Commission and will be enacted with one motion, one second, and one vote. There will be no separate discussion of these items.

1. Consider action to approve the meeting minutes of the February 15, 2023 Regular meeting of the Planning and Zoning Commission

PUBLIC HEARINGS/ACTION

1. **Z.23-01 w/SUP:** Public hearing to receive comments for or against a request for a zoning change from General Business (GB) to Commercial (C) with a specific use permit (SUP), for property commonly known as 6601 Watauga Road, being a portion of Lot 25 Block 3, of the Singing Hills Addition; and consider action to allow for a water/ice vending station in the Woodcrest Marketplace Shopping Center. The subject property is located on the north side of Watauga Road and west of Rufe Snow Drive. Owner: Woodcrest Marketplace LP. Applicant/Agent: Rick Kelly, Watermill Express.
2. **P.23-01:** Public hearing to receive comments for or against a request for a re-plat at the location commonly known as 5932 Denton Highway, Lot A-R-1 Block 7 of the Watauga Addition. The subject property, located east of Denton Highway south of Bowie Street and north of Shipp Drive, is to be subdivided into two (2) lots to allow for a restaurant establishment.
3. **ORD.23-01:** Public hearing to receive comments for or against a request concerning text amendments to the City of Watauga Code of Ordinances, Chapter 115, Article V. - Development Controls, Sec. 115-117. - Landscape regulations. (e) Screening requirements; and consider action to approve the amendments as noted.
4. **ORD. 23-02:** Public hearing to receive comments for or against a request concerning text amendments to include a definition of Smoke Lounge and Smoke Shop in the City of Watauga Code of Ordinances, Chapter 115 Zoning - Article I. Sec.115-6 In General. Permitted principal, accessory and specific use permit uses and to authorize Smoke Lounge and Smoke Shop as a permissible use requiring specific use permits in designated zoning districts in Article IV. Sec. 115-85 Table of Uses; and consider action to approve the amendments as noted.
5. **Z.23-02:** Public hearing to receive comments for or against a request for a zoning change from Community Facilities (CF) and General Business (GB) to Planned Development (PD), for property commonly known as Pheasant Run 65 Lot H1B Portion without EXM; and consider action to allow for single family residential townhomes. The Planned Development (PD) is proposed to be platted into one hundred thirty-two lots. Owner: Lifestyle Christianity. Applicant/Agent: Olivet Capital, Michael Lynch.

ACTION ITEMS

ITEMS FOR FUTURE AGENDAS

ADJOURNMENT

Meeting Notices and Reservation of Rights The City Council/Board/Commission/Committee 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 [City Council/Board/Commission/Committee] to address a subject matter on the agenda. Action, if any, will be taken in open session. 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) 514-3625 FOR FURTHER INFORMATION.

I, Linda Proskey, 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 April 14, 2023 before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.



Linda Proskey, City Secretary





AGENDA MEMORANDUM

DATE: March 22, 2023
TO: Planning and Zoning Commission Members
FROM: Randy Richards, CFM, Assistant Director of Public Works
SUBJECT: Consider action to approve the meeting minutes of the February 15, 2023 Regular meeting of the Planning and Zoning Commission

BACKGROUND/INFORMATION:

This item contains draft meeting minutes from February 15, 2023 for Planning and Zoning review and approval.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

Staff recommend the Planning and Zoning Commission review and approve the meeting minutes as presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Feb. 15, 2023 - Regular Meeting Minutes - DRAFT

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works	Approved - 4/12/2023
Paul Hackleman, Director of Public Works	Approved - 4/12/2023
Joshua Jones, City Manager	Approved - 4/12/2023
Linda Proskey, City Secretary	Final Approval - 4/12/2023
<i>Approved as to form for inclusion on Agenda</i>	



“A GREAT PLACE TO LIVE”

**MINUTES
PLANNING AND ZONING COMMISSION
WEDNESDAY, FEBRUARY 15, 2023
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
REGULAR MEETING
6:30 P.M.**

CALL TO ORDER

Chairperson Karen Isbell called the meeting to order at 6:36 p.m.

ROLL CALL

Mike Arend	Place 1, Member
Quincy Adams	Place 2, Member
Jillian Giles	Place 3, Member
VACANT	Place 4, Member
Cristy McCauley-Blackburn	Place 5, Secretary – Absent with Notice
Karen Isbell	Place 6, Chairperson
Sharon Gehle	Place 7, Vice-Chairperson

And

Mark Taylor	City Council Primary Liaison
Randy Richards	Assistant Public Works Director
Jeannette Garcia	Planning and Zoning Coordinator

Other Council Members present:

Jan Hill	Council Member, Place 7
Art Miner	Mayor

PUBLIC COMMENT

Chairperson Isbell called for Public Comment. Request to Speak forms were not received and there were no participants present requesting to speak.

PUBLIC TESTIMONY FOR ACTION ITEMS

Chairperson Isbell called for Public Testimony. Request to Speak forms were not received and there were no participants present requesting to speak.

REPORTS

CONSENT AGENDA

1. Consider action to approve the meeting minutes of the February 15, 2023, Regular meeting of the Planning and Zoning Commission

Member Arend made motion to approve the minutes as presented and Member Gehle seconded the motion. Chairperson Isbell called for discussion.

With there being no discussion, Chairperson Isbell called for a vote, with members present voting as follows:

AYES: Arend, Adams, Giles, Gehle
NAYS: None
ABSENT: McCauley-Blackburn
ABSTAIN: None

The motion carried 4-0-1-0.

PUBLIC HEARINGS/ACTION ITEMS

1. **SUP.23-01:** Consider action on a preliminary report concerning a request for a specific use permit, for 6600 Denton Highway Suite #200, Lot B2R, Block 4, of the Greenfield Village Addition, to allow for a massage establishment in a General Business (GB) zoning district. The subject property is located north of Greenfield Drive east of Denton Highway and west of Chapman Road. Owner, Nikki Cee LLC. Applicant/agent, Josephine Bacon.

Chairperson Isbell introduced Case No. **SUP. 23-01:** Public hearing to receive comments for or against a request for a specific use permit for 6600 Denton Highway Suite 200, being Lot B2R, Block 4 of the Greenfield Village Addition; and consider action to allow for a massage establishment in a General Business (GB) zoning district. The subject property is located north of Greenfield Drive east of Denton Highway and west of Chapman Road. Owner, Nikki Cee LLC. Applicant/agent, Josephine Bacon.

Randy Richards advised Texas Local Government Code 211.007(b) requires the Planning and Zoning Commission make a preliminary report prior to approving changes to the City's Zoning Ordinance. Public Hearing notices were duly posted and published by the City Secretary's Office in the Fort Worth Star-Telegram on January 30, 2023. Written notice of the public hearing on the proposed changes was sent to all owners of the property, or to the person rendering the same for city taxes within two hundred (200) feet of the subject properties affected, thereby giving them an opportunity to comment, in accordance with Section 115-35 (c)(3)(b) and Section 115-35 (c)(3)(d)(3) of the Code of Ordinances.

Staff reviewed the consistency of the request with the Comprehensive Plan. B.E. Bootcamp and Fitness currently occupies Suite #200 of the Parkridge Shopping Center. Neighboring uses in the shopping center include retail, finance, restaurant, and massage therapy.

The applicant, Josephine Bacon is requesting for the specific use permit to allow for a reflexology and massage establishment in a General Business (GB) zoning district. Ms. Bacon currently occupies this space for a health and fitness service, known as B.E. Bootcamp. The request is consistent with the surrounding districts allowing for Local Office/Retail/Commercial development and meets the future land use plan. The applicant is present should the commission have any questions.

Chairperson Isbell stated with the introduction of the case being complete, she opened the public hearing at 6:43 p.m. With there being none wishing to speak, the public hearing was closed at 6:44 p.m. Chairperson Isbell then asked the commission if they had any discussion.

Member Gehle questioned if any comments were received by staff regarding the action item. Staff shared the response as written. Member Gehle also inquired of the opponents' comments and his relation to the case. Mr. Richards acknowledged that the response came from an adjacent property manager.

Chairperson Isbell asked the commission if there was any other discussion. With there being none, she then called for a motion.

Member Giles made motion to approve the request as presented. Member Adams seconded the motion. With there being no other discussions, Chairperson Isbell called for a vote, with members present voting as follows:

AYES: Arend, Adams, Giles, Gehle
NAYS: None
ABSENT: McCauley-Blackburn
ABSTAIN: None

The motion carried 4-0-1-0.

2. **SUP.23-02:** Consider action on a preliminary report concerning a request for a specific use permit, for 6029 Plum St., Lot 2R, Block 9, of the Original Town of Watauga Addition, to allow for a private school establishment in a General Business (GB) zoning district. The subject property is located north of Lamar Street south of Main Street and east of Denton Highway. Owner/applicant, ChristaCarol Jones.

Chairperson Isbell introduced Case No. **SUP. 23-02:** Public hearing to receive comments for or against a request for a specific use permit for 6029 Plum Street,

being Lot 2R, Block 9 of the Original Town of Watauga; and consider action to allow for a private school establishment in a General Business (GB) zoning district. The subject property is located north of Lamar Street south of Main Street and east of Denton Highway. Owner and Applicant, ChristaCarol Jones. Chairperson Isbell

Randy Richards advised Texas Local Government Code 211.007(b) requires the Planning and Zoning Commission make a preliminary report prior to approving changes to the City's Zoning Ordinance. Public Hearing notices were duly posted and published by the City Secretary's Office in the Fort Worth Star-Telegram on January 30, 2023. Written notice of the public hearing on the proposed changes was sent to all owners of the property, or to the person rendering the same for city taxes within two hundred (200) feet of the subject properties affected, thereby giving them an opportunity to comment, in accordance with Section 115-35 (c)(3)(b) and Section 115-35 (c)(3)(d)(3) of the Code of Ordinances. He shared the owner of ABC Plumbing, Jason Lewis recommend approval of the specific use permit as this was the only response received regarding this case.

The owner and applicant, ChristaCarol Jones is requesting for the specific use permit (SUP) to allow for a private school establishment in a General Business (GB) zoning district. Ms. Jones currently occupies this space for a daycare center for children, known as Discover Me Montessori. The request is consistent with the surrounding districts allowing for Local Office/Retail/Commercial development and meets the future land use plan.

Staff reviewed the consistency of the request with the Comprehensive Plan. B.E. Bootcamp and Fitness currently occupies Suite #200 of the Parkridge Shopping Center. The proposed amendment is consistent with the surrounding neighboring uses which include retail, finance, restaurant, and massage therapy.

Mr. Richards advised that the applicant is present should the commission have any questions.

Chairperson Isbell stated with the introduction of the case being complete, she opened the public hearing at 6:51 p.m. With there being none wishing to speak, the public hearing was closed at 6:51 p.m. Chairperson Isbell then asked the commission if they had any discussion.

Member Gehle questioned the existing use and inquired if the increase in grade levels and expansion would have effect in the parking. ChristaCarol Jones, owner, address is 5607 Dye Drive, Arlington, Texas 76013 advised plan is for low ratio and small classrooms. There is no expansion. The parking situation at

drop-off and pickup allows for smooth process. Member Gehle inquired of the current enrollment. Ms. Jones shared the current enrollment is eighteen (18).

Chairperson Isbell asked the commission if there was any other discussion. With there being none, she then called for a motion.

Member Giles made motion to approve the request as presented. Member Gehle seconded the motion. With there being no other discussions, Chairperson Isbell called for a vote, with members present voting as follows:

AYES: Arend, Adams, Giles, Gehle
NAYS: None
ABSENT: McCauley-Blackburn
ABSTAIN: None

The motion carried 4-0-1-0.

ACTION ITEMS

ITEMS FOR FUTURE AGENDAS

Mike Arend	Place 1 - None
Quincy Adams	Place 2 – None
Jillian Giles	Place 3 – Review of Comprehensive Plan*
Vacant	Place 4
Cristy McCauley-Blackburn	Place 5 – Absent with Notice
Karen Isbell	Place 6 - None
Sharon Gehle	Place 7 – None

*Staff intervened and inquired of the wishes of the Commission Members regarding the review of the comprehensive plan. Member Giles shared of wishes for staff, Council, and the commission to review and discuss the current comprehensive plan in place.

ADJOURNMENT

With there being no further items to discuss, Chairperson Isbell adjourned the meeting at 6:58 p.m.

APPROVED: this the _____ day of _____, 2023.

SIGNED: this the _____ day of _____, 2023.

APPROVED: _____
Karen Isbell, Chairperson

ATTEST: _____
Cristy McCauley-Blackburn, Secretary

NOTE: Original Audio Recording of this meeting is preserved and maintained by the City Secretary's Office.



AGENDA MEMORANDUM

DATE: March 22, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

SUBJECT: **Z.23-01 w/SUP:** Public hearing to receive comments for or against a request for a zoning change from General Business (GB) to Commercial (C) with a specific use permit (SUP), for property commonly known as 6601 Watauga Road, being a portion of Lot 25 Block 3, of the Singing Hills Addition; and consider action to allow for a water/ice vending station in the Woodcrest Marketplace Shopping Center. The subject property is located on the north side of Watauga Road and west of Rufe Snow Drive. Owner: Woodcrest Marketplace LP. Applicant/Agent: Rick Kelly, Watermill Express.

BACKGROUND/INFORMATION:

Watermill Express, in conjunction with Woodcrest Marketplace LP, is requesting a zoning change in accordance with Section 115-33 of the City of Watauga Code of Ordinances, from General Business (GB) to Commercial (C) with a specific use permit (SUP) to allow a facility for the storage of ice and water for retail sale to the public at 6633 Watauga Road commonly known as 6601 Watauga Rd., being block 3 lot 25, of the Singing Hill Addition.

This business will construct a 107 s.f. building with an additional 27 s.f. of customer "approach" under a front awning with bollards for customer safety. This will remove 4 parking spaces at no effective loss to the center.

The Public Hearing Notice was duly posted by the City Secretary's office on Friday March 31, 2023.

Due to the proximity of an existing type of business in the adjacent shopping center, the Development Review Team (DRT) does not recommend the approval of this zoning change and SUP.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

City staff does not support this request.



AGENDA MEMORANDUM

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Preliminary Report Z.23-01wSUP - 6601 Watauga Rd - DRAFT - JG
2. 6601 Watauga Rd - Watermill Express - 200' notices mailed to property owners
3. Proximity Measurement from requested site to adjacent type business.
4. 5000 SERIES COLOR ELEVATION and PHOTO
5. 6601 Watauga Rd - Watermill Express - 200' notices mailed to property owners

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works	Approved - 4/12/2023
Paul Hackleman, Director of Public Works	Approved - 4/12/2023
David Berman, City Attorney	Approved - 4/14/2023
Joshua Jones, City Manager	Approved - 4/14/2023
Linda Proskey, City Secretary	Final Approval - 4/14/2023

Approved as to form for inclusion on Agenda

PRELIMINARY REPORT

DATE: March 7, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, Assistant Public Works Director

SUBJECT: **Z. 23-01 w/SUP:** Public hearing to receive comments for or against a request for a zoning change from General Business (GB) to Commercial (C) with a specific use permit, for property located at 6601 Watauga Road, Lot 25 Block 3, of the Singing Hills Addition; and consider action on the preliminary report whether to recommend to Council to allow for an ice/water kiosk in a Commercial (C) zoning district. Owner(s): Woodcrest Marketplace LP. Applicant/agent: Watermill Express, Rick Kelly.

BACKGROUND/INFORMATION:

Texas Local Government Code 211.007(b) requires the Planning & Zoning Commission make a preliminary report prior to approving changes to the City's Zoning Ordinance. As such, this document now serves as the preliminary report.

The property owner, Woodcrest Marketplace LP, is requesting a zoning change from General Business (GB) to a Commercial (C) zoning district. The applicant/agent, Watermill Express, Rick Kelly, General Manager, is requesting for a specific use permit to allow for a self-serve ice and water kiosk. The subject property is located west of Rufe Snow Drive and north of Watauga Road.

During staff review of existing regulations, items considered, and steps taken include:

- The site plan requirements are to be met as stated in Sec. 115-115. The property requested is for development of an ice and water kiosk at the southeast portion of the Woodcrest Marketplace shopping center parking lot.
- Sec. 115-33. Specific Use Permit. (b) *Amendment to the zoning ordinance.* Every specific use permit granted under these provisions shall be considered as an amendment to the zoning ordinance applicable to such property under construction but shall not be considered as being a permanent change in zoning.
- DRT reviewed the consistency of the zoning change with the Comprehensive Plan.
 1. In accordance with One Watauga Development Strategy, a key objective for the future land use plan, which classifies the property as Regional Retail/Commercial, is to ensure that future redevelopment or infill development meets the needs of the city's level of quality and

PRELIMINARY REPORT

promote tax-generating regional retail and commercial activities along our major corridors to diversify and increase the City's tax base.

2. A current development objective in the City of Watauga is to monitor closely the number and location of similar uses to reduce their proliferation and evaluate their effects on the community. One criterion used in this instance has been whether the use replaces and upgrades an existing like-use.
- One sign has been erected on the property which contains a notice of hearing and telephone number of staff from whom dates may be obtained.

CURRENT ACTIVITY:

A Planning and Zoning Application was submitted to Development Services on June 29, 2022. Once all requirements were satisfied, notice was published in the Fort Worth Star Telegram on March 31, 2023, for the April 19, 2023, Public Hearing of the Planning and Zoning Commission. In accordance with State law, property owners received the public notice due to public records available through Tarrant Appraisal District which reflect they are the owner(s) of one or more parcels within two hundred (200) feet of the subject property. A site map was also attached for their information.

RECOMMENDATION/ACTION DESIRED:

During the Council meeting held September 14, 2020, the governing body approved Ordinance No. 2020-031 to allow for a zoning change from General Business (GB) to Commercial (C) with a specific use permit at the property known as 6531 Watauga Road, Regency Square shopping center to allow a use for the storage of ice and water for retail sale, described in Planning & Zoning case Z.20-02 w/SUP. This property is located to the west in the adjacent shopping center.

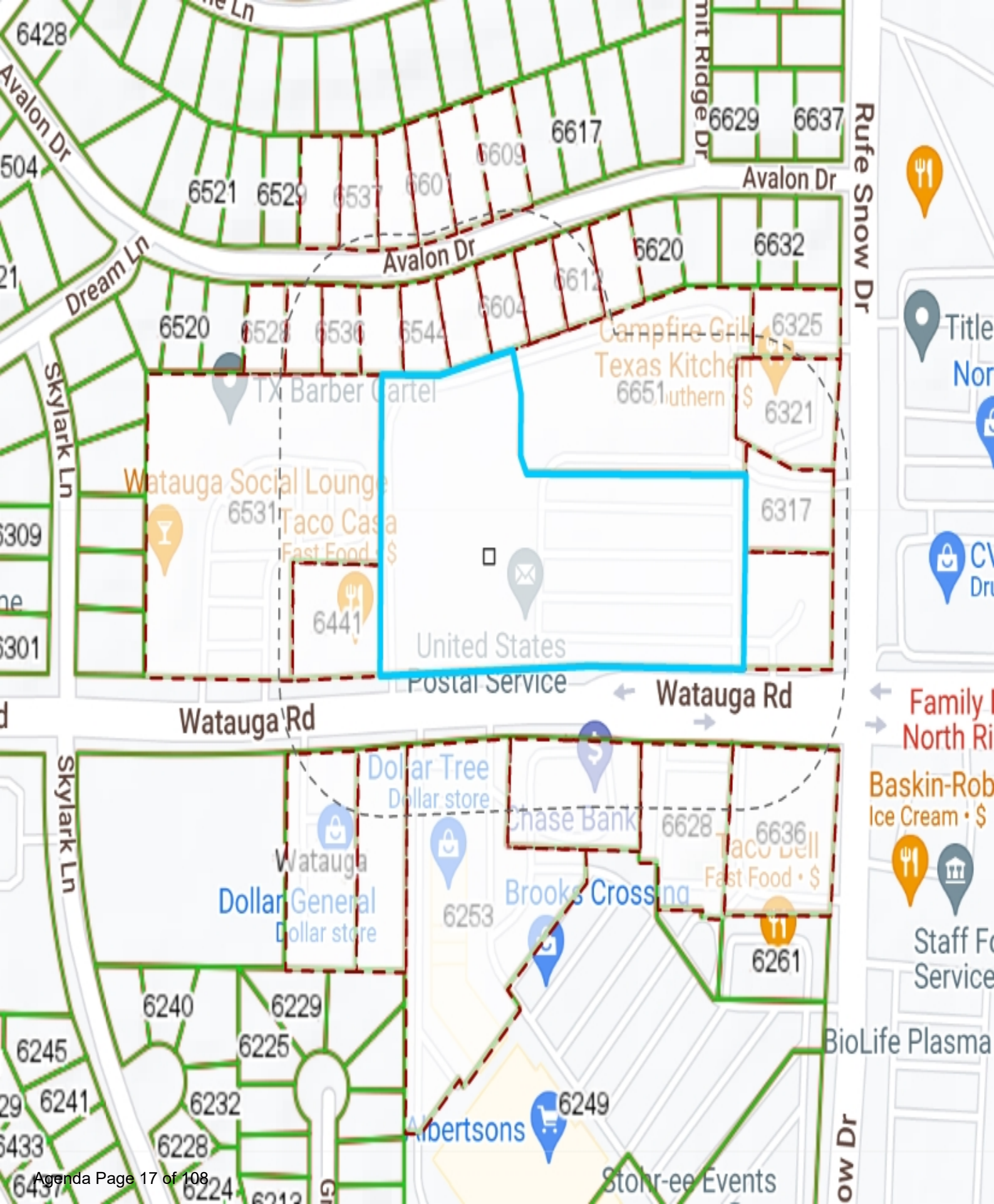
As such, the Development Review Team (DRT) does not support the location for this development and recommends selection of an alternate site.

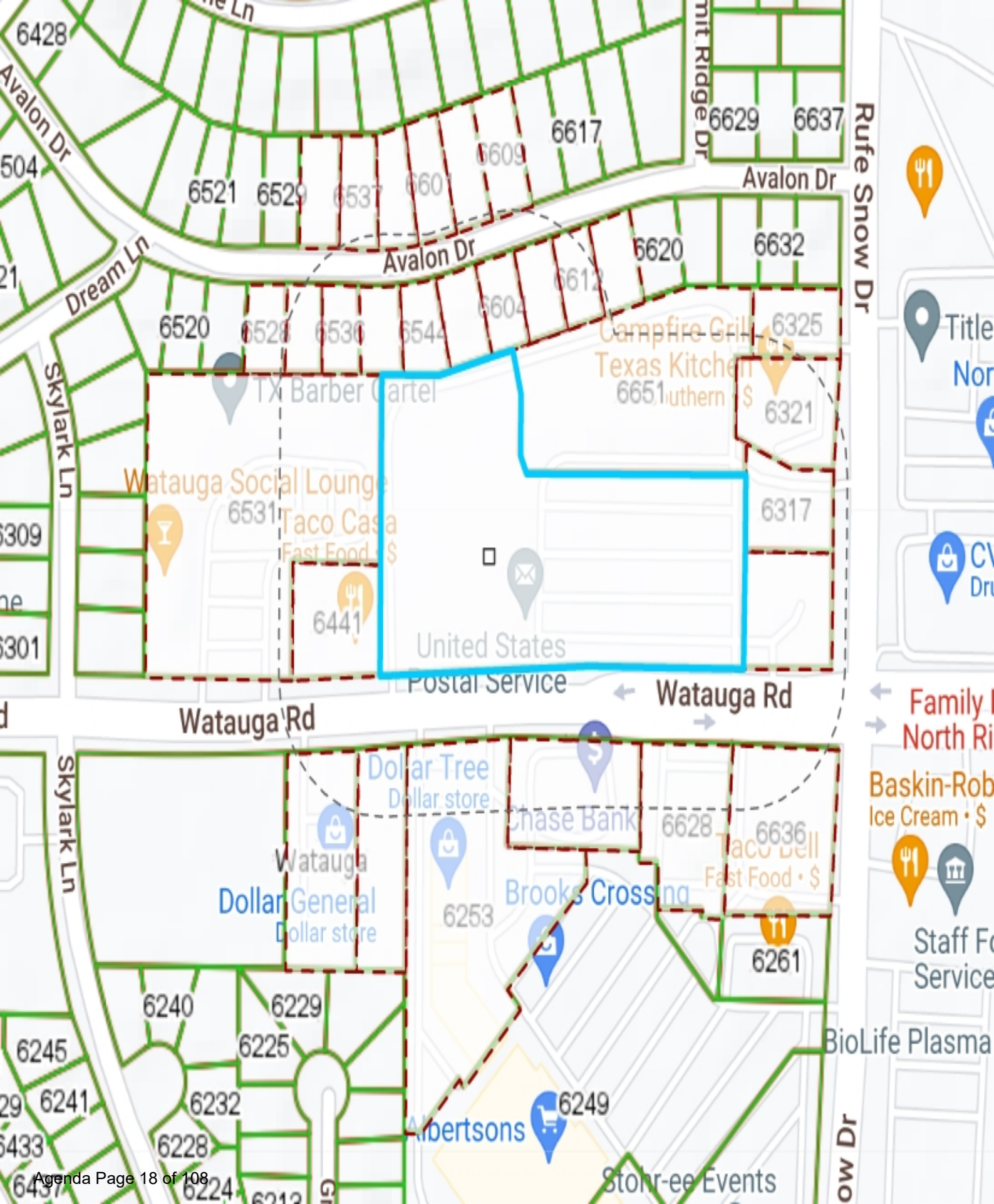
During the Planning and Zoning Commission Regular Meeting to be held Wednesday, April 19, 2023, staff respectfully recommend the commission members consider comments received during the staff introductions and presentation and public hearing.

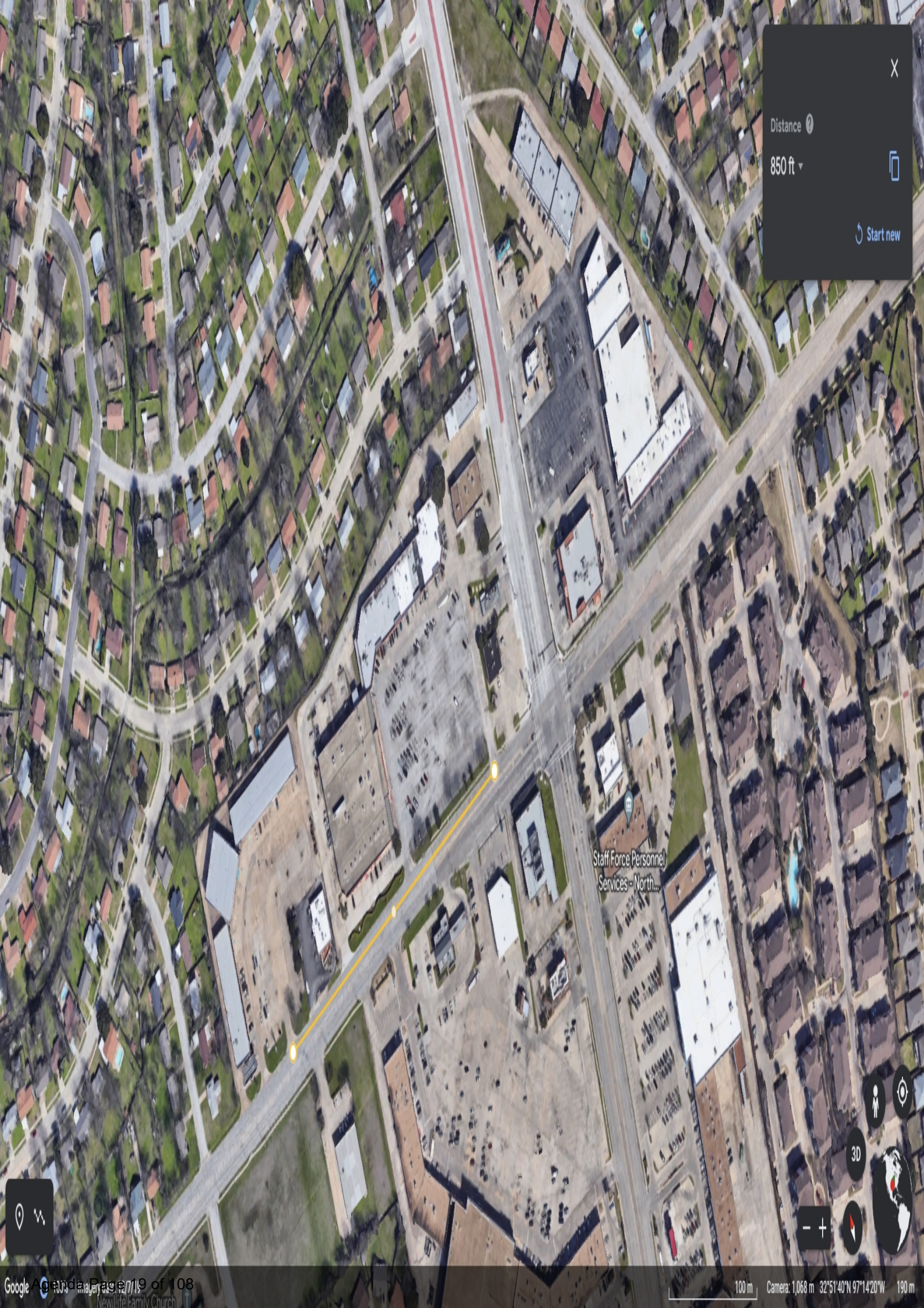
ATTACHMENTS/ SUPPORTING DOCUMENTATION:

Property Survey/Site Plan

PRELIMINARY REPORT







X

Distance ⓘ

850 ft ▾



↻ Start new

Staff Force Personnel
Services - North...



3D

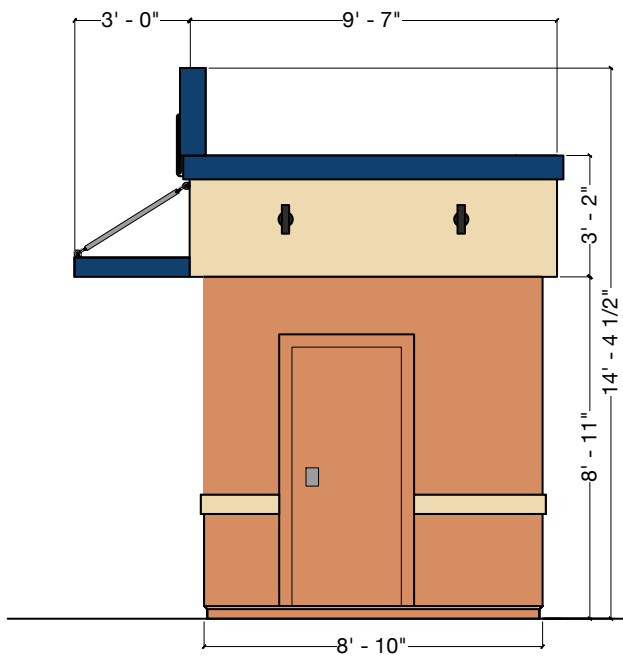


WATERMILL EXPRESS 5000 SERIES

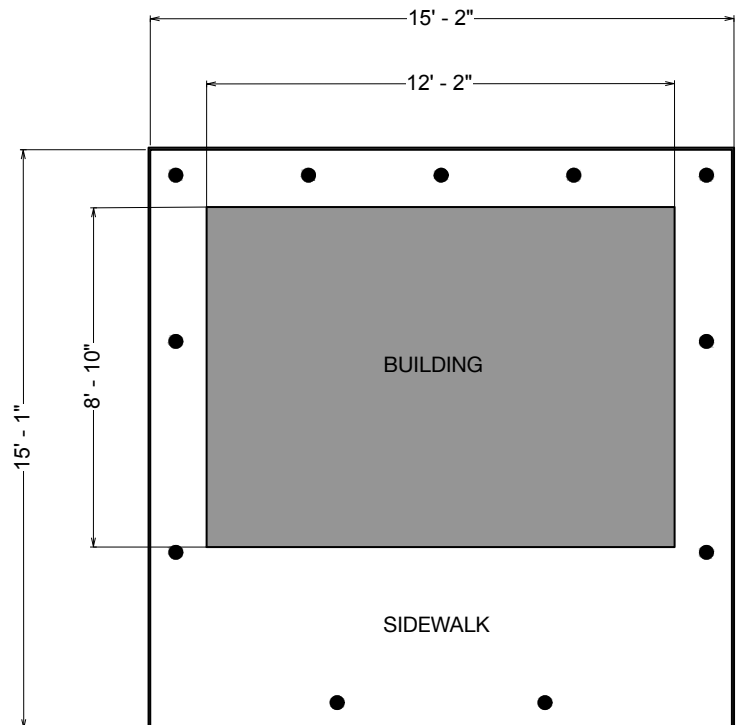
WATER AND ICE VENDING STATION



FRONT ELEVATION



SIDE ELEVATION



FOOTPRINT



AGENDA MEMORANDUM

DATE: March 22, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

SUBJECT: **P.23-01:** Public hearing to receive comments for or against a request for a re-plat at the location commonly known as 5932 Denton Highway, Lot A-R-1 Block 7 of the Watauga Addition. The subject property, located east of Denton Highway south of Bowie Street and north of Shipp Drive, is to be subdivided into two (2) lots to allow for a restaurant establishment.

BACKGROUND/INFORMATION:

The Public Hearing Notice was duly posted and published by the City Secretary's Office on March 31, 2023 in the Fort Worth Star Telegram. Written notice of the public hearing on the proposed changes was sent to all owners of property, or to the person rendering the same for city taxes within two-hundred (200) feet of the subject property.

Watauga Addition, Lot A-R-1 Block 7 will be subdivided into two (2) lots for the development of a restaurant establishment. Final approval of this re-plat shall be presented to Council upon recommendation of the Planning and Zoning Commission during the May 8, 2023 regular meeting of the City Council.

Texas Local Government Code 212.005 requires the municipal authority responsible for approving plats must approve a plat or re-plat that is required to be prepared under this subchapter and satisfies all applicable regulations.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends consideration of the comments received during the public hearing of the plat request and recommend approval to council during the May 8, 2023 regular meeting of the City Council.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Preliminary Report - P. 23-01 - 5932 Denton Hwy - HTeaO

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works Approved - 4/12/2023



AGENDA MEMORANDUM

Paul Hackleman, Director of Public Works
David Berman, City Attorney
Joshua Jones, City Manager
Linda Proskey, City Secretary
Approved as to form for inclusion on Agenda

Approved - 4/12/2023
Approved - 4/14/2023
Approved - 4/14/2023
Final Approval - 4/14/2023

PRELIMINARY REPORT

DATE: April 5, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, Assistant Public Works Director

SUBJECT: Request recommendation for approval of a final plat for Lots A-R-1-R and A-R-2-R Block 7, Watauga Addition, being a replat of Lot A-R-1, Block 7, Watauga Addition, to be subdivided into two (2) lots to allow for a restaurant establishment.

BACKGROUND/INFORMATION:

Applicant/agent, The Hicks Six, LLC has applied for approval of a replat for Lots A-R-1-R and A-R-2-R Block 7, Watauga Addition. The proposed replat of Lot A-R-1, Block 7 of the Watauga Addition, is to subdivide the one (1) lot into two (2) lots to allow for a restaurant establishment. Prior to the issuance of building permits on the new lot, a final plat shall be approved.

The property is located east of Denton Highway. The site is south of Bowie Street and immediately north of Liquorland, which is under construction.

As submitted, the final plat includes two lots intended for retail and restaurant development. The initial construction including paving and utilities to support development on the northern portion of the property has begun with the development of Liquorland.

This area is designated on the Land Use Plan as Retail Transitional Mixed-Use. This designation encourages enhanced redevelopment of large existing retail areas to accommodate the transitioning retail market. A guiding principle for economic development is to encourage the development of non-residential services to enhance the tax base and meet the needs of Watauga residents.

The property is currently zoned General Business (GB). This district is intended to permit all business and service establishments and retail stores necessary to the everyday and occasional shopping needs of the public. Additionally, the City Council approved a specific use permit on December 13, 2021, to allow for a packaged liquor store with drive-thru for the adjacent property.

The development has a frontage on Denton Highway and Bowie Street. A 10' X 10' (50 square feet) right-of-way dedication shall exist at this location.

Surrounding land use includes:

PRELIMINARY REPORT

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	GB-General Business	RTMU	Retail and service
SOUTH	GB w/ SUP	RTMU	Retail store
EAST	SF6-nonconforming	RTMU	Warehouse

CURRENT ACTIVITY:

An official platting application was submitted to Development Services February 23, 2023. Staff confirmed all platting requirements were satisfied. Ensuring requirements for plats or re-plat are met, such as boundary lines, dedication of easements, receipt that taxes have been paid, proper certifications by a registered professional land surveyor, construction plans for all utilities such as water distribution system, sewage, paving and storm drainage, to name a few.

The City Secretary's Office gave notice of the application request to be published in the official newspaper of the city on March 31, 2023, giving notice in stating of the day, time, and place at which the Planning & Zoning Commission will meet to consider the preliminary report for replat and to hear comments at a public hearing. Additionally, required notices were mailed to all property owners of property located within 200 ft. of the property upon which the replat is requested.

Once the Preliminary Report is filed and the public hearing is conducted, a final report will be completed and submitted to the City Council by the Planning & Zoning Commission through the City Secretary's Office for action by the City Council during the meeting scheduled for May 8, 2023.

RECOMMENDATION/ACTION DESIRED:

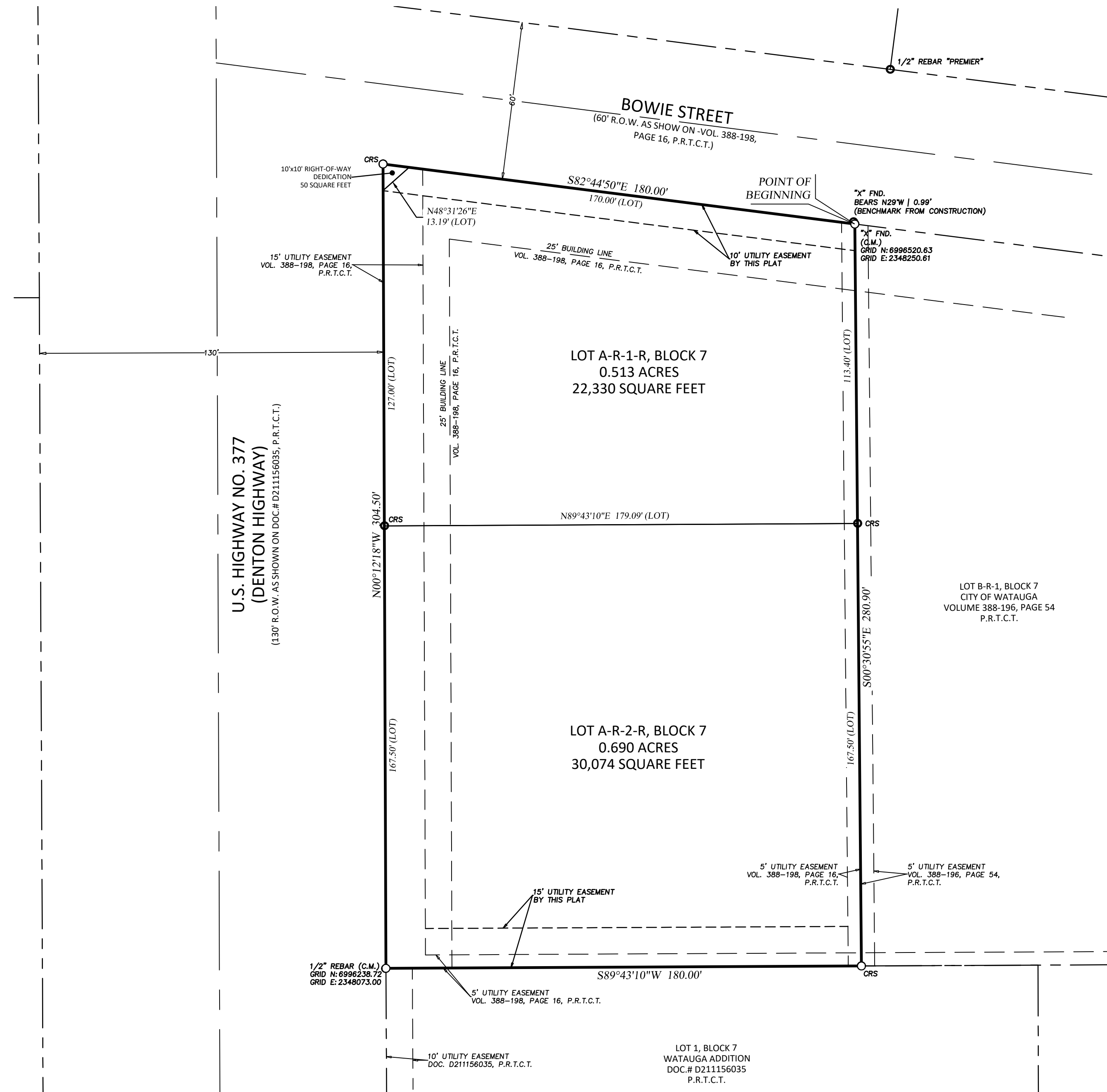
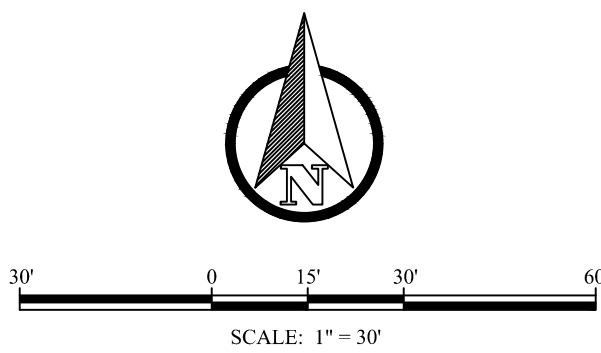
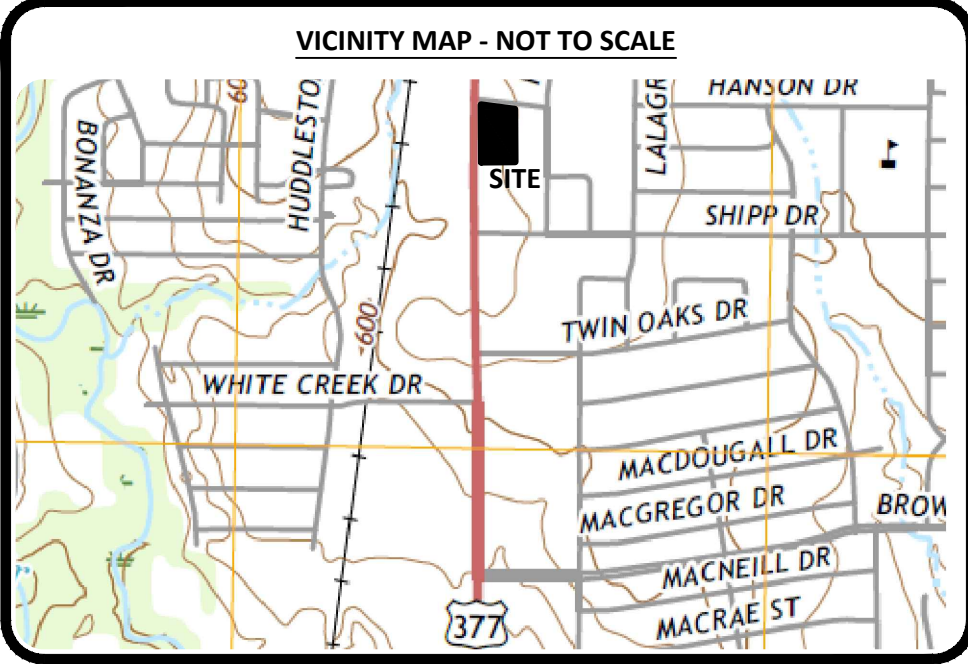
Texas Local Government Code 212.005 requires the municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

City staff respectfully recommend approval of this request and make final report on the replat request for the May 8, 2023, City Council Regular Meeting.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

Re-plat exhibit

- LEGEND OF ABBREVIATIONS
- D.R.T.C.T. DEED RECORDS, TARRANT COUNTY, TEXAS
 - P.R.T.C.T. PLAT RECORDS, TARRANT COUNTY, TEXAS
 - O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS
 - DOC.# DOCUMENT NUMBER
 - C.M. CONTROLLING MONUMENT
 - SQ. FT. SQUARE FEET
 - ROW RIGHT OF WAY
 - CRS CAPPED REBAR SET



SURVEYOR'S NOTES:

- Bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83), distances are surface with a combined scale factor of 1.00012.
- This property lies within Zone "X" of the Flood Insurance Rate Map for Tarrant County, Texas and Incorporated Areas, map no. 48439C0090L, with an effective date of March 21, 2019, via scaled map location and graphic plotting.
- Monuments are found unless specifically designated as set.

STATE OF TEXAS §
COUNTY OF TARRANT §

WHEREAS RACETRAC PETROLEUM, INC. is the owner of a tract situated in the S. Sawyer survey, abstract number 1424, City of Watauga, Tarrant County, Texas, being all of Lot A-R-1, Watauga Addition in said City of Watauga, according to the plat recorded in cabinet A, page 1698, Plat Records, Tarrant County, Texas, the subject tract being more particularly described as follows:

BEGINNING at an "X" cut found at the northeast corner of said Lot A-R-1, from which an "X" cut found (construction benchmark) bears NORTH 29 degrees WEST, 0.99 feet;

THENCE with the east line of said Lot A-R-1, SOUTH 00 degrees 30 minutes 55 seconds EAST, a distance of 280.90 feet to a 1/2 inch rebar with cap stamped "BARTON CHAPA" set ("capped rebar set");

THENCE with the south line of said Lot A-R-1, SOUTH 89 degrees 43 minutes 10 seconds WEST, a distance of 180.00 feet to a 1/2 inch rebar found;

THENCE with the west line of said Lot A-R-1, NORTH 00 degrees 12 minutes 18 seconds WEST, a distance of 304.50 feet to a capped rebar set;

THENCE with the north line of said Lot A-R-1, SOUTH 82 degrees 44 minutes 50 seconds EAST, a distance of 180.00 feet, returning to the **POINT OF BEGINNING** and enclosing 1.204 acres (52,453 square feet) of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That **RACETRAC PETROLEUM, INC.**, acting by and through the undersigned duly authorized representative(s), does hereby adopt this plat designating the hereinabove described property as **LOTS A-R-1-R, and A-R-2-R, BLOCK 7, WATAUGA ADDITION**, an addition in the City of Watauga, Tarrant County, Texas, and does hereby dedicate to the public forever the easements and rights-of-way as shown hereon.

WITNESS MY HAND, this the ____ day of _____, 20__
by: _____

Authorized Representative

Print Name/Title

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same as 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 _____, 20__

Notary Public in and for
the State of Texas

STATE OF TEXAS §
COUNTY OF TARRANT §

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

Date of Plat/Map: **January 27, 2023**

John H. Barton III, RPLS# 6737

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same as 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 _____, 20__

Notary Public in and for

the State of Texas

APPROVED by the Planning and Zoning Commission of the City of Watauga, Texas

on this ____ day of _____, 20__.

(CHAIRPERSON)

(SECRETARY)

APPROVED by the City Council of the City of Watauga, Texas

on this ____ day of _____, 20__.

(MAYOR)

(SECRETARY)

REPLAT
WATAUGA ADDITION
LOTS A-R-1-R AND A-R-2-R, BLOCK 7
BEING A REPLAT OF LOT A-R-1, BLOCK 7, WATAUGA ADDITION
SITUATED IN THE S. SAWYER SURVEY, ABSTRACT #1424
CITY OF WATAUGA, TARRANT COUNTY, TEXAS

FILED FOR RECORD THIS THE ____ DAY OF _____, 20__, IN DOCUMENT # _____, O.P.R.T.C.T.



SURVEYOR
JOHN H. BARTON III, RPLS #6737
BARTON CHAPA SURVEYING, LLC
5200 STATE HIGHWAY 121,
COLLEYVILLE, TX 76034

OWNER
SP WA II Development, LLC
4940 N Tarrant Parkway
Fort Worth, TX 76244
281.221.6025

ENGINEER
BOWMAN CONSULTING
5601 DEMOCRACY DRIVE
PLANO, TX 75024

JOB NO. 2023.900.296

DRAWN: BCS

CHECKED: JHB

TABLE OF REVISIONS

DATE	SUMMARY

WATAUGA
ADDITION

WATAUGA,
TEXAS

SHEET:

VO1

REPLAT



AGENDA MEMORANDUM

DATE: March 22, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

SUBJECT: **ORD.23-01:** Public hearing to receive comments for or against a request concerning text amendments to the City of Watauga Code of Ordinances, Chapter 115, Article V. - Development Controls, Sec. 115-117. - Landscape regulations. (e) Screening requirements; and consider action to approve the amendments as noted.

BACKGROUND/INFORMATION:

After several meetings, staff proposes an amendment to Sec. 115-117 (e) Screening requirements, (2) b. 7. Fence regulations to allow for corner lot fences to not extend closer than thirteen (13) feet from back of curb or three and one-half (3 1/2) feet set back behind property line when no back of curb is present.

Additionally, retaining walls in front yards should only be allowed when grades exceed a 5 to 1, or 20% slope ratio. Set back requirements shall be a minimum of 1 foot from the property line and no portion of wall or additional structure shall extend higher than 6 inches above the top wall ground elevation.

It is unlawful for any person to construct, replace, or cause to be constructed or replaced, a fence without first obtaining a fence permit from the Public Works Department. A residential fence repair for maintenance that does not exceed 16 linear feet shall not require a permit. Fence permit fees will be based on the cost of construction per table 1-A in Section 12-103 of the City of Watauga Code of Ordinances.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

Staff respectfully recommends the Commission consider the comments received during the public hearing and make a final report on the text amendments request for city council consideration during the May 8, 2023 regular meeting.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Preliminary Report - Text Amendment - Screening requirements - Sec. 115-117 - Draft JG
2. Ordinance #2023-XXX - Screening Requirements - Fences-Retaining Walls



AGENDA MEMORANDUM

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works

Paul Hackleman, Director of Public Works

David Berman, City Attorney

Joshua Jones, City Manager

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Approved - 4/12/2023

Approved - 4/12/2023

Approved - 4/14/2023

Approved - 4/14/2023

Final Approval - 4/14/2023

PRELIMINARY REPORT

DATE: April 11, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, Assistant Public Works Director

SUBJECT: Recommendation to consider text amendment to the City of Watauga Code of Ordinances, Chapter 115.- Zoning, Article V.- Development Controls, Sec. 115-117.- Landscape regulations. (e) Screening requirements; and consider action to approve the amendments as exhibited.

BACKGROUND/INFORMATION:

Texas Local Government Code 211.007(b) requires the Planning & Zoning Commission make a preliminary report prior to approving changes to the City's Zoning Ordinance. As such, this document now serves as the preliminary report.

Staff proposes this text amendment to allow for a more uniform fence line in our neighborhoods.

CURRENT ACTIVITY:

The proposed redline ordinance is attached for review.

The public hearing notice was published in the Fort Worth Star Telegram on Friday, March 31, 2023, to receive comments for or against the text amendments to the fence regulations in the Code of Ordinances Chapter 115.- Zoning, Article V.- Development Controls, Sec. 115-117.- Landscape regulations. (e) Screening requirements.

Staff considered the following criteria for the amendment:

1. The consistency of the proposed amendment with the City's Comprehensive Plan
2. The consistency of the proposed amendment with the intent and general regulations of the State Zoning laws.

The proposed amendment is consistent with the following purposes of Chapter 211 of Texas Local Government Code: promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance or significance. In addition, the classification of the use proposed is consistent with the purpose of each impacted zoning district.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or

PRELIMINARY REPORT

reflects a change of policy.

The proposed amendment reflects a change in development and allows for more uniform consistency in the future.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of an applicant for future development.

The change to the code will provide for a more uniform fence line in the residential neighborhoods.

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the Commission consider comments received during the public hearing on the proposed text amendments, recommending approval of the final report to accept the proposed amendment to Ordinance during the May 8, 2023 regular meeting of the City Council.

ATTACHMENTS/ SUPPORTING DOCUMENTATION AVAILABLE IN CIVIC CLERK:

City of Watauga Code of Ordinances, Chapter 115.- Zoning, Article V.- Development Controls, Sec. 115-117.- Landscape regulations

Proposed Redline - Ordinance 2023-XXX

PRELIMINARY REPORT

**CITY OF WATAUGA, TEXAS
ORDINANCE NO. 2023-XXX**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS; AMENDING THE ZONING CHAPTER OF THE CITY OF WATAUGA, TEXAS CODE OF ORDINANCES; PROVIDING RULES AND REGULATIONS FOR LANDSCAPE REGULATIONS RELATING TO SCREENING AND FENCING; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Watauga and the City Council of the City of Watauga have each conducted, in the time and manner and after the notice required by law and the Zoning Chapter of the City of Watauga Code of Ordinances, public hearings on certain proposed amendments to the Zoning Chapter of the City of Watauga, Texas; and

WHEREAS, all persons appearing at such public hearings who desired to speak on such proposed amendments were afforded that opportunity and their comments were duly noted and considered; and

WHEREAS, after its public hearing, the Planning and Zoning Commission made its recommendation and final report to the City Council; and

WHEREAS, the City Council of the City of Watauga has determined that adoption of this ordinance is in the interest of the general health, safety, and welfare of the community; and

WHEREAS, the City Council now deems it appropriate to approve the proposed amendments; now, therefore,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Watauga, Texas that:

I.

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

II.

The Code of Ordinances of the City of Watauga, Texas, is hereby amended by deleting Section 115-117 of Chapter 115 of the Code of Ordinances and substituting therefor a new Section 115-117 of Chapter 115 as set forth in **Exhibit A**.

III.

This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Watauga, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance(s) are hereby repealed.

IV.

If any section, sub-section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

V.

It shall be unlawful for any person to violate any provision of this Ordinance. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2000.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

VI.

This Ordinance shall become effective and shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon application of law and in accordance with Sections 3.11 and 3.13 of the Charter of the City of Watauga, Texas.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas, the 8th day of May 2023.

APPROVED:

ARTHUR L. MINER, MAYOR

ATTEST:

LINDA PROSKEY, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

DAVID M. BERMAN, CITY ATTORNEY
NICHOLS JACKSON LLP

Sec. 115-117. Landscape regulations.

- (a) *Purpose.* The purpose and intent of this section is as follows:
- (1) *Stabilizing ecological balance.* To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare and heat abatement.
 - (2) *Retention of native vegetation.* To ensure that the local stock of native trees and vegetation is retained and replenished.
 - (3) *Adequate light and air.* To assist in providing adequate light and air and in preventing overcrowding of land.
 - (4) *Visual buffering.* To provide visual buffering and enhance the beautification of the city.
- (b) *Landscaping standards for one- and two-family dwellings.*
- (1) All one- and two-family dwellings shall have installed not less than 14 locally adapted shrubs and two-inch caliper locally adaptable large trees to be located within the front yard. All lawns shall be hydromulched or block sodded covering 100 percent of the front and side yards. Such required landscaping shall be in a thriving condition at the time of final inspection of the main structure.
 - (2) *Right-of-way.*
 - a. Landowners are encouraged to install and maintain turf grass native to the North Texas region in non-paved publicly owned street right-of-ways abutting their land; provided, however:
 1. Removal of landscaping. The city may at any time remove or require the landowner to remove any landscaping located within any right-of-way or public easement for the purpose of public safety, access to utilities and to perform any public improvements within said right-of-way or public easement.
 2. Landowners are prohibited from planting shrubbery, trees, or ornamental trees in publicly owned right-of-way areas. This prohibition shall not apply to shrubbery, trees and ornamental trees already in place in the public right-of-way prior to the enactment of this section. This prohibition shall also not apply to permanent structures authorized by the zoning ordinance or to traffic-control, signs and signals, street signs, or utility poles placed within the right-of-way area by duly authorized personnel.
 3. In connection with shrubbery, trees, or ornamental trees already in place in the public right-of-way areas prior to the enactment of this section, it shall be unlawful to maintain, or permit or cause to be maintained any tree, shrub, or plant within any right-of-way area, including within the intersection visibility triangle, which would interfere with the vehicular traffic on any adjacent or any intersecting street, obscure the view of persons lawfully operating motor vehicles on any adjacent or intersecting streets or interfere with or obstruct the accessibility or passage by pedestrians on public sidewalks.
- (c) *Landscaping standards for buildings and structures other than one- or two-family dwellings.*
- (1) *Area required.* On all lots, not less than 15 percent of the area of the front and side yards visible from an adjacent street shall be landscaped area. All of the required landscaped areas shall be located in the front and side yards visible from an adjacent street and parking lots.
 - (2) *Trees required.* At least one large tree of at least three inches in diameter and 12 feet in initial height shall be provided as follows:

-
- a. *Street yards less than 10,000 square feet.* In front and side yards visible from the adjacent street totaling less than 10,000 square feet, one tree per 1,000 square feet, or fraction thereof, of the street yard.
 - b. *Street yards more than 10,000 square feet.* In front and side yards visible from adjacent street totaling more than 10,000 square feet, ten trees plus one per 2,000 square feet, or fraction thereof, of the street yard.
 - c. *Credit for existing trees.* An existing or planted tree of at least six inches in diameter and at least 15 feet in height shall be considered as two trees for purposes of satisfying this requirement. All newly planted trees shall be planted in permeable areas of not less than three feet in diameter.
 - d. *Ornamental trees.* In lieu of one large tree, two small or ornamental trees (as listed on the plant list contained herein) may be used. Said small trees shall be a minimum of six feet in height at the time of planting. Not more than 50 percent of the required large trees may be substituted by installing ornamental trees at a rate of two ornamental trees to one large tree.
 - e. *Right-of-way.* No trees shall be planted in the right-of-way.
- (3) *Shrubbery required.* Not less than one shrub shall be required for every 50 square feet of the area required to be landscaped. Placement of such shrubbery shall be taken into consideration as to the plant at full maturity, and be located in the right-of-way or so as not to conflict with vehicular or pedestrian traffic visibility.
 - (4) *Groundcover required.* Not less than ten percent or more than 40 percent of the landscape shall be maintained in groundcover. The remaining landscaped area shall be maintained in lawn grasses and mulch used around bedding plants, shrubs and trees. All groundcover areas shall be kept clear of weeds and undergrowth.
 - (5) *Parking lots and vehicular use areas.* A minimum amount of the total area of all vehicular use areas shall be devoted to landscaped islands, peninsulas, or medians.
 - a. *Street and yard area.* The minimum total area in such islands, peninsulas, and medians in the street yard shall be 90 square feet for each 12 parking spaces. Landscape islands, peninsulas, and medians located in the street yard may be included in calculating the minimum required landscape in the street yard.
 - b. *Non-street yard area.* The minimum total area in such islands, peninsulas, and medians in the non-street yard shall be 60 square feet for each 12 parking spaces.
 - c. *Distribution of islands, medians and peninsulas.* The number, size, and shape of islands, peninsulas, and medians, in both street and non-street yards shall be at the discretion of the applicant. All required islands, peninsulas, and medians shall be more or less evenly distributed throughout such parking areas, respectively. However, the distribution and location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total area requirements for landscaped islands, peninsulas and medians for the respective parking areas above is satisfied.
 - d. *Construction and landscaping of islands, medians, and peninsulas.* Whenever the design and construction of islands, medians, and peninsulas permits, the same shall be landscaped with grass, shrubbery, or groundcover, and construction of the same in solid concrete or blacktop should be avoided whenever possible.
 - (6) *Indiscriminate clearing prohibited.* The existing natural landscape character (especially native oak, elm, and pecan trees) shall be preserved to the extent reasonable and feasible. In an area of the street yard containing a stand of trees, the applicant shall use good faith efforts to preserve such trees. In determining compliance with this subsection, the director of public works shall consider topographical

constraints on design, drainage, access and egress, utilities, and other factors reasonably related to the health, safety, and welfare of the public which necessitated disturbance of the existing natural character, the nature and quality of the landscaping installed to replace it, and such other factors as may be relevant and proper. Indiscriminate clearing or stripping of the natural vegetation is prohibited.

- (7) *Irrigation.* All required landscaping shall be irrigated by an underground irrigation system approved by the administrator.
- (8) *Erosion control.* All impervious areas shall be maintained with groundcover and shrubbery in a manner to control erosion.
- (9) *Protection.* All required landscaped areas which are adjacent to the pavement shall be protected with concrete curbs or equivalent barriers (such as railroad ties, continuous border plants, or hedgerows).
- (10) *Parking lot lighting.* Landscaping provided in vehicular and pedestrian use areas shall be designed so that the maturing of the landscaping will not conflict with the lighting scheme.
- (11) *Recommended plants.* All plants used to satisfy this chapter shall be a species common or adaptable to this area of Texas. The following is a list of recommended plant material type. The applicant may propose plants other than those listed if the plant is appropriate for the intended use.

RECOMMENDED PLANTS

Large Trees

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Afghan Pine	Pinus elderica	Fast growing, drought tolerant	No	25-50'	Rapid	Mod
Bald Cypress	Taxodium distichum	Likes wet feet, fall color	No	50+	Mod	Moist
Bradford Pear	Pyrus calleryan "Bradford"	Shiny foliage, disease resistant	No	25-50'	Mod	Mod
Bur Oak	Quercus macrocarpa	Nice branching shade tree	No	50+	Rapid	Mod
Cedar Elm	Ulmus crassifolia	Nice for shade	No	25-50'	Mod	Mod
Lacebark Elm	Ulmus pavifolia	Fast growth, disease resistant	No	25-50'	Rapid	Mod

Live Oak	Quercus virginiana	Long lived	Yes	25-50'	Slow	Dry
Pecan	Carya illinoensis	Texas state tree, great for shade	No	70'	Mod	Moist
Pistache	Pistachia chinensis	Fall color, rapid growth	No	25'	Rapid	Mod
Red Oak	Quercus shumardii	Red fall color, excellent shade	No	50+	Rapid	Mod
Southern Magnolia	Magnolia grandiflora	Large evergreen	Yes	60-70'	Mod	Moist

Small Trees

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Crepe Myrtle	Lagerstroemia indica	Summer blooms in many colors	No	<25'	Rapid	Mod
Japanese Black Pine	Pinus thunbergi	Evergreen ornamental	Yes	<25'	Mod	Mod
Mexican Plum	Plumus mexicana	Bright white flowers	No	<25'	Mod	Mod
Purpleleaf Plum	Prunus cerasifera	Purple foliage, flowers in spring	No	<25'	Rapid	Mod-dry
Redbud	Cercis canadensis	Pink flowers in spring	No	<25'	Mod	Mod
Yaupon Holly	Ilex vomitoria	Very hardy, great in small area	Yes	<25'	Rapid	Mod-dry

Shrubs

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Dwarf Burford Holly	Ilex cornuta "Burfordii nana"	Shiny green leaf	Yes	5'	Mod	Mod
Dwarf Chinese Holly	Ilex cornuta "Rotunda"	Low rounded growth, tough	Yes	3'	Slow	Mod
Dwarf Yaupon	Ilex vomitoria "Nana"	Dense rounded growth	Yes	3'	Slow	Mod
Flowering Quince	Chanomeles "Texas Scarlet"	Red flower, early spring	No	6'	Mod	Mod
Forsythia	Forsythia intermedia	Yellow flower in early spring	No	6'	Mod	Mod
Japanese Barberry	Berberis thunbergi	Thorns, red foliage	Yes	2-5'	Slow	Mod
Nandina	Nandina domestica	Red winter foliage	Yes	6'	Rapid	Mod
Pampas Grass	Cordateria selloana	Fall flower	Yes	6'	Rapid	Mod
Photinia	Photinia fraseri	Tall, red foliage spring/fall	Yes	15'	Rapid	Mod
Sea Green Juniper	Juniperus chinensis "Sea Green"	Arching growth	Yes	6'	Mod	Mod
Spiraca	Spiraca prunifolia	White flower, April-May	No	6'	Mod	Mod

Tam Juniper	Juniperus sabina "Tam"	Low growth, tolerates heat	Yes	5'	Mod	Dry
Texas Sage	Leucophyllum frutescens "Nana"	Gray foliage, blooms after rain	Yes	6'	Slow	Mod-dry

Groundcovers

Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Common Name	Botanical Name	Comments	Evergreen	Height	Growth	Water
Asian Jasmine	Trachelospermum	Rapid spread	Yes	1.5'	Rapid	Mod
Euonymus coloratus	Euonymus fortunei "Coloratus"	Winter color	Yes	1.5'	Mod	Mod
Juniper species	Jun. horizontalis, procumbens	Tolerates heat/drought	Yes	1.5'	Slow	Mod
Mondo grass	Ophiopogon japonicus	Small dark leaves	Yes	8"	Rapid	Mod
Monkey grass	Liriope muscari	Hardy, blue flower	Yes	1.5'	Rapid	Mod
Vinca/periwinkle	Vinca minor	Shade, blue flowers	No	1.5'	Rapid	Mod

(d) *Approval procedures.*

(1) *Landscape plan required.* A landscape plan shall be required containing the following information:

- a. Date, graphic scale, north arrow, title and name of applicant/owner.
- b. Location of existing boundary lines and dimensions of the tract.
- c. Approximate centerline of existing watercourses; location of significant drainage features; and the location and size of existing and proposed streets, alleys, utility and emergency access easements and sidewalks.

-
- d. Location, size, and type (tree, shrub, groundcover, or grass) of landscaping in proposed areas and location and size of proposed landscaped areas.
 - e. Location and species of existing trees having trunks of six inches or larger in diameter and the approximate size of their crowns.
 - f. Information necessary for verifying the required minimum amount of landscaped area.
 - g. Plans for protecting retained existing trees from damage during construction.
 - h. Location and size of the proposed irrigation system.
- (2) *Professional requirement.* Landscape plans for projects which incorporate more than two acres of lot area shall be prepared and signed by a licensed professional landscape architect. All irrigation plans shall be prepared and signed by a licensed irrigator or other professional authorized to design such system.
 - (3) *Plan approval.* Landscaping and irrigation shall be installed in accordance with plans upon review and approval by the director of public works. Should the director of public works deny a landscaping scheme for noncompliance with the requirements, the applicant may, within seven days of the decision, appeal that decision to the zoning board of adjustment.
 - (4) *Fee required.* An inspection fee in an amount set by city council resolution shall be collected by the director of public works at the time of application for a building permit.
 - (5) *Fiscal arrangements.* If, at the time of an application for a certificate of occupancy, required landscaping is not yet in place for seasonal consideration, the applicant shall make fiscal arrangements (by bond, certificate of deposit or letter of credit) satisfactory to the city in the amount of \$2.00 per square foot of required landscaping not yet in place to ensure that such shall be installed. Any Applicant making such fiscal arrangements shall also grant to the city authority to enter upon the land for the purpose of installing the required landscaping in the event that such landscaping is not installed by the applicant within nine months. Such fiscal arrangements shall be for a period of not less than 12 months.
- (e) *Screening requirements.*
 - (1) *Applicability.* These regulations shall apply to all land within the city. Such screening regulations shall become applicable upon any change of use, ownership, occupancy or at such time as a building permit is applied for, except as otherwise specified by this chapter.
 - (2) *Types of screening (in general).* Where required, screening fences and walls shall be erected to a height not less than six feet and provide a visual barrier from adjacent properties and streets. Such screening shall be permanently and adequately maintained by the owner of the property on which the screening is required. Except for the landscape buffer, no screening fence or wall shall have more than 40 square inches of openings over any one square foot of fence or wall surface. Only the following types of screening shall qualify as meeting the requirements of this chapter:
 - a. *Landscaped buffer.* This type of screening shall consist of a landscaped strip of not less than five feet in width and shall include hedge-like shrubbery of evergreen planting materials capable of obtaining a minimum height of six feet within the first three years of initial planting. Such evergreen planting materials shall be planted at a minimum spacing of four feet on centers and be a minimum height of two and one-half feet at initial planting. An automatic underground drip irrigation or sprinkler system shall be provided for all required landscaped buffer screens. Any landscaped buffer required by this chapter shall be maintained in a healthy thriving condition.
 - b. *Fencing regulations.*

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1. Fencing shall consist of wood panel, brick, rock, stone, wrought iron, fiberglass, vinyl, galvanized chain link, and wood composite material. The public works director may approve other materials provided the material is expressly designed for fence installation and is resistant to sunlight and moisture.
 2. Fences shall not exceed eight feet in height.
 3. Newly constructed fences, or existing fences being repaired or replaced, shall be constructed with minimum 13 gauge metal posts for vertical supports. Hollow metal posts shall be capped. Wrought iron posts that are three inches square by 12 gauge, two and one-half inches square by 14 gauge, or two and one-half inches square by 13 gauge may also be used. Posts shall be set in concrete at least two feet in the ground. Metal posts shall be filled with concrete two feet above ground for fences that are eight feet in height.
 4. Wood fences may be stained or have a clear sealer applied. Fiberglass, wrought iron, wood composite or vinyl fencing shall be a color compatible with the adjoining structures and shall be a subdued color to blend with surrounding neighborhood previously approved by the director of public works. When erected on residential property, painted wooden fences, fiberglass fences, or vinyl fences shall require the prior written approval of the director of public works to ensure compliance with city codes.
 5. Fencing shall have the finished side facing out, with the posts placed inside, when facing public property, when facing a public thoroughfare, or when accessible to public view.
 6. When a screen fence is required by ordinance in an LB Local Business District, GB General Business District, or C Commercial District, a masonry wall may be used. Where required, screening fences and walls shall be erected to a height of not less than six feet and shall provide a visual barrier from adjacent properties and streets.
 7. No fence or enclosure shall extend closer to any street right-of-way than the building line in front, building line definition, being the front of the building or structure. On corner lots, the fence may not extend closer than ~~15-13~~ feet from the back of the curb or 3 ½ feet set back behind property line when no back of curb is present. Exception: fences existing at a distance less than 13 feet from the back of the curb at the passing of this ordinance may be replaced or repaired in the same location with approval from the Director of Public Works or his/her designee.
 8. No fence or gate shall be allowed to open, or front a channel, from an entrance from or to a side or back yard.
 9. Fence gates shall not be constructed for access to a yard from a street without an approved drive approach.
 10. Where side or rear lot lines of newly constructed residential or commercial property coincide with an adjacent street, a minimum six-foot masonry fence or wall is required as described below.
 11. Masonry fences or walls shall be:
 - (i) Compatible in color with the adjoining structures and subdued in color to blend with the surrounding neighborhood;
 - (ii) Designed by an engineer licensed by the state; and
 - (iii) Properly engineered to withstand wind load, special load conditions and site drainage.

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12. All fences shall be maintained in a good condition by the property owner including compliance with the following standards:
- (i) The fence must be free of damage, breaks or missing components or parts;
 - (ii) Fence posts and rails with evidence of significant rot or deterioration must be replaced to keep the fence safe and prevent catastrophic failure;
 - (iii) Retaining walls in front yards shall only be allowed when grades exceed a 5 to 1 or 20% slope ratio. All walls along front property lines shall be set back a minimum of 1 foot2-feet from the property line. No part of wall or additional structure shall extend higher than 6 inches above top wall ground elevation.
 - ~~(iiiiv)~~ Fences, retaining walls, and decorative walls that lean more than 15 degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction; and
 - (iv) Loose brick, stone, rock, mortar or similar materials on masonry walls and barriers shall be rebonded or similarly repaired.
- c. *Prohibited fencing.* Prohibited fencing includes, but is not limited to, plywood, corrugated metal, chicken wire, cardboard, barbed wire, or electrical fences.
- d. *Swimming pool, spa, and hot tub fences.* A six-foot permanent fence, wall, or bolted screen enclosure must be erected and maintained so as to completely enclose each swimming pool, spa, or hot tub. The fence, wall, or bolted screen enclosure must be constructed and equipped with a self-closing and latching gate, and equipped to accommodate a locking device that shall be located on the pool side of the gate, which must be locked when the swimming pool, spa, or hot tub is not in use. It shall be an affirmative defense to this section that a residential swimming pool has a power safety cover or that a spa or hot tub has a safety cover complying with ASTM F1346.
- e. *Fence permits.* It is unlawful for any person to construct, replace, or cause to be constructed or replaced, a fence that is over 30 inches in height without first obtaining a fence permit from the public works department. ~~It is an affirmative defense to this section that the person is repairing or partially replacing a residential fence of less than that does not exceed 16 linear feet~~ due to deterioration or damage and it is determined by the public works department that a permit is not required. Fence permit fees will be based on the cost of construction per table 1-A in section 12-103.
- f. *Fence maintenance.* So as not to be detrimental to public health and safety, all fences shall be maintained by the property owner or lessee and shall be kept clean and free from all hazards including, but not limited to, faulty and loose fastenings, nails, missing panels, missing boards, fiberglass panels, or missing/damaged sections. The director of public works shall be vested with authority to extend the time necessary for fence repairs not to exceed a period of 90 days from the time that the need for repair occurs.
- g. *Ribbed metal panel frame.* A ribbed metal panel fence shall be suitably finished to blend with the primary structure and shall be erected on a structurally sound metal frame set in concrete. When a ribbed metal panel fence is required, a masonry wall described below may be used.
- h. *Masonry wall.* A masonry fence or wall shall be constructed with the finish side out and of any of the following materials: native stone, brick, precast concrete panels with decorative finish, or decorative masonry unit. In no case shall more than 25 percent of the area of the wall be erected with common smooth-faced masonry units.

- (3) *Screening required between uses and similar districts.* Screening between an incoming use and a less intensive zoning district shall be provided prior to occupancy of the incoming use. Uses not specifically listed shall comply with the screening requirements for the listed use it most closely resembles. Said screening shall comply with the following table:

*MINIMUM SCREENING
BETWEEN USES AND DISTRICTS INCOMING USE*

	SFD	SFA	DUP	TH	MF	COMM	WH	MFG
R-1	None	b	b	a & b	a & b	a & b	a & b	a & d
R-1A	None	None	b	b	a & b	a & b	a & b	a & d
R-2	None	None	None	b	a & b	a & b	a & b	a & d
R-3	None	None	None	None	b	a & b	a & b	a & d
C-1	None	None	None	None	None	None	c	c
C-2	None	None	None	None	None	None	c	c
C-3	None	None	None	None	None	None	c	c
M-1	None	None	None	None	None	None	None	c
M-2	None	None	None	None	None	None	None	None

- (4) *Trash collection areas other than single-family or two-family uses.* No trash collection areas shall be located within the required front or street side yard or within ten feet of any property zoned for residential purposes. Trash collection areas shall be screened from adjacent properties and streets on a minimum of three sides with a screening fence meeting the standards of section 115-117(e), Screening fence. If the trash receptacle is to be a dumpster, it shall have wheel stops or bollards on all four sides to contain the dumpster and be located a minimum of two and one-half feet inside the screening fence or wall. Said wheel stops shall be securely affixed to the pavement and shall be spaced to allow for drainage. A concrete pad shall be contained within the screened area and extend not less than 12 feet in front of the screen. Said concrete pad shall be not less than six inches thick and made of 3,000 psi concrete with number three rebar placed at 18 inches on center. Additionally, each screened area shall have constructed adjacent thereto a concrete approach ramp not less than six inches thick and made of 3,000 psi concrete with number three rebar placed at 12 inches on center.

- (f) *Open storage and use areas.*

- (1) *Applicability.* This landscape section shall apply to all land within the city upon the effective date. Planned development, specific use permits, or other plans approved by city council specifically

authorizing outside sales, storage, or display shall be permitted in accordance with the provisions established at approval.

- (2) *Residential uses.* In all residential districts, no open outside accessory storage or display of materials, commodities, or machinery shall be permitted, other than that which is incidental to the primary use of the property as a residence. Incidental storage is permitted behind the main structure provided the area devoted to storage is not more than 60 percent of the required rear yard. Said area shall be kept neat and clean and free of all tall grass and weeds, and must be screened from all adjacent properties and streets with a landscape buffer or screening fence as set forth in the preceding subsection. No materials shall be stacked to a height greater than the visual screen. Materials shall not be stored in a manner which would attract or harbor vermin.
- (3) *Nonresidential uses.* Except as otherwise specifically authorized by this chapter, all outdoor sales, storage, and display areas shall be located behind building lines and shall be screened with a screening fence as set forth in the preceding subsection. Any outside storage or outside use area established after the effective date of the ordinance from which this section is derived shall be screened by a fence as set forth in the previous section unless the screen is visible from a public street, in which case that portion of the screen visible to the street, shall be masonry. Openings for access to the outside storage or outside use area shall be equipped with gates capable of screening the activities and user from view when closed. Such gates shall not be designed to swing outward towards the street. In no case may any materials be stored above the highest point of the screening provided.

(Code 2001, § 14.504; Code 2010, § 14.05.004; Ord. No. 1534, § I, 11-18-2013; Ord. No. 1548, § I(Exh. A), 3-24-2014; Ord. No. 1635, § III, 11-14-2016)



AGENDA MEMORANDUM

DATE: March 22, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

SUBJECT: **ORD. 23-02:** Public hearing to receive comments for or against a request concerning text amendments to include a definition of Smoke Lounge and Smoke Shop in the City of Watauga Code of Ordinances, Chapter 115 Zoning - Article I. Sec.115-6 In General. Permitted principal, accessory and specific use permit uses and to authorize Smoke Lounge and Smoke Shop as a permissible use requiring specific use permits in designated zoning districts in Article IV. Sec. 115-85 Table of Uses; and consider action to approve the amendments as noted.

BACKGROUND/INFORMATION:

Following several discussions between administration and staff, text amendments have been proposed for adoption regarding specific zoning regulations for the proposed use, Smoke/Vape/Hookah room or lounge and Smoke Shop in Chapter 115. Zoning of the City of Watauga Code of Ordinances. Although smoke lounges and smoke shops are not an allowed use in any zoning district, the selling of tobacco products, such as cigarettes and e-cigs has been allowed under retail use. This amendment will define these uses and require an SUP for their operation.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

Staff respectfully recommends the Commission consider the comments received during the public hearing and make a final report on the text amendments request for city council consideration during the May 8, 2023 regular meeting.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Preliminary Report - Text Amendment - Smoke Shop and Lounge - Sec. 115-6 and 115-85 - Draft JG
2. Sec. 115_6. Permitted_principal_accessory_and_specific_use_permit_uses
3. Sec. 115_85. Permitted_use_table
4. DRAFT Ordinance E-Cigarettes Vapor Stores - For discussion purposes only

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works Approved - 4/13/2023



AGENDA MEMORANDUM

Paul Hackleman, Director of Public Works
David Berman, City Attorney
Joshua Jones, City Manager
Linda Proskey, City Secretary
Approved as to form for inclusion on Agenda

Approved - 4/13/2023
Approved - 4/14/2023
Approved - 4/14/2023
Final Approval - 4/14/2023

PRELIMINARY REPORT

DATE: April 11, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, Assistant Public Works Director

SUBJECT: **ORD. 23-02:** Following public hearing, consider action on a preliminary report concerning text amendments to the City of Watauga Code of Ordinances, Chapter 115.- Zoning, Article I. Sec. 115-6 In General. Permitted uses to include definitions of smoke lounge and smoke shop and Article IV. Chapter 115-85 Table of Uses to consider action to authorize as a permissible use requiring specific use permits in designated zoning districts.

BACKGROUND/INFORMATION:

Following several discussions between administration and staff, text amendments have been proposed for adoption regarding specific zoning regulations for the proposed use, Smoke room or lounge and Smoke shop in the Code of Ordinances Chapter 115 – Zoning.

CURRENT ACTIVITY:

Although smoke lounges and smoke shops are not considered allowed in any zoning district, the selling of tobacco products, such as cigarettes and e-cigs has been allowed under the Retail use. This amendment is intended to define uses to include Smoke room or lounge and Smoke shop and update the regulations in the City of Watauga Code of Ordinances, also requiring an SUP for their operation.

The public hearing notice was published in the Fort Worth Star Telegram on Friday, March 31, 2023, to receive comments for or against the text amendments proposed in the Code of Ordinances Chapter 115.- Zoning, Article I.- Sec. 115-6.- Permitted uses. and Article IV. Chapter 115-85 Table of Uses.

Staff considered the following criteria for the amendment:

1. The administration expressed to staff the concern to monitor more closely the number and location of similar uses to reduce their proliferation and evaluate their effects on the community. Staff supports this development objective.
2. The consistency of the proposed amendment with the intent and general regulations of the State Zoning laws.

The proposed amendment is consistent with the following purposes of Chapter 211 of Texas Local Government Code: promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance or significance. In addition, the classification of the use

PRELIMINARY REPORT

proposed will provide for locational requirements and spacing requirements.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change of policy.

The proposed amendment reflects a change in development as electronic cigarettes have become more available to consumers. Along Denton Highway, a Smoke shop is in almost every shopping center. This does not account for the stand-alone businesses.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of an applicant for future development.

The proposed change serves an important public interest in the furtherance of the health and safety of citizens of all ages.

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the Commission consider comments received during the public hearing on the proposed text amendments, recommending approval of the final report to accept the proposed amendment to Ordinance during the May 8, 2023 regular meeting of the City Council.

ATTACHMENTS/ SUPPORTING DOCUMENTATION AVAILABLE IN CIVIC CLERK:

City of Watauga Code of Ordinances, Chapter 115.- Zoning, Article I Sec. 115-6 and Article IV Sec. 115-85

Proposed Redline - Ordinance 2023-XXX

PRELIMINARY REPORT

Sec. 115-6. Permitted principal, accessory and specific use permit uses.

The following uses are permitted as provided in this chapter:

Accessory building (business). In a commercial district, a subordinate building attached or detached, and used for a purpose customarily incidental to the main structure.

Accessory building (industrial). In an industrial district, a subordinate building attached or detached, and used for a purpose customarily incidental to the main structure.

Accessory building (residential). In a residential district, a subordinate building attached or detached and used for a purpose customarily incidental to the main structure, located on the same lot, such as a private garage for automobile storage, tool house, greenhouse, hobby shop (no business), home workshop, children's play house, storage house, garden shelter, but not involving the conduct of a business.

Amusement center, indoor. A facility providing game equipment for entertainment and amusement as its primary source of income. Games contained in the facility may include coin-operated machines utilizing balls, pins, and baskets, video equipment, and pinball. Other equipment may include skill games such as pool, billiards, bowling, shuffleboard, darts, and batting cages. Any combination of these games may be used in the facility. However, the combination of any four coin-operated game machines shall constitute an amusement center.

Amusement center, outdoor. Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open.

Amusement center, teen club. A nightclub which caters primarily to patrons who are minors and in which no alcoholic beverages are sold or permitted and all activities occur indoors.

Amusement center (with alcohol). A facility which includes bowling alleys, pool halls, billiard halls or arcades, that provides entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place indoors or outdoors and which permits alcoholic beverages to be sold, served, or consumed on-site.

Amusement park. An amusement enterprise offering rides such as roller coasters and games to the general public for a fee or charge wherein the majority of the activity takes place in the open.

Animal grooming. An establishment that offers to the general public the service of animal grooming for domestic pets. No boarding or medical care is provided.

Animal hospitals and clinics (for the care and temporary boarding of domestic household pets). The office and clinic of a doctor of veterinary medicine, not including outside treatment pens or outside boarding.

Antique shop. An establishment offering for sale articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.

Apartment. A room or a suite of rooms within an apartment house arranged, intended, or designed for a place of residence of a single family, individual, or a group of individuals.

Apartment house. Same as Dwelling, multifamily.

Apparel alteration and repair shop. An establishment offering alteration and repair of clothing apparel to the public.

Appliance repair, household. A shop specializing in the repair of household appliances, including televisions, radios and other small electronic devices.

Art gallery. An establishment offering for viewing and sale works of art to the general public.

Asphalt or concrete batching plant (permanent). A permanent installation of facilities and materials required to manufacture hot mix asphaltic concrete or Portland cement concrete.

Asphalt or concrete batching plant (temporary). A temporary installation of facilities and materials required to manufacture hot mix asphaltic concrete or Portland cement concrete. See section 115-63, Supplemental regulations.

Assembly hall. A building and grounds owned and operated by a public or private nonprofit organization which serves as a meeting facility for groups, and may provide social, educational, recreational, and developmental training programs.

Assembly plant. A facility for the assembly of equipment including automobiles, trucks, farm machinery, railroad cars, engines, and appliances from components fabricated for the most part in other locations.

Auto, auction. An enclosure or area, including outside storage, designed for the sale of automobiles at auction or using other sales techniques.

Auto, carwash. A facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities. A car wash may be:

- (1) A single unit type that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or
- (2) A tunnel type that allows washing multiple vehicles in a tandem arrangement while moving through the structure.

Auto, gasoline or motor fuel sales with or without a convenience store. A facility or area designed for the retail sale of motor vehicle fuel dispensed from pumps with or without a convenience store offering for sale prepackaged food products, household items and other goods commonly associated with the same are sold.

Auto, impound lot/wrecker business. An accessory use where vehicles owned by someone other than the property owner are temporarily stored.

Auto, paint and body shop. An automobile related use where vehicles are repainted, the exterior repaired and replaced, frames straightened, damaged panels repaired and replaced, and window glass is repaired and replaced.

Auto, parts and accessory stores. An automotive store with the primary purpose of selling new auto parts and accessories for automobiles, trucks, and vans.

Auto, rental (car and truck). Establishments primarily engaged in the short-term rental or extended-term leasing of automobiles and trucks, not including truck tractors or semitrailers. No rental trucks shall be located in any multi-use shopping center.

Auto, repair garage. An enclosed facility designed for the repair and maintenance of automobiles, trucks, and vans with outside storage of vehicles if screened by the facility and located in the rear yard out of view from the public right-of-way. No repair or maintenance conducted outside of the garage on any vehicle including truck trailers and semitrailers. This definition includes any businesses that conducts automotive maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning.

Auto, sales, new (outdoor). A motor vehicle retail establishment operated by a franchised dealer. A "franchised dealer" means a person who holds a franchised motor vehicle dealer's license issued under the Texas Transportation Code, and is engaged in the business of buying, selling, or exchanging new motor vehicles and servicing or repairing motor vehicles under a manufacturer's warranty at an established and permanent place of business under a franchise in effect with a manufacturer or distributor. For purposes of this definition, motor vehicles are not considered outside storage. Accessory uses may include the sale of used motor vehicles, auto service, and auto repair activities, as defined elsewhere in this Code.

Auto service station/convenience store. Reserved.

Auto service station/light maintenance. Reserved.

Auto, service station/restaurant. Any premises where gasoline and other petroleum products are sold as a principal use and in connection with the primary use, and a secondary use of a restaurant is provided.

Aviation field. An area improved for the landing or takeoff of aircraft, approved by the Federal Aviation Administration for operation as an airport.

Bakery or industrial confectionery. A facility which primarily produces large quantities of baked goods for distribution off of the premises.

Bakery or wholesale candy. A manufacturing facility for either baked goods or candy with the purpose of selling the products at off-site retail locations.

Bank, savings and loan association, financial institution. A building or premise offering banking, savings and loan, and other financial services. (Not including pawnshops as herein defined.)

Bar, tavern, or nightclub. Any establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where the sale of food for consumption on the premises is secondary. In addition, a dance floor or entertainment may be provided. (Does not include sexually oriented businesses.)

Beauty/barber or other personal shop. An establishment which provides personal services including haircuts, perms, color treatments, manicures, pedicures and other personal beauty services.

Bed and breakfast (nonresidential district). A tourist lodging service within the rooms of a dwelling located on a property served by a single utility meter and single water meter and wastewater service, occupied by a resident manager and located in a district zoned other than residential.

Bed and breakfast (residential district). A tourist lodging service within the rooms of a single-family residence occupied by the owner or resident manager and located on a property served by a single utility meter and single water and wastewater service within a residential district of the city.

Boardinghouse or lodginghouse. A building other than a hotel, motel, or other establishment that offers short-term accommodations for transients, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements.

Brick kiln or tile plant. A manufacturing facility for making brick or tile products, with product and raw material storage.

Building materials manufacturing. A facility for the production of building materials which include fiberglass, wallboard, shingles, etc.

Building materials sales. A distribution and sales center for retail and wholesale hardware, plumbing, lumber, and other materials used in the building trade.

Bus station, terminal. A facility for regularly scheduled bus services with passenger lounge and ticketing services.

Cabinet and upholstery shop. A shop for the assembly of cabinetry for domestic use and furniture repairing and upholstery.

Caretaker's or guard's residence. A residence located on a premises with a main nonresidential or residential use occupied only by an employee of the principal use. Manufactured or industrialized homes are not permitted for this use.

Carpet cleaning establishment. An establishment which provides commercial cleaning of carpeting and/or rugs as a retail service. Such service shall be performed in a consumer's home or place of business.

Cement or hydrated lime plant. A manufacturing facility and process for making cement, hydrated lime, and byproducts including storage of products and raw materials.

Cemetery or mausoleum. An area or structure designed to contain the remains of humans or animals for permanent interment.

Chemical laboratory. A facility for the on-site manufacturing processes used in chemical and associated laboratory manufacturing.

Clinic. Offices for one or more physicians, surgeons, chiropractors, or dentists engaged in the treatment of the sick or injured, but not including rooms for the abiding of patients.

Clothing store, retail/secondhand/thrift. An establishment which is engaged in retail sales of used clothing and associated materials, goods, and merchandise.

Community center. A place or facility dedicated to social or recreational activities, serving the city or a neighborhood thereof and owned and operated by the city, or by a nonprofit organization dedicated to promoting the health, safety, or general welfare of the city.

Contractor, electrical/mechanical/plumbing (no outside storage). A business whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which may also have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. No outside storage is permitted.

Contractor, electrical/mechanical/plumbing (outside storage permitted). A business whose primary use provides a service by installing electrical, mechanical, or plumbing systems which may also have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. Outside storage permitted.

Contractor's storage or equipment yard. An area located on the same lot or separate lot, used for outside storage of construction equipment, including vehicles and construction material.

Copy shop. A small commercial printing shop which sells on-site most of the items printed along with associated items.

Correctional facilities (including pre-parole centers). A facility housing those who have been involved in the criminal justice system or related program and serving an adjudicated sentence, but not housing individuals convicted of violent or sexual crimes.

Dance hall. An establishment offering a dance floor and entertainment for the general public. (Does not include sexually oriented businesses.)

Day care center, adult. A facility that provides services under an adult day-care program on a daily or regular basis but not overnight to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

Day care center, child. A child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

Day care, in the home. A private residence 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. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

Department store. A store offering a variety of comparison and consumptive goods, including lawn and garden products, at a retail price to the general public.

Dwelling, assisted living facility. A facility intended to provide dwelling units for occupancy by persons requiring the level of care and support defined by the state as "supervised living."

Dwelling, caretaker/guard residence. A residential use located within the building or structure of a nonresidential use where quarters are occupied by an owner or employee of a business occupying some or all of the remainder of the building or structure where living facilities are distinctly separate from and secondary to the nonresidential structure or use.

Dwelling, four-family. A detached residential building containing four dwelling units.

Dwelling, HUD-code manufactured home. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 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 defined by 24 CFR 3282.8(g).

Dwelling, industrialized housing. A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent site and are erected or installed on a permanent foundation system. The term does not include any residential structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems. The term shall not mean nor apply to:

- (1) Housing constructed of sectional or panelized systems not utilizing modular components; or
- (2) Any ready-made home which is constructed so that the entire living area is contained in a single unit or section as a temporary location for the purpose of selling it and moving it to another location.

Dwelling, mobile home. A structure that was constructed before June 5, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 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.

Dwelling, multifamily. A residential building containing five or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single-family. A detached residential building, not including a mobile home or a HUD-code manufactured home, which contains not more than one dwelling unit.

Dwelling, three-family. A detached residential building containing three dwelling units.

Dwelling, two-family. A detached residential building containing two dwelling units.

Electrical generating station. A facility designed to convert electrical current from other energy sources for consumption by dwellings and other structures.

Electrical substation. A facility designed to convert electrical current to a different phase or voltage prior to consumption by dwellings and other structures.

Electrical transmission line. A high voltage line used to transmit electrical current to or between electrical substations or long distances and customarily associated with towers.

Electronics manufacturing. A facility for the production of printed circuit boards, microchips and other electronic parts which may be assembled on-site into end products such as computers, televisions, radios and communication equipment.

Equipment, tool rental. An establishment that provides equipment and tools for rent by the general public to be used off-site. All storage of rental equipment and tools shall be contained within the limits of the primary structure.

Farm, truck garden, orchard, or nursery. A parcel of land used for the growing or raising of plants, shrubs, and trees and other agricultural products, including related structures thereon provided no sales office is maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and that no obnoxious soil or fertilizer processing is conducted thereon.

Frozen food locker/ice locker. A facility for the storage of frozen food or ice for retail sale for individual or family use, not including food processing, except for cutting or wrapping.

Funeral home/mortuary.

- (1) A building or part thereof used for human funeral services. Such building may contain space and facilities for:
 - a. Cremation facilities, embalming, and the performance of other services used in preparation of the dead for burial;
 - b. The performance of autopsies and other surgical procedures;
 - c. The storage of caskets, funeral urns, and other related funeral supplies; and
 - d. The storage of funeral vehicles.
- (2) Where a funeral home is permitted, a funeral chapel shall also be permitted.

Furniture or appliance store. A retail establishment offering home furnishings and appliances, including televisions, radios, and other electronic devices, for sale to the general public.

Garage, parking. A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

Garage, private. A building for parking only of motor vehicles belonging to the occupant of the same premises, having an entrance door at least 16 feet in width and opening onto a paved or surfaced area used primarily as a driveway for motor vehicles.

Garage, public. A building other than a private or parking garage, used for the care or repair of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale.

Golf course, driving range. An establishment offering areas for driving of golf balls, including "pitch and putt" facilities.

Golf course, miniature. An establishment offering facilities for miniature golf.

Golf course, private. Rounds and facilities used in the playing of the game golf, for use by private membership on a site containing a total area of not less than 40 acres.

Golf course, public. Grounds and facilities used in the playing of the game golf, privately owned but open to the public for a fee and operated as a commercial venture.

Greenhouse or plant nursery. An establishment operated for commercial purposes, offering plants grown on-premises and off-premises and associated products for sale for use in connection with home gardening activities.

Grocery store. Retail grocery stores, commonly known as supermarkets, food stores, and grocery stores, primarily engaged in the retail sale of all sorts of canned foods, dry goods, fresh fruits and vegetables, and fresh and prepared meats, fish and poultry.

Group home for the disabled (see also family). A dwelling shared by four or more disabled persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential. As used herein, a person is disabled if the person whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- (1) An orthopedic, visual, speech, or hearing impairment;
- (2) Alzheimer's disease;
- (3) Pre-senile dementia;
- (4) Cerebral palsy;
- (5) Epilepsy;
- (6) Muscular dystrophy;
- (7) Multiple sclerosis;
- (8) Cancer;
- (9) Heart disease;
- (10) Diabetes;
- (11) Mental retardation;
- (12) Autism; or
- (13) Emotional illness.

Gymnasium. A building or room used for physical education and sports, which may be equipped with gymnastics or other sports-related equipment and which may have seating in which spectators may view sports activities.

Halfway house. A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the local, state, or federal department of corrections, but not including individuals convicted of violent or sexual crimes.

Health club/recreation facility. An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop, gymnasiums, private clubs (athletic, health or recreational), reducing salons and weight control establishment.

Health service facilities (outpatient). Clinics, offices, dentist, doctors and/or other practitioners of the healing arts licensed or similarly recognized under the laws of the state. Also including offices for specialists in supportive health services such as physical, audio, and speech therapy, podiatry, and psychological testing and counseling, dental, medical, and optical labs, and blood banks.

Heliport. A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.

Helistop. A landing pad for occasional and infrequent use by rotary wing aircraft with no fueling facilities.

Hobby shop. An establishment providing retail sales of items commonly associated with hobbies, including display area for hobbies.

Hobby studio, private. An accessory activity area, used by the occupants of the premises purely for personal enjoyment, amusement, recreation, or cultivation of artistic talents.

Home occupation. An occupation conducted in a dwelling unit or accessory building, provided that it is clearly "transparent" to the neighborhood and meets all of the requirements as defined in section 115-85(b), Conditions and special regulations for listed uses.

Hotel, apartment. A multifamily dwelling which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Hotel/motel. One or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services; "hotel" includes a tourist hotel, a motor hotel, and a motel, but does not include an apartment hotel.

Junkyard/vehicle salvage yard. Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, selling, trading, or other disposition of wrecked, scrapped, ruined, dismantled, or partially dismantled motor vehicles or motor vehicle parts, or any establishment or place of business maintained, used, or operated for the storing, keeping, buying, selling, trading, or other disposition of junk. The operation of junkyards shall be governed by the general rules and regulations applicable to junkyard and vehicle salvage yard operations within the city.

Kennel. Any lot or premises on which four or more dogs, cats, or other domestic animals, at least four months of age, are housed or accepted for boarding, trimming, grooming, or bathing for which remuneration is received.

Laboratory, medical and/or dental. A facility with materials and scientific and technological equipment designed for scientific experimentation, examination, evaluation, and documentation for medical and other technologies.

Laundry/cleaners, full-service. A retail establishment providing full-service laundry and dry cleaning services to the general public.

Laundry/cleaners, self-service. A retail establishment providing facilities for customers to launder or dry clean wearing apparel or other materials.

Laundry cleaning plant, commercial. A commercial laundry or cleaning plant doing cleaning or laundry for off-premises service outlets and retail establishments.

Library. Buildings and structures open for the general public, for which a fee may or may not be charged for the use of book collections.

Liquor store (packaged) is an establishment licensed by the State where the primary purpose, based on floor area, is the sale of packaged alcoholic liquor directly to the consumer for consumption off the premises. This use does not include retail sales, tavern/bar, or restaurant.

Lithography or print shop. A large commercial printing shop with multiple presses and capabilities offering duplicating services including blueprinting and photostating.

Lodge, fraternity, sorority and clubs. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

Lumber yard. An establishment for the sales, storage and distribution of pre-cut lumber and associated materials used in the building trade.

Machinery sales or repair (heavy). A facility for the storage, repair, outside sales or rental of heavy machinery or equipment.

Manufactured home park. An area designated, arranged or used for the parking or storing of one or more HUD-code manufactured homes which are occupied or intended for occupancy as temporary living quarters by individuals or families.

Manufacturing facility (heavy). A facility that utilizes raw material to forge, cast, mix, or otherwise create material used to build or assemble final products; may include the assembly and storage of integral components or the completed final product.

Manufacturing facility (light). A facility used for subassembly, or assembly of subassemblies for industrial purposes, and may conduct manufacturing that does not emit noise, odor, dust, or other hazards.

Massage establishment. A place of business that advertises or offers massage therapy or other massage services. The term includes a place of business that advertises or offers any service described by a derivation of the terms "massage therapy" or "other massage services."

Massage services. Massage therapy or other massage services.

- (1) "Massage therapy" means the manipulation of soft tissue by hand or through a mechanical or electrical apparatus for the purpose of body massage and includes effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics. The terms "massage," "therapeutic massage," "massage technology," "myotherapy," "body massage," "body rub," or any derivation of those terms are synonyms for "massage therapy."
- (2) "Other massage services" includes any services offered or performed for compensation at a massage establishment that involve physical contact with a client, and may include the use of oil, lubricant, salt glow, a heat lamp, a hot and cold pack, or a tub, shower, Jacuzzi, sauna, steam, or cabinet bath.

Medical care facility, hospital. An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice including related facilities such as laboratories, outpatient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities. Hospitals may include supportive retail and personal service uses operated by or under the control of the hospital primarily for the convenience of patients, staff and visitors.

Medical care facility, nursing and care homes. Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age, including developments containing convalescent or nursing facilities.

Medical equipment sales, rental, and leasing services. An establishment including offices, stores, and display rooms for the display, sale, rental and leasing of medical equipment.

Mini-warehouse facility. A building or group of buildings in a controlled-access and fenced compound consisting of varying sizes of individual, compartmentalized, controlled-access, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

Mobile food vendor court. A primary land use located on one or more platted lots where two or more mobile food vendor units are located to offer food or beverages for sale to the public, functioning as a single business and authorized to provide, tables, play areas, a permanent structure for alcohol sales, and other outdoor entertainment open to all customers of all vendors.

Museum, fine arts center, or art gallery. An institution for the collection, display, and distribution of objects of art or science and which is sponsored by or owned and operated by the city, a public or quasi-public agency and which facility is open to the general public.

Office, business. Any office in which chattels or goods, wares or merchandise are not commercially displayed, created, sold or exchanged.

Office, professional. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations, including, but not limited to: insurance broker, public stenographers, real estate broker, stockbroker, and other persons who operate or conduct offices which do not require the stocking of goods for wholesale or retail sales.

Office, real estate development tract or field office. A temporary office for the purpose of selling real estate to the general public located on or adjacent to the real estate being offered for sale.

Oil field service business. An establishment offering sales, maintenance, and outside storage of oil field business equipment including rigs, machinery, servicing vehicles, pipe, drill stem, and devices used on or attached to oil wells.

Park, public. Any public or private land available for recreational, educational, cultural, or aesthetic use.

Pawnshop. A shop specializing in making small loans against personal property or buying used personal goods from individuals.

Payday loan business. Any business which provides loans typically known as "payday loans," "payday advances," or "deferred deposit loans" in which a cash advance in whole or part is made in exchange for a personal check or authorization to debit a deposit account; the amount of the check or authorized debit equals the amount of the advance plus a fee, and the person making the advance agrees that the check will not be cashed or deposited or the authorized debit will not be made until a designated future date.

Person. Every natural person, firm, partnership, association, corporation, or society. The term "person" shall include both the singular and plural, and the masculine shall include the feminine gender.

Pet shop. A shop offering small animals for sale, with associated goods and services.

Pharmaceutical plant. A facility for the production of drugs for medicine.

Pharmacy. An establishment offering prescription and over-the-counter pharmaceuticals and other associated products for sale to the public.

Photographic print shop. An establishment engaged in film editing, developing, and processing of photographs. May also provide for retail sale of cameras, film, and other photographic supplies and equipment to the general public.

Plastic products manufacturing. A facility for the production of molded products constructed out of plastic, fiberglass or other composite material.

Printing/publishing plant. An establishment offering reproduction services for the production of books, magazines, newspapers, and other published materials.

Private club. An association of members meeting regularly for their mutual benefit or for the promotion of some common purpose supported jointly through payment of membership dues, and regulated by the Texas Alcoholic Beverage Code in such instances where alcoholic beverages are sold to members.

Public safety facility, fire and police. A facility designed to provide public protection from dangers of fire and crime, including civil defense, operational centers, police and fire stations and training facilities.

Radio, television, microwave broadcast, relay or receiving towers, transmission or retransmission facilities. Structures supporting antennae and/or commercial satellite antenna dishes which are transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.

Radio, television studio. A facility designed to create and broadcast original source programming, or relay commercial programming from another source, including taped or prerecorded materials for any part of the radio spectrum for commercial consumption.

Recreational vehicle storage (commercial). A facility or location, which upon payment of a fee, provides for the parking and storage of recreational vehicles.

Recycling collection center. A building in which used materials such as newspapers, glassware, and metal cans are separated and processed prior to shipment to others who will use those materials to manufacture new products.

Recycling plant. A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books and other paper products, glass, metal cans, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Rehabilitation care facility (criminal-psychiatric, mental disorders and substance abuse). A facility whose primary purpose is to provide residence and/or outpatient care, with supervisory personnel, to persons regardless of legal relationship, who have been involved in the criminal justice system or related program including parole or probation as authorized by the criminal justice system, and have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

Rehabilitation care facility (psychiatric and mental disorders). A facility which provides residence and/or outpatient care, with supervisory personnel, to persons regardless of legal relationship, who have demonstrated a tendency toward mental illness.

Rehabilitation care facility (substance abuse). A facility which provides residence and/or outpatient care, with supervisory personnel to persons regardless of legal relationship who have demonstrated a tendency toward alcoholism and/or drug abuse.

Religious institution. Churches and facilities for related activities including those of worship, fellowship and education that people regularly attend. A religious institution which, for a fee, provides day care and/or child care must seek a specific use permit; however, a religious institution which provides day care and/or child care services to its members during religious services without charge or fee is permitted within each designated zoning district permitting the particular religious institution.

Rental store (no outside storage). An establishment that provides equipment and goods for rent by the general public to be used off-site. All storage of rental equipment and goods shall be contained within the limits of the primary structure.

Rental yard (commercial and heavy equipment). An establishment that provides heavy equipment for rent to contractors or the general public to be used off-site. The storage of rental equipment or goods may occur either within the limits of the primary structure or may be displayed and stored outside of the primary structure. Areas reserved for repairs and maintenance of all equipment or goods must be within the primary structure.

Rental yard (domestic goods with outside storage). An establishment that provides domestic equipment and goods for rent to the general public to be used off-site. The storage of rental equipment or goods may occur either within the limits of the primary structure or displayed and stored on an improved surface outside the primary structure, not to include backhoes, front end loaders and tractors.

Repair shop (bicycle and small appliance). A shop specializing in the repair of household appliances and/or bicycles.

Restaurant (drive-in/drive-thru). Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Restaurant (including cafe, lunch room, tea room). A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, refreshment stand (temporary or seasonal). Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages from a temporary or permanent building on a temporary or seasonal basis.

Restaurant with alcohol. A business establishment whose principal business is the selling of unpackaged food and alcoholic beverages for on-premises consumption, to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Retail, retail store or retail activities. An establishment engaged in selling goods or merchandise to the general public in small quantities for personal or household consumption and the rendition of services incidental to the sale of such goods.

Rodeo grounds/fairground. An outdoor entertainment area providing an arena for rodeo activities, including grandstands and bleachers for the viewing public, storage pens and facilities for the caring and presentation of livestock, and open area for exhibits and carnival activities.

School. A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

School, business college. A facility that provides a curriculum limited to the teaching of office and business practices and skills.

School, college or university. An academic institution of higher learning, accredited or recognized by the state and offering a program or series of programs of academic study leading to a recognized degree or advanced degree, including junior and senior colleges, universities, conservatories and seminaries.

School, commercial trade. A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades.

School, home. Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in the home of a student living in the home. Said educational activities shall be considered to be a part of the housekeeping activities of a family.

School, home day. Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in a home but not necessarily the home of the student living therein. There shall be no more than six unrelated students not living in the home in which the educational activities are being conducted. The total number of students living in the home in which the activities are being conducted shall not exceed 12 at any given time.

School, institution, rehabilitation and training center (private). A facility that provides rehabilitation and training operated or sponsored by chartered educational, religious or philanthropic organizations, but excluding uses such as trade schools, which are operated primarily on a commercial basis.

Servants' quarters. A dwelling unit located on the same lot or grounds as the main building, and used by servants employed on the premises and not rented or otherwise used as a separate domicile, and serviced through the same utility meters or connections as the principal use to which it is an accessory.

Shoe repair. An establishment offering shoe repair service to the general public.

Smoke Shop. A retail outlet specializing in the selling of electronic or non-electronic cigarette products, also known as a vape shop, which allows for on-site purchase of tobacco, tobacco accessories, electronic vaping devices and similar products to the customer.

Smoke room or lounge. A room which is specifically provided and furnished for onsite smoking, either electronic or non-electronic cigarette products. This definition shall include establishments known as hookah bars/lounges, tobacco bars, and similar establishments.

Specialty and novelty establishment. An establishment which provides any or all of the following:

- (1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived, as the term "controlled substance" is defined in V.T.C.A., Health and Safety Code ch. 481.
- (2) Kits used, intended for use or designed for use in manufacturing, converting, producing, processing, or preparing controlled substances, as the term "controlled substance" is defined in the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481).
- (3) Isomerization devices used, intended for use or designed for use in increasing potency of any species of plant which is a controlled substance, as the term "controlled substance" is defined in the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481).
- (4) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances, as the term "controlled substance," is defined in the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481).
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances, as the term "controlled substance" is defined in the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481).
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances, as the term "controlled substance" is defined in the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481).
- (7) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
- (8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances, as the term "controlled substance" is defined in the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481).
- (9) Capsules, balloons, envelopes, and other containers used, intended for use or designed for use in packaging small quantities of controlled substances, as the term "controlled substance" is defined in the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481).
- (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances, as the term "controlled substance" is defined in the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481).
- (11) Hypodermic syringes, needles, and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body, as the term "controlled substance" is defined in the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481).
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;

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- d. Smoking and carburetion masks;
 - e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons and cocaine vials;
 - g. Chamber pipes;
 - h. Electric pipes;
 - i. Air-driven pipes;
 - j. Chillums;
 - k. Bongs;
 - l. Ice pipes or chillers.
- (13) Wearing apparel containing obscene pictures or words; such apparel being t-shirts, belt buckles, jewelry or any other wearing apparel.
- (14) Salves, ointments, gels, creams, jellies, lotions and oils advertised for or designed as a sexual stimulus.
- (15) Magazines, books, records, cassettes, pictures, drawings and other similar material depicting and describing sexual conduct in a manner that is designed for adult use and consumption.
- (16) Incense.

Stable, private. A building designed for the keeping of horses or mules owned by the occupants of the premises and not kept for remuneration, hire, or sale; for not more than one horse or mule for each 36,000 square feet of lot area.

Stable, riding. A building designed for the keeping of horses or mules used for pleasure riding or driving, for boarding, or for hire including a riding track.

Stockyard. An area designed to receive and transfer large quantities of livestock, containing a number of holding pens, loading and unloading areas, ramps, and other facilities required for the handling of large quantities of livestock.

Studio. A facility for professional work or teaching of any form of commercial or fine arts, photography, music, drama, dance, but not including commercial gymnasium or dance hall.

Swimming pool, commercial. A swimming pool accessory facility, not part of the municipal or public recreational system, and not a private swim club, but where the facilities are available to the general public for a fee.

Swimming pool, private residential. A swimming pool accessory facility constructed for the exclusive use of the proprietor, when located in other than the minimum front yard, subject to the regulations of section 115-85(b), Conditions and regulations for listed uses.

Tattoo parlor. An establishment where trained personnel apply micro-injections of pigment to the dermal layer of skin. Not including establishments that provide permanent cosmetic make-up application.

Telephone exchange, switching or relay facility. A facility for the exchange, switching, relaying, or transmission of telephone services. Not including public business facilities, storage, or repair facilities.

Theater, indoor motion picture. An establishment offering motion pictures for viewing by the public.

Trailer, manufactured or industrialized home sales or rental. An area devoted to outside sales or rental of travel trailers, HUD-code manufactured homes, or industrialized housing. Rental for off-premises use only.

Trailer park for travel trailers. A lot of land upon which two or more travel trailers or recreational vehicle sites are located, established, or maintained for occupancy by travel trailers or recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Travel bureau or consultant. An office that serves as a broker for airlines, trains or other transportation and lodging organizations and provides these services to the patron.

Utility buildings and structures. Power substations, water tanks or reservoirs, water or sewage treatment plant, including supportive structures such as pump and lift stations.

Veterinarian hospital (with outside pens). The office and clinic of a doctor of veterinary medicine, including outside treatment pens, and the boarding of animals on a temporary basis.

Veterinarian hospital (without outside pens). The office and clinic of a doctor of veterinary medicine for small domestic animal practice, which may include facilities for the temporary treatment or boarding of small animals but does not include outside treatment pens.

Veterinarian office only. The offices of a doctor of veterinary medicine with limited on-site treatment of small domestic animals.

Video/game rental store. A commercial establishment that provides as a service a library of video movies and video games which may be rented on a short-term basis and returned for reuse.

Warehouse showroom with retail sales. A sales and office facility for a product that by nature of the bulk dimensions of the product requires a larger than normal storage area ratio of sales to office area to maintain a normal operating product inventory. All activities and storage shall be totally within an enclosed building, and no manufacturing, fabrication, or assembly operation shall be conducted in any part of the unit except for articles to be sold at retail on the premises.

Warehousing and freight offices and storage. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Watch and/or jewelry sales and repair. An establishment offering repair services for jewelry, watches and other similar items.

Welding or machine shop. A facility for the machining or welding of metals, not including forging.

Wholesale club with membership sales. An establishment engaged in the warehousing, storage, and wholesaling of a general line of goods, which sells memberships in order for consumers to purchase items at wholesale prices.

(Code 2001, § 14.106; Code 2010, § 14.01.006; Ord. No. 1565, § I, 7-28-2014; Ord. No. 1599, §§ I, II(Exh. A), 8-17-2015; Ord. No. 1600, § I(Exh. A), 8-17-2015; Ord. No. 1648, § I(Exh. A), 10-16-2017; Ord. No. 2021-046, § II, 10-11-2021)

Sec. 115-85. Permitted use table.

- (a) *Permitted use table legend.* The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed in accordance with permitted uses (P), uses permitted by a specific use permit (S), uses permitted by special exception (SE), and prohibited uses (blank). Conditions are provided in this section. Conditions and special regulations are for listed uses.
- (b) Any land use located in the table below that predates zoning ordinance changes shall then be considered legal nonconforming per article II, administration and enforcement. Specific to section 115-31, nonconformities.

Permitted use	P
Prohibited use	(blank)
Special exception	SE
Specific use	S

Land Use	SFA	SF6	D	MF	MH	LB	GB	C	I	CF	GU	Special Conditions
Accessory building (business)						P	P	P		P		
Accessory building (industrial)									P			
Accessory building (residential)	P	P	P	P	P							
Amusement center (indoor)							S	S				2, 5, 7, 11, 16
Amusement center (outdoor)								S				2, 5, 7, 12, 14, 15
Amusement center teen club						S	P	P				2, 5, 7
Amusement center with alcohol								S				1, 5, 7
Amusement park								S	S			1, 3, 5, 7, 12, 14, 15
Animal grooming						S	P	P				2, 7, 17, 24
Animal hospitals and clinics (care and temporary boarding)								P	P			5, 7, 15
Antique shop						P	P	P				5, 7
Apparel alteration and repair shop						P	P	P				5, 7
Appliance repair (household)						S	P	P				5, 7
Art gallery						P	P	P				5, 7
Asphalt or concrete batching plant (permanent)												2, 3
Asphalt or concrete batching plant (temporary)									S			2, 7
Assembly hall							P	P		P		
Assembly plant									P			5, 7, 14, 15, 18
Auto parking lot (cars and pickup trucks only)						P	P	P	P	P	P	
Auto tire and battery retail							S	P				2, 5, 7, 14
Auto auction								S	S			2, 5, 7, 14, 18, 19, 20, 22
Auto, carwash						S	S					2, 5, 7, 11
Auto, gasoline or motor fuel sales with or without a convenience store						S	S	S	S			2, 5, 7, 11, 14, 16, 18, 20, 21, 22
Auto, impound lot/wrecker business									S			2, 3, 5, 8, 18, 22
Auto, paint and body shop								S	S			2, 5, 7, 14, 18, 20, 21, 22

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Auto, parts and accessory stores						P	P	P				2, 5, 7, 11, 14, 20, 22
Auto, rental (car and truck)							S	S	S			2, 5, 7, 14, 18, 21
Auto, repair garage							S	S	S			1, 5, 7, 14, 18, 20, 21, 22
Auto, sales new (outdoor)							S	S				1, 5, 7, 12, 14, 18, 19, 20, 21, 22
Auto, service station/restaurant						P	P	P	P			2, 5, 7, 11, 22
Aviation field									SE			
Bakery or candy wholesale								S	P			2, 5, 7, 11, 15, 22
Bakery or confectionery, industrial									S			2, 5, 7, 11, 15, 22
Bank, savings and loan association, financial institutions						P	P	P				5, 7
Bar, tavern, or nightclub							S	S	S			1, 3, 5, 7, 15
Beauty/barber or other personal shop						P	P	P				5, 7
Bed and breakfast (nonresidential district)						S	P	P				2, 5, 7, 14, 29
Bed and breakfast (residential district)	S	S	S	S	S							1, 5, 7, 14, 29
Boarding or lodging house				S			P	P				2, 5, 7, 14, 36, 37
Brick kiln or tile plant									S			1, 5, 7, 14, 15, 18
Building materials manufacturing									S			2, 5, 7, 14, 15, 18
Building materials sales							S	P	P			2, 5, 7, 12, 14, 15, 18
Bus station, terminal								P	P			1, 5, 7, 14
Cabinet and upholstery shop							S	P	S			2, 5, 7
Caretaker's or guard's residence	S	S	S	S	S	S	S	S	S	S		
Carpet cleaning establishment									P			1, 5, 7, 14
Cement or hydrated lime plant												2, 5, 7, 14, 15
Cemetery or mausoleum	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	1
Chemical laboratory									S			2, 5, 7, 14
Clinic						S	P	P	P			2, 5, 7
Clothing store/resale, secondhand, thrift							S	P				2, 5, 7, 14, 22

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Community center										S	P	2, 5, 7
Contractor, electrical/mechanical/plumbing (no outside storage)							P	P	P			5, 7, 11
Contractor, electrical/mechanical/plumbing (outside storage)							S	S	P			2, 5, 7, 12
Contractor's storage or equipment yard								S	P			2, 5, 7, 12
Copy shop						S	P	P				2, 5, 7
Correctional facilities (including pre-parole centers)											S	2, 3, 5, 7
Dance hall							S	S				2, 5, 7
Day care center, adult	S	S	S	S	S	P	P	P		S		2, 5, 7
Day care center, child	S	S	S	S	S	P	P	P		S		2, 5, 7
Day care, in the home	S	S	S	S	S	P	P	P				13
Department store						P	P	P				5, 7, 11
Dwelling assisted living facility						S	S	P				2, 5, 7
Dwelling caretaker or guard residence									S			1
Dwelling, four-family	S											1, 7, 8, 11, 16, 30, 31, 32, 33
Dwelling, HUD-code manufactured home					P							
Dwelling, industrialized housing	P	P	P	P	P							
Dwelling, mobile home												
Dwelling, multifamily				P								
Dwelling, single-family attached			P									
Dwelling, single-family detached	P	P	P	P	P							
Dwelling, three-family												
Dwelling, two-family			P									
Electrical generating station											P	8
Electrical substation	P	P	P	P	P	P	P	P	P	P	P	8
Electrical transmission line	P	P	P	P	P	P	P	P	P	P	P	

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Electronics manufacturing									P			5, 7, 14, 15, 18
Equipment/tool rental						S	S	P	P			2, 5, 7, 12, 14
Farm, truck garden, orchard or nursery								S	S			2, 5, 7
Frozen food lockers/ice lockers								S	P			2, 5, 7
Funeral home/mortuary						P	P	P		S		2, 5, 7
Furniture or appliance store						S	P	P				5, 7
Garage, parking						P	P	P		S		5, 7
Garage, private	P	P	P	P	P	P	P	P	P			
Garage, public						S	P	P	P	S		2, 5, 7
Golf course, driving range							S	P	P			2, 5
Golf course, miniature golf						S	P	P				2
Golf course, private	S	S	S					P	P	S		2
Golf course, public	S	S	S					P	P	P		2
Greenhouse or plant nursery							S	P	P			2, 5, 7
Grocery store						P	P	P				5, 7, 11, 15, 16
Group home for the disabled	S	S	S	S	S	P	P	P		S		2
Gymnasium						S	S	P	S			2, 5, 7
Halfway house										S		2, 3
Health club/recreation facility						S	P	P				2, 5, 7
Health service facility (outpatient)						S	P	P				2, 5, 7
Heliports								S	P	S		2, 5, 7
Helistop						S	S	S	P	S		2, 5, 7
Hobby shop						P	P	P				5, 7
Hobby studio, private	P	P	P	P	P	P	P	P				5, 7
Home occupation	P	P	P	P	P	P						28
Home school	P	P	P	P	P							
Hotel, apartment						S	P	P				2
Hotel, motel							P	P				2, 5, 7
Junkyard or salvage yard												
Kennel									P			5, 7, 10, 17, 23
Laboratory, medical and/or dental								P	P			5, 7, 14, 15
Laundry cleaning plant									P			5, 7, 14, 15

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Laundry, cleaners, self-service						S	P	P				2, 5, 7
Laundry/cleaners, full-service						S	P	P				2, 5, 7
Library										S	P	2, 5, 7
Liquor Store (Packaged)							S	S				1, 5, 7, 38, 39, 40, 41
Lithography or print shop								S				2, 5, 7
Lodge, fraternity, sorority, clubs						S	P	P	S	S		2, 5, 7
Lumber yard								S	P			1, 5, 7, 14
Machinery sales or repair (heavy)								S	P			2, 5, 7, 12, 18, 22
Manufactured home park					P							
Manufacturing facility (heavy)									S			2, 5, 7, 18, 22
Manufacturing facility (light)								S	P			2, 5, 7, 18, 22
Massage establishment							S	S	S			1, 5, 7
Medical care facility, hospital							P	P		S		2, 5, 7, 14, 15
Medical care facility, nursing and care homes						P	P	P		S		2, 5, 7, 14, 15
Medical equipment sales, rental and leasing						S	P	P				2, 5, 7
Mini-warehouse facility								S	P			1, 5, 8, 11, 14
Mobile food vendor court						S	P	P				2
Museum, fine arts center, or art gallery						P	P	P		S	P	
Office, business						P	P	P				5, 7
Office, professional						P	P	P				5, 7
Office, real estate development tract or field office	S	S	S	S	S	P	P	P	P			5, 7
Oil field service business								S	P			2, 5, 7, 14, 15
Park, public	P	P	P	P	P	P	P	P	P	P	P	
Pawnshop							S	P				2, 5, 7
Payday loan business												35
Pet shop							P	P				5, 7
Pharmaceutical plant									S			5, 7, 14, 22
Pharmacy						P	P	P				5, 7
Photographic print shop						P	P	P				5, 7

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Plastic products manufacturer									S			2, 5, 7, 14, 22
Portable type storage containers						P	P	P				
Printing/publishing plant								S	P			1, 5, 7, 14
Private club						S	S	P	S			2, 5, 7
Public safety facility, fire and police	S	S	S	S	S	S	S	S	S	S	P	
Radio, television studio						S	P	P				2, 5, 7
Radio, television, microwave broadcast, relay/receiving towers, transmission	P	P	P	P	P	P	P	P	P			26
Recreational vehicle storage (commercial)						S	P	P	S			2, 5, 7, 14
Recycling collection center								S	P	S	P	2, 5, 7
Recycling plant									S			2, 5, 7, 14, 22
Rehabilitation care facility (criminal-psychiatric-mental-substance abuse)												2, 3, 5, 7
Rehabilitation care facility (psychiatric and mental disorders)							S	P	P			2, 3, 5, 7
Rehabilitation care facility (substance abuse)								S	S			2, 3, 5, 7
Religious institutions	P	P	P	P	P	P	P	P	P	P	P	2, 5, 7
Rental store (no outside storage)						P	P	P				5, 7, 11, 24
Rental yard (commercial and heavy equipment)								S	S			2, 5, 7, 18, 22
Rental yard (domestic goods with outside storage)							S	P	S			2, 5, 7, 11
Repair shop (bicycle and small appliance)						P	P	P	P			2, 5, 7
Restaurant (walk-in, drive-in or drive-thru) with any portion of the drive-thru lane within 50 feet of residential property as determined by the Building Official						S	S	S	S			2, 5, 7, 16
Restaurant (walk-in, drive-in or drive-thru) more than 50 feet from						P	P	P	P			2, 5, 7, 16

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residential property as determined by the Building Official												
Restaurant (including cafe, lunch room, tea room)						P	P	P	P			2, 5, 7, 16
Restaurant, refreshment stand (temporary or seasonal)						S	P	P	S			2, 5, 7, 16
Restaurants with alcohol						P	P	P	P			2, 5, 7, 16
Retail						P	P	P				2, 5, 7, 11, 16
Rodeo grounds, fairgrounds										S		2
School						S	S	S	S	P		2, 5, 7, 16
School, business college						S	P	P		P		2, 5, 7
School, college or university						S	S	S		P		2, 5, 7
School, commercial trade						S	P	P				2, 5, 7
School, home	P	P	P	P	P							
School, home day	P	P	P	P	P							
School, institutions rehabilitation and training center (private)							S	P	P		S	2, 5, 7
Servants' quarters	S	S	S		S							2
Shoe repair						P	P	P				5, 7
Smoke/Vape/Hookah Shop or Lounge							S	S				2,5,7,42
Specialty and novelty establishment												
Stable, private	S	S				S	S	S	S			2, 5, 6, 7
Stable, riding								S	S			2, 5, 6, 7
Stockyards												2
Studio						P	P	P				5, 7
Swimming pool, commercial							P	P				1, 5, 7, 26
Swimming pool, private, residential	P	P	P	P	P							26
Tattoo parlor								S				2, 3, 5, 7
Telephone exchange switching or relay facility	P	P	P	P	P	P	P	P	P	P	P	
Temporary and portable type accessory buildings						S	S	S	S	S	S	

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Theater, indoor motion picture							P	P				5, 7
Trailer park for travel trailers								S	S			2, 5, 7, 14
Trailer, manufactured or industrialized home sales/rental								S	P			2, 5, 7, 12
Travel bureau or consultant						P	P	P				5, 7
Utility building and structures	S	S	S	S	S	S	S	S	S	P	P	2, 5, 7
Veterinarian hospital (with outside pens)									S			5, 7, 10, 23
Veterinarian hospital (without outside pens)							S	S	P			2, 5, 7
Veterinarian office only						P	P	P	P			5, 7
Video/game rental store						P	P	P				5, 7
Warehouse showroom with retail sales								S	P			2, 5, 7, 14
Warehousing and freight offices and storage								S	P			2, 5, 7, 11, 14, 22
Welding or machine shop								S	P			5, 7, 12, 20
Wholesale club with membership sales												1, 5, 7, 14

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- (c) *Conditions and special regulations for listed uses.* The following describe conditions and special regulations for uses listed in the permitted use table. Additional requirements may be added to these listed herein by the planning and zoning commission and city council as deemed necessary to protect the health, safety, and general welfare of the citizens of the city. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the planning and zoning commission have been met.
- (1) Site plan. A site plan will be required in accordance with section 115-115, Site plan requirements.
 - (2) A site plan in accordance with section 115-115, Site plan requirements, will only be required in districts which require a specific use permit.
 - (3) May not be located within 300 feet of any property zoned for a residential use or any property which is occupied by a church, public school, day care, or nursing home. The measurement of distance shall be measured as a radius from the edge of the property line.
 - (4) Permitted on a temporary basis only.
 - (5) All outdoor lighting, including parking lot lighting, shall be directional away from any property zoned or developed for residential uses.
 - (6) Any proposed stable or barn must be set back 150 feet from the property line. Only animals permitted within the corporate limits by the city code will be permitted on-site.
 - (7) Must provide screening and/or landscaping consisting of fences/walls, beams [berms], or a combination of such from any abutting residentially zoned property.
 - (8) Must provide screening and/or landscaping along the perimeter of the property containing the use.
 - (9) Must meet the requirements of chapter 22, article X, Sexually oriented businesses.
 - (10) Pens, outdoor kennels, or animal runs must be located 150 feet from any residentially zoned property.
 - (11) No outside storage permitted.
 - (12) All outside storage areas shall be screened with either landscaping, fences/walls, beams [berms] or a combination thereof.
 - (13) A copy of the state certification of licensing or registration as described in human resources code § 42.052 must be provided to the city.
 - (14) Parking areas shall be designed such that vehicles do not face any residentially used street.
 - (15) Dumpster and loading areas shall not be located in areas adjacent to any abutting residential property.
 - (16) No trash dumpster shall be located within 50 feet of a residentially zoned property.
 - (17) No veterinary services shall be permitted.
 - (18) Such incidental parts, maintenance, and repair facilities shall be completely located within an enclosed building.
 - (19) Must only be used for the display and sale of automobiles that are in condition to be driven on or off the lot.
 - (20) Shall not be used for the storage of wrecked vehicles, or the dismantling of vehicles or the storage of vehicle parts.
 - (21) All vehicles being stored for repair shall be screened from all public rights-of-way.
 - (22) No semi-trailer truck or tractor parking will be allowed adjacent to any residentially zoned property.
 - (23) No outdoor boarding of animals may be permitted if adjacent to residentially zoned property.

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- (24) No outdoor exercise areas, runs, or holding pens may be located within 50 feet of any residentially zoned property.
- (25) All equipment shall be stored and displayed on a hard, all-weather surface.
- (26) Antenna and towers shall be permitted and regulated in accordance with section 115-116, antenna facilities. Special exception may be granted for sites not meeting the requirements of section 115-116.
- (27) Swimming pools. It is the purpose of these provisions to recognize outdoor swimming pools as a potential attractive nuisance and to promote the public safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.
- a. Permits and approvals. No swimming pool shall be constructed or used until a swimming pool building permit and certificate of occupancy have been issued therefor. No building permit and no final certificate of occupancy shall be issued unless the proposed sanitary facilities and water supply will comply with applicable local and state health department regulations.
 - b. Requirements. A swimming pool may be constructed and operated in conjunction with any permitted use or special use when:
 1. The pool is not located in any minimum yard space.
 2. A wall or fence, not less than six feet in height, with self-latching gates at all entrances, shall completely enclose either the pool area or the surrounding yard area, and such wall or fence shall not be located in a front yard.
 3. All lighting of the pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded, they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties.
 4. No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers.
- (28) Home occupations. In connection with the operation of a dwelling, any use permitted as a home occupation may be operated subject to compliance with the following conditions:
- a. Is operated in its entirety within the dwelling unit and only by the person maintaining a dwelling therein.
 - b. Does not have a separate entrance from outside the building.
 - c. Does not display or create outside of the building or structure any external evidence of the operation of the home occupation, including, but not limited to any display or visible evidence of such home occupation from the garage area of the home or structure.
 - d. Does not have any employee or regular assistant not residing in the dwelling unit in which the home occupation is operated or maintained. Additionally, in no event shall employees or associates of a residential business or occupation meet at the residence for purposes of performing a dispatch function in connection with the home occupation.
 - e. No traffic shall be generated by such home occupation in a greater volume than would normally exist in a residential neighborhood. Any need for parking generated by the home occupation shall be satisfied with off-street parking and shall not result in more than two customer vehicles at any one time (other than residents) and parking in a required front yard is expressly prohibited.

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- f. Commercial delivery service shall not deliver goods or products to the home more than four times per month. Commercial delivery service shall be limited to vehicles which do not exceed 14,000 pounds and have two axles.
 - g. No equipment, process or work shall be used or conducted in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In case of electrical interference, no equipment, process or work shall be used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - h. No outdoor storage of any type shall be permitted with any home occupation.
- (29) Bed and breakfast.
- a. The operation of a bed and breakfast as defined in this section shall be subject to compliance at all times with the following:
 - 1. Off-street parking on the property shall be provided on the basis of two spaces for the facility plus one space for each guest bedroom. Such off-street parking shall be located behind the front building line of the structure and shall be screened from public view; however, if the bed and breakfast facility is located in a nonresidential zoned district, screening shall be required only on the property lines that immediately abut any residentially zoned property.
 - 2. Where a bed and breakfast facility is located in a district zoned residential, the total guest bedroom area of the structure shall not exceed 50 percent of the total floor area of the dwelling.
 - 3. There shall be no clear and present danger as to fire and fire safety. Smoke detectors shall be placed in each individual bedroom which is offered for public use and smoke detectors shall also be placed in any hallway adjacent thereto.
 - 4. The plumbing and electrical systems in the structure shall be in compliance with the applicable codes of the city.
 - 5. Where a bed and breakfast facility is located in a district zoned residential, no sign shall be on any portion of the property, except a sign not exceeding one-half square feet in area indicating the address, and if desired, the name of the occupant or the establishment.
 - 6. No guest may stay at the premises for more than 15 consecutive days.
 - b. Annual inspections shall be required for each bed and breakfast facility to ensure ongoing compliance with the requirements of this section.
 - c. If the actual authorized special exception use ceases for any reason, including storm, fire or other casualty, and such nonuse continues for a period of six consecutive months, the special exception use shall automatically expire for nonuse. Nonuse, for the purpose of bed and breakfast facilities, shall be defined as two consecutive quarterly reports which indicate that no tax has been collected for two consecutive quarters on said bed and breakfast facility, or any other evidence which indicates that the bed and breakfast has not operated as a bed and breakfast for six consecutive months.
- (30) Zero lot line dwelling district shall require a two-car enclosed garage for each individual dwelling.
- (31) Zero lot line dwelling district shall require a minimum floor space of 1,500 square feet per residential unit.

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- (32) Where a four-family dwelling zero lot line town home concept has four contiguous tracts/structures, access for purposes of landscape and maintenance to the rear yard of the two interior tracts/structures shall be by virtue of an access easement across the rear yard of each of the two exterior tracts/structures. Conveyance of interests in said zero lot line town home tracts/structures shall include access easements for purposes of landscape and maintenance in the conveyance instrument. The two exterior tracts/structures must provide for access to the rear yard of the tract/structure for landscape and maintenance purposes.
 - (33) Zero lot line dwelling districts shall require dedication to the city of park property equivalent to one-tenth of the total square footage of the development.
 - (34) May only be assembled on public school property or on city property for local, state, or national government purposes.
 - (35) May not be located within 1,000 feet of any other payday loan business or within 200 feet of any property used primarily for a single-family residence, a two-family residence, a town home, or an apartment building. The separation distances shall be measured from or to the outer wall of the payday loan business, and from or to the property line of the property containing the residential use.
 - (36) Boarding or lodging houses shall require off-street parking at a rate of one space for each tenant and one space for the manager (on site).
 - (37) Boarding or lodging houses shall meet all fire safety regulations including, but not limited to, fire alarm detection systems, fire suppression systems, egress illumination, commercial (type 1) hood systems, emergency escape and rescue openings and a knox box system.
 - (38) Liquor stores (packaged) shall only be permitted along the Denton Highway and Rufe Snow Drive Corridors, shall be limited to no more than one (1) location on each corridor, and shall have at least one drive approach facing Denton Highway or Rufe Snow Drive, as applicable.
 - (39) Separation. Liquor stores (packaged) shall not be permitted within 2,000 feet of a public school or 1,500 feet of a public park.
 - (40) Liquor stores (packaged) shall require a minimum floor area of 3,000 square feet.
 - (41) All liquor stores (packaged) shall require a drive through lane.
 - (42) May not be located within 2000 feet of a public school, or existing Smoke/Vape/Hookah Shop or Lounge. Distance shall be measured from property line to property line.
 - (d) *Classification of new and unlisted uses.* It is generally recognized that new types of land uses will develop, and forms of land use not anticipated may request 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 shall be made as follows:
 - (1) The building official shall refer the question concerning any new or unlisted use to the planning and zoning commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of the facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment, and amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated.
 - (2) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district within which such use should be permitted.

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- (3) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall, by ordinance, adopt the recommendations of the planning and zoning commission, in accordance with section 115-35(c), or make such determination concerning the classification of such use as is determined appropriate.

(Code 2001, § 14.201; Code 2010, § 14.02.001; Ord. No. 1565, § II, 7-28-2014; Ord. No. 1599, § III(Exh. A), 8-17-2015; Ord. No. 1600, § I(Exh. A), 8-17-2015; Ord. No. 1604, § I(Exh. A), 9-8-2015; Ord. No. 1648, § II(Exh. B), 10-16-2017; Ord. No. 1680, § I, 10-22-2018; Ord. No. 1712, § II, 6-10-2019; Ord. No. 2019-026, §§ 3, 4, 11-12-2019; Ord. No. 2021-046, § III, 10-11-2021)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WATAUGA, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF WATAUGA, TEXAS, BY AMENDING CHAPTER 115 ("ZONING") TO AMEND SECTION 115-62 ("PERMITTED PRINCIPAL, ACCESSORY AND SPECIFIC USE PERMIT USES~~DEFINITIONS~~") AND SECTION 115.85 ("PERMITTED USE TABLE") TO INCLUDE A DEFINITION OF SMOKE SHOP AND SMOKE ROOM OR LOUNGE~~VAPOR STORE~~, TO AUTHORIZE SMOKE/VAPOR/HOOKAH SHOP~~STORES~~ AS A PERMISSIBLE USE IN DESIGNATED ZONING DISTRICTS, AND TO REQUIRE SPECIAL USE PERMITS IN DESIGNATED ZONING DISTRICTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the dangers posed by tobacco are not limited to cigarettes, pipes or other traditional forms of smoking, and new, unregulated high-tech smoking devices, commonly referred to as "electronic cigarettes" or "e-cigarettes" have recently become more available to consumers; and

WHEREAS, nicotine is a known neurotoxin that is also one of the most highly addictive substances available for public consumption; and

WHEREAS, e-cigarettes are entirely unregulated, there being no regulation by the federal government and no Texas statutes or regulations that in any way limit the production, distribution or use of e-cigarettes other than an often unenforceable ban on sales to minors; and

WHEREAS, the City has experienced a disproportionate proliferation of retail establishments that offer for sale e-cigarettes and nicotine delivery devices; and

WHEREAS, a significant danger to public health is posed by retail facilities, commonly referred to as vapor shops, where the primary business operation is the sale of electronic cigarettes and paraphernalia, and the city council, therefore, finds and determines that a need exists to discourage sales and distributions to persons under the age of twenty-one, and that locational requirements for sellers of e-cigarettes serves an important public interest in furtherance of the health, safety, and general welfare of the citizens of the City; and

WHEREAS, the Planning and Zoning Commission of the City of Watauga and the governing body of the City of Watauga, in compliance with the laws of the State of Texas and the ordinances of the City of Watauga, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing and where the governing body in the exercise of its legislative discretion has concluded that the Zoning Ordinance of the City of Watauga should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS:

I.

The above and foregoing premises are true and correct and are incorporated into the body of this Ordinance and made a part hereof for all purposes.

II.

Section 115-63 (~~“General Definitions~~Permitted principal, accessory and specific use permit uses”) of Article I (“In General”) of Chapter 115 (“Zoning Chapter of the City of Watauga, Texas”) of the Code of Ordinances, Watauga, Texas, be and is hereby amended to add the definition of ~~“Smoke Vapor Shop”~~ and Smoke Room or Lounge following the definition of ~~“Shoe repair~~Travel Trailer” and preceding the definition of ~~“Specialty and novelty establishment~~Variance,” to read in its entirety as follows:

“CHAPTER 115 - ZONING

...

ARTICLE I – IN GENERAL

...

Sec. 115-63. – Permitted principal, accessory and specific use permit usesGeneral definitions.

...

Smoke Shop. A retail outlet specializing in the selling of electronic or non-electronic cigarette products, also known as a vape shop, which allows for on-site delivery of tobacco, tobacco accessories, electronic vaping devices and similar products to the customer.

Smoke room or lounge. A room which is specifically provided and furnished for onsite smoking, either electronic or non-electronic cigarette products. This definition shall include establishments known as hookah bars/lounges, tobacco bars, and similar establishments.

Vapor Shop means a person, business, retailer, or other establishment primarily engaged in the sale or distribution of electronic cigarettes, liquid products that may contain nicotine, or paraphernalia associated with electronic cigarettes, whether in person or by means of self-service merchandising. For the purposes of this definition, the term *electronic cigarette* or *e-cigarette* means any electronic or mechanical device that uses a heating element designed or intended to vaporize, or is capable of vaporizing, a liquid solution that may contain nicotine. The term includes electronic devices that employ an atomizer or heating element and battery as well as mechanical vaporizers, and is inclusive of any version or type of such devices whether manufactured or marketed as e-cigarettes, e-cigars, e-pipes, electronic vaping device, mechanical PV's, electronic nicotine delivery system, or other device under any other product name or description. The term *electronic cigarette* or *e-cigarette* does not include a prescription medical device unrelated to the cessation of smoking.

...

III.

The Permitted Use Table following subsection (b) of Section 115-85 of Article IV ("Table of Uses") of Chapter 115 ("Zoning Chapter of the City of Watauga, Texas") of the Code of Ordinances, Watauga, Texas, be and is hereby amended to add "Smoke/Vapeer/Hookah Shops or Lounge" in the column entitled Land Use, following the row entitled "Utility building and structures" and preceding the row entitled "Specialty and novelty establishment~~Veterinarian hospital,~~" to identify Smoke/Vapeer/Hookah Shops and Lounges as a land use classification in the following districts and under the following conditions:

Land Use	SFA	SF6	D	MF	MH	LB	GB	C	I	CF	GU	Special Conditions
...												
<u>Smoke/Vapeer/Hookah Shops or Lounge</u>							S	S	P			2, 3, 5, <u>14</u> , <u>16</u> , <u>42</u>
...												

- (2) A site plan in accordance with section 115-115, Site plan requirements, will only be required in districts which require a specific use permit.
- (5) All outdoor lighting, including parking lot lighting, shall be directional away from any property zoned or developed for residential uses.
- 7) Must provide screening and/or landscaping consisting of fences/walls, beams [berms], or a combination of such from any abutting residentially zoned property.
- (42) May not be located within 2000 feet of a public school, or existing Smoke/Vape/Hookah Shop or Lounge. Distance shall be measured from property line to property line.

IV.

All provisions of the ordinances of the City of Watauga in conflict with the provisions of this ordinance be and the same are hereby repealed and all other provisions of the ordinances of the City of Watauga not in conflict with the provisions of this ordinance shall remain in full force and effect.

V.

Should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance or Code of Ordinances as a whole.

VI.

That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Watauga, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

VII.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this the ____ day of _____, 2023³².

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Linda Proskey, City Secretary

APPROVED AS TO FORM AND LEGALITY:

David Berman, City Attorney

DRAFT - For discussion purposes only



AGENDA MEMORANDUM

DATE: April 3, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

SUBJECT: **Z.23-02:** Public hearing to receive comments for or against a request for a zoning change from Community Facilities (CF) and General Business (GB) to Planned Development (PD), for property commonly known as Pheasant Run 65 Lot H1B Portion without EXM; and consider action to allow for single family residential townhomes. The Planned Development (PD) is proposed to be platted into one hundred thirty-two lots. Owner: Lifestyle Christianity. Applicant/Agent: Olivet Capital, Michael Lynch.

BACKGROUND/INFORMATION:

Applicant and agent, Michael Lynch, President of Olivet Capital has submitted a zoning request to allow for a single-family residential townhome development on a portion of property legally described as a tract in the deed to Lifestyle Christianity, known as Pheasant Run 65, a Texas non-profit corporation recorded under Instrument Number D218217034, together with an additional portion recorded under Instrument Number D218164298. The site is an approximate 11.700 acre undeveloped tract located west of Capp Smith Lake, east of Denton Highway, and south of Starnes Road.

The property is identified in the Future Land Use Plan as "Mixed Use". However, the land space is currently zoned as Community Facility (CF) and General Business (GB). Attempts to develop or market the property for commercial use have been unsuccessful. Thus, Olivet Capital, LLC has submitted a zoning application for "The Pointe at Capp Smith Lake", a high-quality, Planned Development, Single-Family Townhome neighborhood.

From the City of Watauga's Code of Ordinances Chapter 115- Zoning, the (PD) Planned Development District is a special purpose district. It is designed to encourage greater flexibility and the opportunity for a higher standard of land development. As such, it makes feasible the application of planning concepts dealing with planned unit development of residential areas, planned shopping centers, and planned industrial parks. Improvements in a PD district are subject to conformance with a site plan approved by the city council upon recommendation of the planning and zoning commission and after a public hearing thereon.



AGENDA MEMORANDUM

The following circumstances shall be considered when considering a proposed planned development:

1. The proposed height, area, and density regulations substantially meet the intent of this chapter and the comprehensive land use plan;
2. The proposed height, area, and density regulations provide for better project design;
3. The combination of different dwelling types and/or the variety of land uses in the proposed planned development complement each other and will be compatible with existing and proposed land uses in the vicinity; and
4. The proposed development will not generate more traffic than the streets in the vicinity can carry without congestion and the owner must include an engineering study for adequacy of utilities, access roads, drainage and other necessary supporting facilities at the time the engineering design plans are submitted,

The Director of Public Works has reviewed the Traffic Impact Analysis report and has accepted its findings.

Considerations for "PD" zoning and development plan approval. During the review and evaluation process for "PD" zoning and development plan approval, the following criteria shall be considered:

1. The nature and character of the development and adequacy of the buffer between proposed improvements on the site and adjacent property
2. The adequacy of utilities, access roads, drainage and other necessary supporting facilities that have been or will be provided
3. The adequacy of the design, location, and arrangement of all driveways and parking spaces so as to provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments
4. The adequacy of any nuisance prevention measures that have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration. The effect directional lighting will have on neighboring properties
5. The impact of the proposed development on adjacent property values and on the ability of the adjacent property to be developed
6. In approving a development plan, the planning and zoning commission or city council may impose additional reasonable requirements necessary to protect the public interest and welfare of the community.

Every planned development district approved under the provisions of the Zoning Chapter shall be considered as an amendment to the ordinance as applicable to the property involved. In approving the planned development district, the city council may impose conditions relative to the standard of



AGENDA MEMORANDUM

development, and such conditions shall be complied with before a certificate of occupancy is issued for the use of the land or any structure which is part of the planned development district; and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy. Minor changes to an approved development plan may be authorized by the zoning administrator pursuant to the code of ordinances.

The Public Hearing Notice was duly posted and published by the City Secretary's Office on Friday, March 31, 2023 in the Fort Worth Star Telegram. Written notice of the public hearing on the proposed changes was sent to all owners of property, or to the person rendering the same for city taxes within two hundred (200) feet of the subject properties affected, thereby giving them an opportunity to comment, in accordance with Section 115-35 (c)(3)(b) and Section 115-35 (c)(3)(d3).

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommend consideration of comments received during the public hearing of the preliminary report on the zoning request for the final report to be presented during the May 8, 2023 City Council regular meeting.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Preliminary Report Z 23 02 The Pointe at Capp Smith Lake
2. EXHIBIT A Metes and Bounds JPH Land Surveying Inc The Pointe at Capp Smith Lake
3. EXHIBIT B Site Plan The Pointe at Capp Smith Lake Watauga
4. EXHIBIT C Landscape Plan The Pointe at Capp Smith Lake Watauga
5. EXHIBIT D Development Schedule The Pointe at Capp Smith Lake
6. EXHIBIT E Fence Diagram and Elevations samples The Pointe at Capp Smith Lake Watauga
7. EXHIBIT F Preliminary Engineering Plan The Pointe at Capp Smith Lake Watauga
8. 230327 The Pointe at Capp Smith Lake Zoning Narrative
9. WataugaTownhomes Elevation Front Back 3 27 23
10. Commercial Uses Evaluation The Pointe at Capp Smith Lake Development
11. 230315 Edits to Ordinance Draft Pointe at Capp Smith Lake Townhomes

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works	Approved - 4/13/2023
Paul Hackleman, Director of Public Works	Approved - 4/13/2023
David Berman, City Attorney	Approved - 4/14/2023
Joshua Jones, City Manager	Approved - 4/14/2023



AGENDA MEMORANDUM

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Final Approval - 4/14/2023

PRELIMINARY REPORT

DATE: April 10, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, Assistant Public Works Director

SUBJECT: Consideration of approval of a zoning change from Community Facilities (CF) and General Business (GB) to a Planned Development (PD) for “The Pointe at Capp Smith Lake”, commonly known as Pheasant Run 65 Lot H1B Portion with Religious EXM, to allow for the development of residential townhomes. The PD proposes the property be subdivided into 132 lots to construct single-family residential townhomes.

BACKGROUND/INFORMATION:

Texas Local Government Code 211.007(b) requires the Planning & Zoning Commission make a preliminary report prior to approving changes to the City’s Zoning Ordinance. As such, this document serves as the preliminary report.

On April 3, 2023, a zoning change application was submitted by Olivet Capital, Michael Lynch, President, requesting the zoning change from Community Facilities (CF) and General Business (GB) to a Planned Development (PD). The Planned Development will consist of a residential townhome development neighborhood. Improvements to the Property will enhance the overall urban design and nature of the Property and the surrounding area. The PD known as “The Pointe at Capp Smith Lake” will be developed in accordance with the Watauga Code of Ordinances and Comprehensive Land Use Plan. The PD is subject to the Single Family (SF-6) District Regulations, with some exceptions to include lot number, size, and density; dwelling number and size regulations; architectural regulations; landscaping and screening regulations and other additional regulations as stated in the PD Ordinance. The PD Ordinance language is attached for your review.

The property is identified as “Mixed Use” on the City of Watauga Future Land Use Plan; however, it is currently zoned GB (General Business) and CF (Community Facilities). Attempts to develop or market it for Commercial uses have been unsuccessful. Therefore, Olivet Capital is proposing Single-family Townhome use, which they feel will prove to be a successful and good addition to the city.

The development plan will consist of a single-family townhome residential development. Improvements to the property will be designed to enhance the overall urban design and nature of the Property and surrounding area. The development layout theme is to orient the fronts of the townhomes towards Starnes Road, Capp Smith Park and internal “greens”, providing a vibrant streetscape to the community.

All townhomes will have rear garage access, via an alley. All garages will be located a

PRELIMINARY REPORT

minimum of 10' from the Alley/HOA lot, allowing for both 2 car garage and 1 car driveway parking, for a total of 3 spaces on each lot. There will be additional visitor parking along the internal drive pattern.

Proposed language in the PD Ordinance specifies the following in Dwelling number and size regulations:

- No more than one hundred thirty-two (132) dwelling units may be located on the Property.
- The maximum dwelling unit footprint size is twenty-four (24) by fifty-five (55) feet.
- The number of dwelling units shall be arranged in three (3) to seven (7) unit buildings.
- The bulk-controlled area of a dwelling unit must be no less than one thousand six hundred (1,600) square feet.
- Each dwelling unit must have on its associated lot, a driveway and rear garage access via a private alley. Each dwelling unit must have one garage, and each garage must be a minimum of nineteen (19) feet wide by twenty (20) feet deep, located a minimum of ten (10) feet from the rear alley line. Each unit's garage must connect to the private alley via a private driveway.
- All buildings shall be separated by at least 10'.
- Garage conversions are prohibited within the subdivision.

An exhibit set is included for the landscape plan, fence diagram and elevations for your review.

CURRENT ACTIVITY:

A Planning and Zoning Application was submitted to Development Services. The required notices were mailed to the property owners within 200 ft. of the proposed development. One sign has been erected on the property which contains a notice of hearing and telephone number of staff from whom dates may be obtained.

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommend consideration of comments received during the public hearing of the preliminary report and make final report on the zoning change request for the May 8, 2023, City Council Regular Meeting.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

Zoning EXHIBIT SET – “The Pointe at Capp Smith Lake”

PRELIMINARY REPORT

JPH Land Surveying, Inc.

D.F.W. ★ Central Texas ★ West Texas ★ Houston

RECORD DESCRIPTION: Tract described in the deed to Lifestyle Christianity, a Texas non-profit corporation recorded under Instrument Number D218217034 & D218164298, Official Public Records, Tarrant County, Texas.

SURVEYED DESCRIPTION:

Written to combine all of the tract recorded under Instrument Number D218217034 with a 110-foot section of the first tract recorded under Instrument Number D218164298, O.P.R.T.C.T.



FIELD NOTES to that certain tract being a portion of Pheasant Run 65, an addition in the City of Watauga, Tarrant County, Texas, according to the plat recorded in Volume 388-197, Page 66, Plat Records, Tarrant County, Texas, said tract being all of the tract described in deed to Lifestyle Christianity, a Texas non-profit corporation, recorded under Instrument Number D218217034, Official Public Records, Tarrant County, Texas (O.P.R.T.C.T.) together with a portion of the tract described in the deed to said Lifestyle Christianity, a Texas non-profit corporation recorded under Instrument Number D218164298, O.P.R.T.C.T.; the subject tract, surveyed by JPH Land Surveying, Inc., is more particularly described as follows (bearings are based on the Texas Coordinate System of 1983, North Central Zone):

BEGINNING at a 5/8 inch capped rebar stamped "TNP" found at the most northerly northeast corner of the tract described in deed to Lifestyle Christianity, a Texas non-profit corporation, recorded under Instrument Number D218217034, O.P.R.T.C.T. (hereinafter referred to as the "North Lifestyle Christianity tract"), said corner is called to be on the south right of way of Starnes Road (Starnes Road was dedicated by the said plat of Pheasant Run 65);

THENCE with the perimeter and to the corners of the said North Lifestyle Christianity tract, the following calls:

1. SOUTH 28°39'36" EAST, a distance of 281.63 feet to a found 5/8 inch rebar;
2. SOUTH 00°11'53" EAST, a distance of 198.64 feet to a found 5/8 inch rebar;
3. SOUTH 44°27'23" WEST, a distance of 558.81 feet to a found 5/8 inch capped rebar stamped "TNP";

THENCE SOUTH 02°52'59" WEST, continuing with the perimeter of the North Lifestyle Christianity tract, passing at a distance of 305.24 feet a 5/8 inch capped rebar stamped "TNP" found at the southeast corner of the North Lifestyle Christianity tract, and continuing on said course, now with the east line of the first tract described in the deed to Lifestyle Christianity, a Texas non-profit corporation recorded under Instrument Number D218164298, O.P.R.T.C.T. (hereinafter

<u>Dallas-Fort Worth</u>	<u>Central Texas</u>	<u>West Texas</u>	<u>Houston</u>
785 Lonesome Dove Tr. Hurst, Texas 76054 (817) 431-4971	1516 E. Palm Valley Blvd., A4 Round Rock, Texas 78664 (512) 778-5688	426 Graham Street Tuscola, Texas 79562 (325) 672-7420	11511 Katy Fwy., 300 Houston, Texas 77079 (281) 812-2242

referred to as the “South Lifestyle Christianity tract”), in all, a total distance of 415.24 to a set 1/2 inch capped rebar stamped "JPH Land Surveying";

THENCE NORTH 86°53’17” WEST, through the interior of the South Lifestyle Christianity tract, a distance of 395.70 feet to a set 1/2 inch capped rebar stamped "JPH Land Surveying";

THENCE NORTH 07°02’57” EAST, continuing through the interior of the South Lifestyle Christianity tract, passing at a distance of 110.26 feet an “+” cut found at the southwest corner of the North Lifestyle Christianity tract, and continuing on said course, now with the west line of the North Lifestyle Christianity tract, in all, a total distance 765.89 feet to a 5/8 inch capped rebar stamped "TNP" found at the beginning of a non-tangent curve concave to the northwest (curve to the left), having a radius of 430.00 feet;

THENCE with the perimeter of the North Lifestyle Christianity tract, the following calls:

1. In northeasterly direction, along the arc of said curve, an arc length of 261.52 feet (a chord bearing of NORTH 61°53’31” EAST, a chord distance of 257.51 feet) to a 5/8 inch capped rebar stamped "TNP" found at the end of the curve;
2. NORTH 44°30’59” EAST, a distance of 499.90 feet returning to the **POINT OF BEGINNING** and enclosing 11.700 acres (±509,669 square feet).

<u>Dallas-Fort Worth</u>	<u>Central Texas</u>	<u>West Texas</u>	<u>Houston</u>
785 Lonesome Dove Tr. Hurst, Texas 76054 (817) 431-4971	1516 E. Palm Valley Blvd., A4 Round Rock, Texas 78664 (512) 778-5688	426 Graham Street Tuscola, Texas 79562 (325) 672-7420	11511 Katy Fwy., 300 Houston, Texas 77079 (281) 812-2242

Townhome Lots		132
Common HOA Lot		3
Residential Lots	48.80%	5.711 ac.
Common HOA Lots		
Alleys, Drives and Parking	18.06%	2.111 ac.
Open Space	33.14%	3.878 ac.
Gross Acreage	100.00%	11.700 ac.

Site Data	
Gross Acreage	11.700 ac.
Max Density	12.00 units/ac
Gross Density	12.00 units/ac

Townhome Lots	132
Minimum Lot Size	1,650 s.f.
Average Lot Size	1,884 s.f.

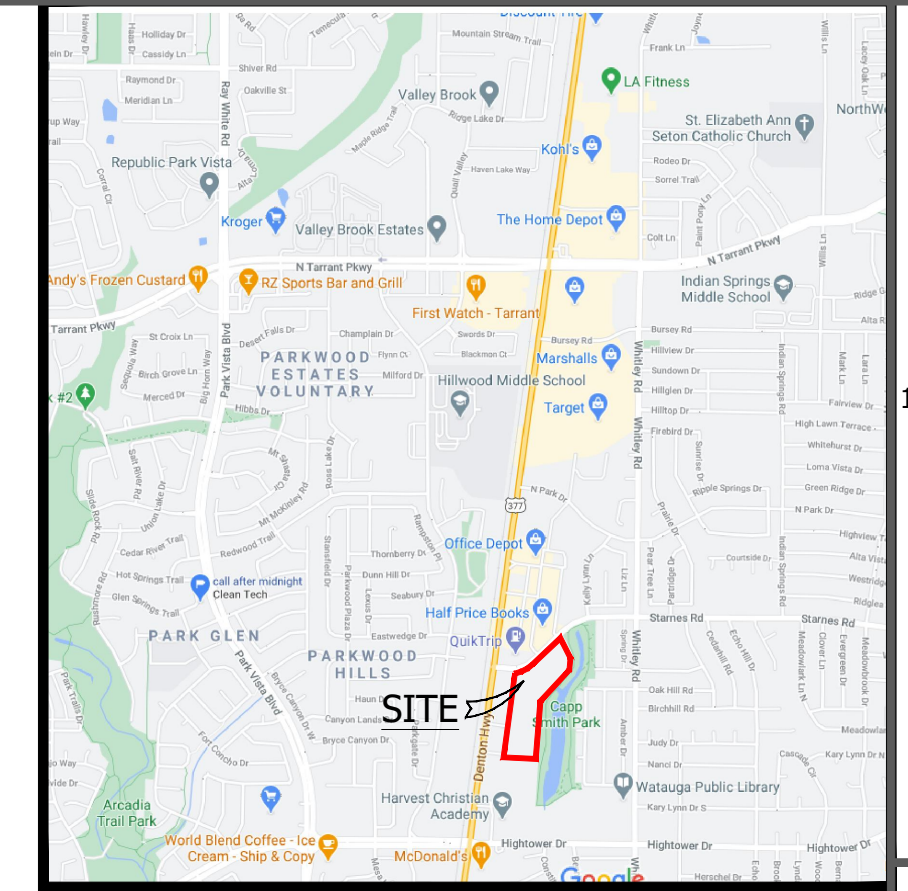
Existing Zoning:	CF and GB
Proposed Zoning:	Planned Development
Current Use:	Vacant
Proposed Use:	Single Family Residential

Cluster Mailbox

- Maximum Density: 12.00 dwelling units / ac. of gross area
- Lot width is 22' minimum (except at end lots)
- Front setbacks are 10'
- Rear setbacks are 10"
- Side setbacks are 5' at end lots
- Planned development overlay is a request to deviate from but not be limited to density requirements and area regulations of SF-6.
- All residences to be equipped with an approved fully automatic sprinkling system.

[illegible]

1 EXHIBIT B - SITE PLAN
PLAN



Location Map

**EXHIBIT "B" - SITE PLAN
THE POINTE AT CAPP SMITH LAKE
CITY OF WATAUGA, TEXAS**

[illegible]

JOB NUMBER:	
DESIGNED BY:	
DRAWN BY:	
APPROVED BY:	
CHECKED BY:	
DATE:	March 15, 2023
SCALE:	AS SHOWN
SHEET NUMBER:	OF

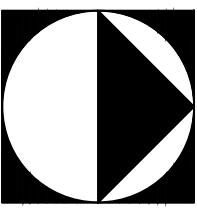
SAGE GROUP, INC.
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
TEL 817-424-2626

Master Planning
Urban Design
Architecture
Landscape Architecture

**EXHIBIT "C" - LANDSCAPE PLAN
THE POINTE AT CAPP SMITH LAKE
CITY OF WATAUGA, TEXAS**

[illegible]

JOB NUMBER:	
DESIGNED BY:	
DRAWN BY:	
APPROVED BY:	
CHECKED BY:	
DATE:	March 15, 2023
SCALE:	AS SHOWN
SHEET NUMBER:	OF



Legend

22' Townhome Building	
24' Townhome Building	
5' Sidewalk	
4' Unit Sidewalk	
4' Ornamental Iron Fence	
Street Light	
Cluster Mailbox	

City Approved Shade Tree	
City Approved Ornamental Tree	
City Approved Shrub	

LANDSCAPE PLANTING

TREES - 2" CAL.	106 EA.
SMALL TREES	20 EA
SHRUBS - 14 EA UNIT	1,876 EA



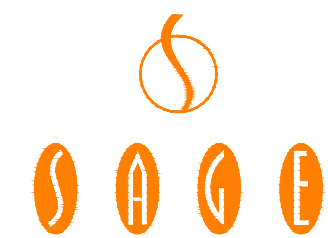
Owner:
Lifestyle Christianity
7200 Denton Highway
Watauga, TX 76148
Ph: 817-893-2901

Developer:
Olivet Capital
3305 Knob Oak Drive
Grapevine, Texas 76051
Tel: 817-699-1414
Contact: Michael Lynch

Planner: SAGE GROUP, INC.

Master Planning
Urban Design
Architecture
Landscape Architecture

1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626



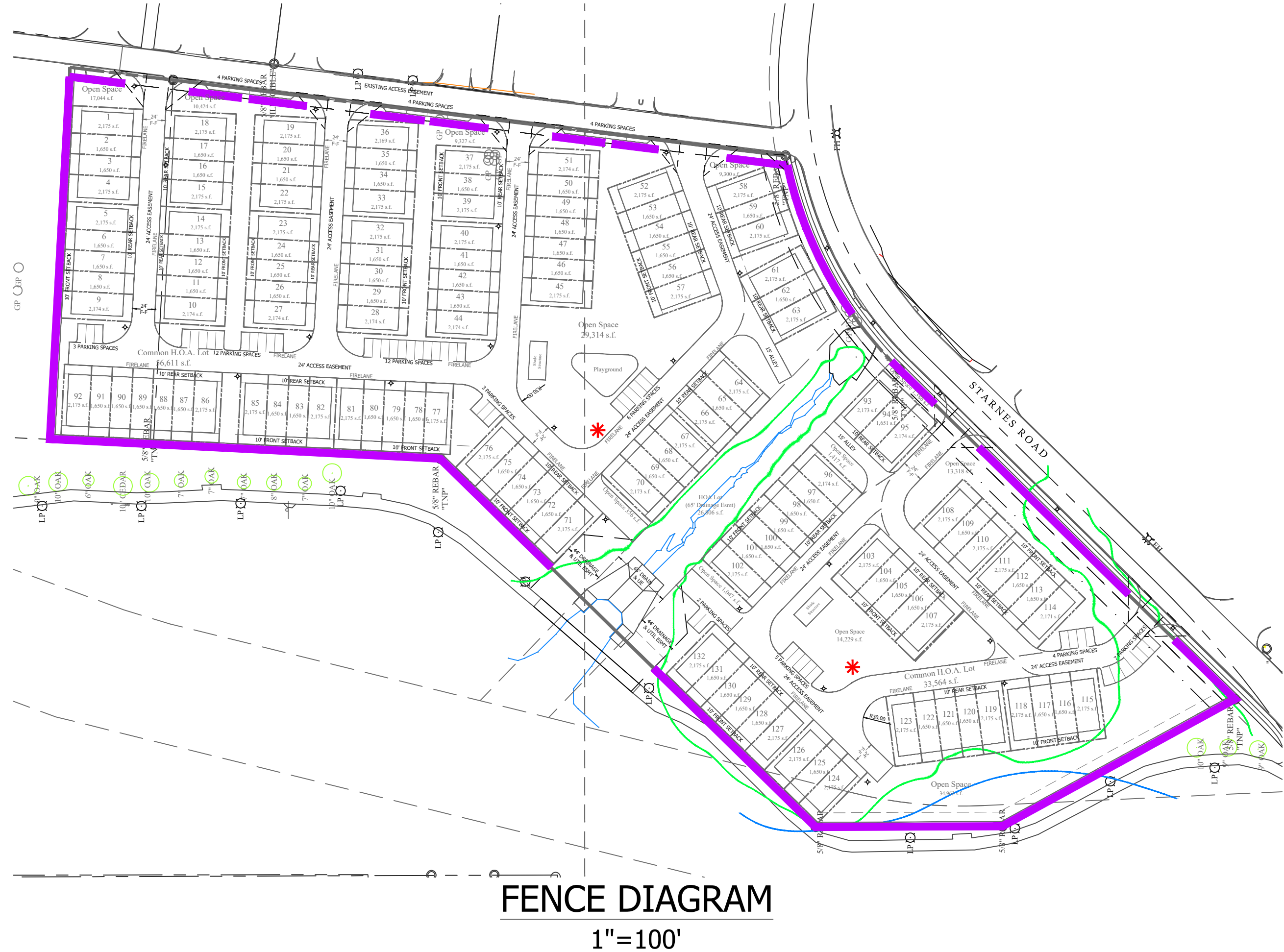
1 EXHIBIT C - LANDSCAPE PLAN
PLAN

"EXHIBIT D"

Development Schedule for The Pointe at Capp Smith Lake Watauga, Texas

Development Schedule:

October 1, 2023	Groundbreaking – Site Work
January 1, 2024	Public Utilities
April 1, 2024	Franchise Utilities
July 1, 2024	Paving
October 1, 2024	Landscaping
December 1, 2024	City Inspection and Acceptance
January 1, 2025	Building Permits Issued and Home Construction Begins



Cluster Box Unit - 16 Doors and 2
Parcel Lockers - Color TBD (9 units)



Legend

22' Townhome Building

24' Townhome Building

5' Sidewalk

4' Unit Sidewalk

4' Ornamental Iron Fence

Street Light

Cluster Mailbox

1

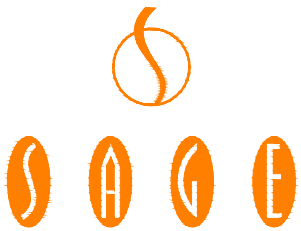
EXHIBIT "E" - FENCE DIAGRAM & ELEVATIONS

PLAN

Owner:
Lifestyle Christianity
7200 Denton Highway
Watauga, TX 76148
Ph: 817-893-2901

Developer:
Olivet Capital
3305 Knob Oak Drive
Grapevine, Texas 76051
Tel: 817-699-1414
Contact: Michael Lynch

Planner: SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626



FRONT BUILDING ELEVATION



REAR BUILDING ELEVATION

0 60' 120' 240'
1' = 60'-0"

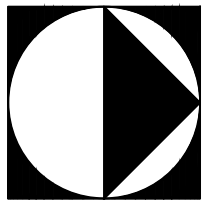
EXHIBIT "E" - FENCE DIAGRAM & ELEVATIONS

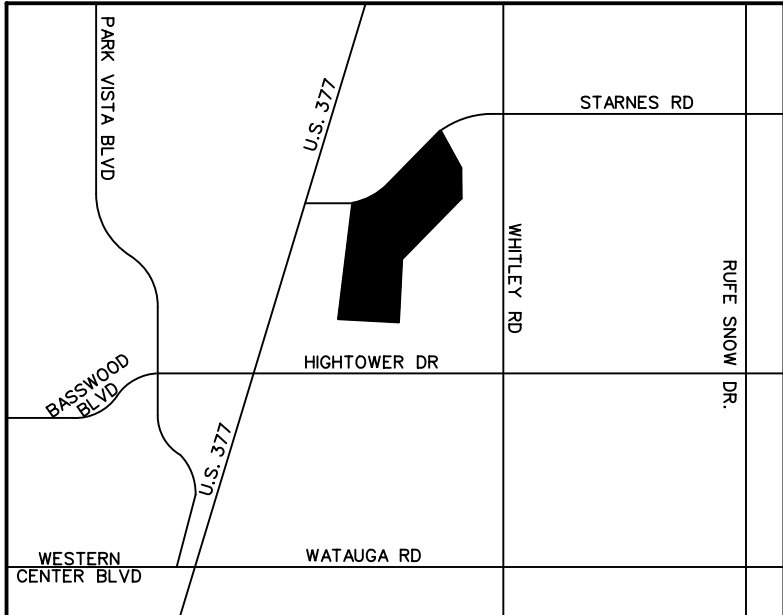
THE POINTE AT CAPP SMITH LAKE

CITY OF WATAUGA, TEXAS

NO.	REVISIONS	DATE	BY	CHK.

JOB NUMBER:	
DESIGNED BY:	
DRAWN BY:	
APPROVED BY:	
CHECKED BY:	
DATE:	March 15, 2023
SCALE:	AS SHOWN
SHEET NUMBER:	OF





THE POINTE AT CAPP SMITH LAKE
CITY OF WATAUGA, TEXAS

NO.	REVISIONS	DATE	BY	CHK.

JOB NUMBER:	
DESIGNED BY:	
DRAWN BY:	
APPROVED BY:	
CHECKED BY:	
DATE:	
SCALE:	AS SHOWN
SHEET NUMBER:	OF

The Pointe at Capp Smith Lake

Watauga, Texas

A project of Olivet Capital, LLC

Zoning submittal: 27 MAR 23

On behalf of Olivet Capital, LLC, we are pleased to present this zoning submittal for “The Pointe at Capp Smith Lake,” a high-quality, Planned Development, Single-Family Townhome neighborhood.

The site is an 11.700 acre undeveloped tract, on the south side of Starnes Road, a lot depth away from US-377 to the west, and the Capp Smith Park, lake and drainage corridor on the east. Across Starnes Road, to the north, is a large Retail Commercial center, facing US-377, and additional Retail and Restaurant to the west.

The property is identified as “Mixed Use” on the City of Watauga Future Land Use Plan, however it is currently zoned GB (General Business) and CF (Community Facilities). Attempts to develop or market it for Commercial uses have been unsuccessful. We, therefore, are proposing the Townhome use, which we feel will prove to be a successful and good addition to the city.

Development Plan:

The development layout theme is to orient the fronts of the townhomes toward Starnes Road, Capp Smith Park, and internal “Greens,” providing a vibrant streetscape to the community, and placing the garage doors to the rear, with alley access. Although this is a more expensive way to develop Townhomes (as opposed to a front entry layout), we believe it pays dividends by providing a higher quality product and eliminates individual driveways onto Starnes Road, a busy Major Collector Street in Watauga, and the adjacent commercial drive.

All of the Townhomes will have rear garage access, via an alley. The garages will be located a minimum of 10’ from the Alley/HOA lot, allowing for both 2 car garage and 1 car driveway parking, for a total of 3 spaces on each lot. There will be additional visitor parking along the internal drive system, as shown.

The Lots each will have a depth of 75’. All of the Townhomes will be either 22’ or 24’ (end units) in width, on similar width lots (except end unit lots, which will be 29’ wide). All lots will have a 10’ Front Offset, and 10’ Rear Setbacks. Unit depth shall be 55’, as illustrated on the PD Zoning Site Plan. The Maximum Unit footprint size is 24’ x 55’, and will be arraigned in 3 to 7 unit buildings. All buildings will be separated by at least 10’.

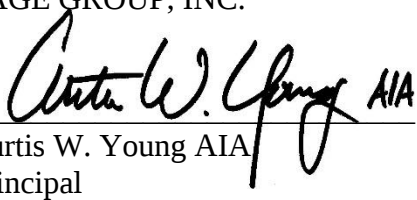
Street trees will be placed along the Starnes Road street frontage at one for every 50' (every other lot), as shown on the Landscape Plan and detailed exhibits. The open space areas will be fully landscaped.

- a) The Townhomes/ buildings will be 100% brick or stone masonry along the front and side elevations, except for areas above the roofline, and will provide a varied streetscape. No less than eighty percent (80%) of the back exterior wall of each dwelling unit must be brick or stone masonry, except for areas above the top plate of the highest floor.

Minimum Design Guidelines have also been proposed to assure a quality appearance. Sample elevations have been included on the Site Plan exhibit.

We look forward to working with the Watauga to develop a single-family townhome neighborhood the city will be proud of. Please let me know if you need any additional information.

Best Regards,
SAGE GROUP, INC.


Curtis W. Young AIA
Principal



1
3D FRONT VIEW (COLOR) 1
SCALE: 1:123.08



2
3D FRONT VIEW (COLOR) 2
SCALE: 1:123.08



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Buchanan Design Studio
311 S. Oak St.
RoanokeTX, 76262
817-674-7020
www.buchanandesignstudio.com

Drawings and Specifications as instruments of service are and shall remain the property of the **Buchanan Design Studio**. This plan is to be used only for the lot and subdivision indicated on this plan, except by agreement in writing and appropriate compensation to **Buchanan Design Studio**.

The General Contractor is responsible for confirming and correlating dimensions at the job site. **Buchanan Design Studio** will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

Any reproduction is strictly prohibited.

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Olivet Capital
Starnes Village Wataga TX
76137

**PRELIMINARY
NOT FOR CONSTRUCTION**

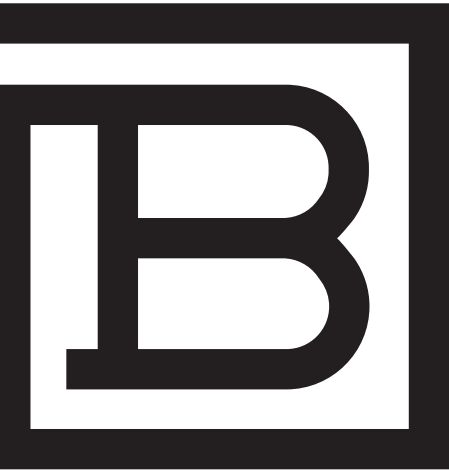
Revisions

3D VIEWS 1

3D

Printed: 3/27/23

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1 FRONT VIEW (COLOR) 3
3D SCALE: 1:123.08

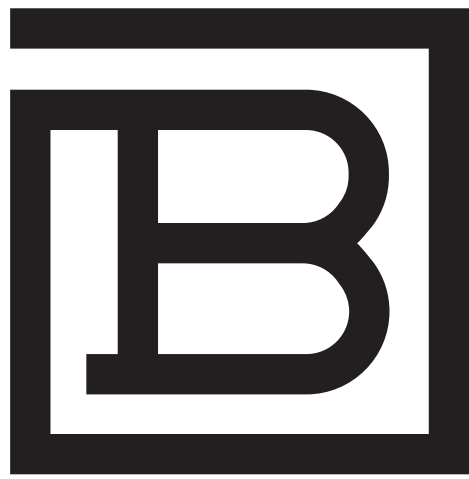
Olivet Capital
Starnes Village Wataga TX
76137

Revisions

3D VIEWS 2

3D

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1 REAR ELEVATION (COLOR)
3D SCALE: 1:112.94



2 OVERVIEW 4
3D SCALE: 1:137.14

Olivet Capital
Starnes Village Wataga TX
76137

Revisions

3D VIEWS 3

PRELIMINARY
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January 9, 2023

Michael Lynch
Olivet Capital
Michael.lynch777@gmail.com

Re: Development of ±11 acres on Starnes Road in Watauga, Texas

Dear Michael,

Thank you for the opportunity to represent you and your project. I have done an evaluation on the 11+/- acres you are developing on Starnes Rd. in Watauga, TX. I actually live close by this property and know the area well. You had requested that the ideal retail tenant for part of this project would be a restaurant of some kind, or even a café to take advantage of the waterfront from the park. Unfortunately, after reviewing and analyzing the area I do not believe this exact location will support a restaurant or café.

One of the main drivers for this type of use is visibility and traffic from a major roadway. Although this is proximate to US-377, the visibility is limited. Additionally, the traffic count on Starnes Road is below the threshold that most tenants would require for a successful venue. I would also like to note, because of the cost of new construction coupled with the relatively high tenant improvement allowance that would be required, the market rents would not be high enough to make this use economically feasible from a development standpoint. Please note that several restaurants have failed just a short distance to the south that had visibility on US-377. One QSR is still vacant after more than a year and still available for lease.

While I would love to represent you and assist here, my evaluation is showing that this land is more in line to support a dental office, a childcare facility, or some sort of automotive retail or repair. We do not represent any local or national brands that would fit those categories. If you end up choosing one of these categories for your project, I would be happy to assist with a referral.

Sincerely,

A handwritten signature in black ink that reads "Bryan Cornelius".

Bryan Cornelius
Principal

CITY OF WATAUGA, TEXAS
ORDINANCE NO. 2023-XXX

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND COMBINING ALL TRACTS RECORDED UNDER INSTRUMENT NUMBER D218217034 WITH A 110-FOOT SECTION OF THE FIRST TRACT RECORDED UNDER INSTRUMENT NUMBER D218164298, O.P.R.T.C.T. TO PLANNED DEVELOPMENT (PD) “THE POINTE AT CAPP SMITH LAKE”; DESCRIBING SAID LAND; REGULATING AND RESTRICTING THE DEVELOPMENT AND USE OF PROPERTY WITHIN SUCH PLANNED DEVELOPMENT (PD) DISTRICT; AMENDING THE ZONING DISTRICT MAP OF THE CITY; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, Lifestyle Christianity (the “Owner”) owns two tracts of land addressed and commonly known as, located in the City of Watauga, Tarrant County, Texas, such tracts being more particularly described in **Exhibit “A”** attached hereto and fully incorporated herein for all purposes (the “Property”); and

WHEREAS, the City of Watauga, Texas has adopted a comprehensive zoning ordinance providing for the use and development of the property within the City (herein after known as “Zoning Code”); and

WHEREAS, the City Council may authorize amendments to the regulations provided in the Zoning Code; and

WHEREAS, the Property is presently zoned as CF Community Facility and General Business districts as noted on the zoning map revision adopted on April 23, 2018; and

WHEREAS, Michael Lynch, of Olivet Capital, (collectively, the “Owner’s Agent” has made proper application to the City of Watauga, in accordance with the Zoning Code to change the zoning classification of the Property from Community Facility (CF) and General Business (GB) to Planned Development (PD); and

WHEREAS, said application was submitted with proof of ownership of the Property and with authorization for Owner’s Agent to act on behalf of the Owner; and

WHEREAS, the City of Watauga Planning and Zoning Commission and the City Council of the City of Watauga have each conducted in the time and manner and after the notice required by law and the Zoning Code, a public hearing on such proposed change in zoning classification; and

WHEREAS, the City of Watauga Planning and Zoning Commission has issued its final report with a recommendation regarding the changing of the zoning classification; and

WHEREAS, in providing for a planned development (PD) district, the City may impose regulations and provide safeguards as are appropriate to ensure the orderly development of property and to protect adjoining properties; and

WHEREAS, the City Council of the City of Watauga, Texas now deems it appropriate to grant such requested zoning classification amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Watauga, Texas that:

I.

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

II.

The zoning classification of the Property is hereby amended from Community Facility and General Business (CF & GB) to Planned Development (PD) “The Pointe at Capp Smith Lake”.

III.

The Planned Development will consist of a residential development. Improvements to the Property will be designed to enhance the overall urban design and nature of the Property and surrounding area. The Planned Development shall be known as “**The Pointe at Capp Smith Lake**” and must be developed in accordance with the Watauga Code of Ordinances, including the Zoning Code, and with the site plan, attached hereto as **Exhibit “B”** and fully incorporated herein for all purposes. Except as provided herein, the Planned Development is subject to the Single Family (SF-6) District Regulations.

- 1) Use regulations. Only attached single-family dwellings and incidental uses shall be allowed as uses in the Planned Development.
- 2) Lot number, size and density regulations.
 - a) The overall density of the Property shall not exceed twelve (12) residential units per acre.
 - b) The lot width for each residential lot must be no less than twenty-two (22) feet, as depicted in **Exhibit “B”**.
 - c) The lot depth for each residential lot must be no less than seventy-five (75) feet.
 - d) The front yard setback for each residential lot must be no less than ten (10) feet.
 - e) All buildings must be separated by at least ten (10) feet with no obstructions.
- 3) Dwelling number and size regulations.
 - a) The number of dwellings units must be arranged in either three (3), four (4), five (5), six (6) or seven (7) unit buildings.
 - b) The bulk-controlled area of a dwelling unit must be no less than one thousand six hundred (1,600) square feet.
 - c) Each dwelling unit must have, on its associated lot, a driveway and rear garage access via a private road. Each dwelling unit must have one garage, and each garage must be a minimum of nineteen (19) feet wide by twenty (20) feet deep, located a minimum of ten (10) feet from the rear private road line. Each lot shall have private parking for three (3) vehicles. Each unit’s garage must connect to the private road via a private driveway.
 - d) Garage conversions are prohibited within the subdivision.

- 4) Architectural regulations:
- a) All buildings must be one hundred percent (100%) brick, or stone along the front elevation.
 - b) No less than eighty percent (80%) of the back exterior wall of each dwelling unit must be brick or stone, except for areas above the roofline.
 - c) One hundred percent (100%) of the building side walls must be brick or stone.
 - d) Driveway surface material must consist of concrete or concrete pavers, with a broom-finished surface.
 - e) All primary roofs must contain a 6:12 minimum pitch.
 - f) All garage doors must consist of a decorative metal door with a raised panel and must be connected to operable automated garage door opening system.
 - g) All residential units shall contain at least three of the following architectural features, known as “Gifts to the Street”:
 - i. Divided light windows on street-facing elevations, except that corner lots must contain divided light windows on both front street-facing elevations and side street-facing elevations
 - ii. Enhanced brick details
 - iii. Metal seam roof accents
 - iv. Cedar shutter accents
 - v. Cast stone accents
 - vi. Inclusion of at least two (2) masonry materials
 - vii. Decorative coach lighting
 - viii. Enhanced address plaques with street names and addresses
 - ix. Porches
 - x. Alternative stone wainscoting
- 5) Landscaping and screening regulations.
- a) Trees shall generally conform to the Landscape Plan, attached hereto as **Exhibit “C”** and incorporated herein for all purposes.
 - b) No trees shall be planted within five (5) feet of an underground utility structure or within thirty-five (35) of the projected straight line edge of street or private road intersection.
 - c) All property other than individual residential lots must have irrigation systems, with front, side and rear landscaping, as provided in **Exhibits “B”** and **“C”** to be maintained by a homeowners’ association established for the development.
- 6) Additional regulations.
- a) Open space and guest parking areas shall be provided, as generally depicted in **Exhibit “B.”**
 - b) All utilities shall be placed underground.
 - c) Enhanced “Dark Sky” type decorative streetlights must be installed. Such streetlights shall be owned and maintained by the homeowners association (HOA) and must operate from dusk to dawn as approved by the City spaced at one hundred seventy-five (175) feet or less.
 - d) Private road lighting shall be “Dark Sky” type and must be lit from dusk to dawn spaced at one hundred seventy-five (175) feet internals or less.
 - e) Decorative sign poles must be installed.
 - f) HOA shall be responsible for maintaining all private roads, private road connections to streets in public right of way, HOA water meters, streetlights, fences, underground utilities, drainage channel, landscaping to back of curb, and all other associated appurtenances related to this PD development. The City may inspect said facilities and issue notice of maintenance due. HOA shall pull permits to start repairs within two (2) months of notification by the City. Failure to pull a permit and make repairs shall result in \$500 fines per day from date of first notice of maintenance due. Emergency repairs may be made by the City without prior approval by the

HOA and billed to the HOA for all material, fuel, equipment, and labor plus ten (10) percent administrative fee. Emergency repairs include water main breaks, wastewater overflows, or any situation that poses a risk to the safety of the residents of Watauga or public infrastructure.

- g) Private HOA water mains shall be metered at public connection and limited to the minimum number of connections as determined by the Public Works Department. The HOA shall pay the City monthly the difference between the HOA meters and the total of all residential water meters at the residential rate.
- h) HOA documents shall be submitted for review & approval by city staff prior to filing documents with the county.
- i) HOA shall submit contact information to the Public Works Department and City Secretary each January and every time contact information changes for HOA Officers, Management Company, and subcontractors.
- j) Cluster mailboxes with upgraded enclosures, as provided in **Exhibit "B"** must be placed.
- k) Decorative street name and address plates/stonework shall be installed on the front and back of each residential home.
- l) High Performance architectural shingles engineered to resist wind speeds up to 130 mph must be installed on all buildings. All roof rafters shall be secured with hurricane clips.
- m) All building exteriors and roofs must be maintained by the homeowners' association.
- n) All roof-mounted HVAC equipment must be screened.
- o) Boarding and lodging homes are prohibited.
- p) The Owner must include an engineering study for adequacy of utilities, access roads, drainage and other necessary supporting facilities at the time the engineering design plans are submitted.
- q) Homebuilder or developer shall install a 4' wrought iron (black) fence surrounding the subdivision development.
- r) Signage shall be placed stating "NO PARKING" along Starnes Road.
- s) Signage shall be placed at the guest parking areas stating, "Visitor and Delivery Parking Only".
- p+t) Sidewalk crossings at the driveways off Starnes Road and at the four private roads on the west side shall be delineated by full-depth, stained concrete with a brick pattern as approved by the Director of Public Works.

The development of the Property must proceed in compliance with the Development Schedule, attached hereto as **Exhibit "D"** and incorporated herein for all purposes.

IV.

The Zoning District Map of City of Watauga, Texas shall be revised and amended to show the zoning classification of the Property as provided in Section II hereof with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the changes.

V.

This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Watauga, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance(s) are hereby repealed. However, to the extent this Ordinance represents any deviation from the Future Land Use Plan of the City of Watauga City Comprehensive Plan; such plan is hereby amended to conform to this Ordinance.

VI.

If any section, sub-section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

VII.

Any person who violates or who causes or allows another person to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty provision found in section 1-7 of the City Code of Ordinances. Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

VIII.

This Ordinance shall become effective and be in full force and effect from and after the date of passage and adoption by the City Council and upon approval thereof by the Mayor of the City of Watauga, Texas and publication hereof as prescribed by law.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas, the _____ day of _____, 2023.

APPROVED:

ARTHUR L. MINER, MAYOR

ATTEST:

LINDA PROSKEY, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

DAVID BERMAN, CITY ATTORNEY
NICHOLS/JACKSON LLP