

PLANNING & ZONING COMMISSION MEETING

APRIL 6, 2026

5:30 P.M.

COUNCIL CHAMBERS, 110 NORTH 8TH STREET,

GATESVILLE, TEXAS 76528

AN OPEN MEETING WAS HELD CONCERNING THE FOLLOWING SUBJECTS:

1) Call to order the Regular Planning & Zoning Commission Meeting at 6:00 P.M. this 6th day of April 2026.

2) Quorum Check:

Commission Present: Chairman Teresa Johnson, Vice Chairman John Westbrook and Commissioners: Loni Jones, Charles Ament, Yvonne Williams, and Wyllis Ament.

City Staff Present: City Manager Brad Hunt, City Secretary Holly Owens and Building Official Miguel Gamez.

Other: Leo Corona

3) Invocation: Commissioner C. Ament and Pledge of Allegiance: Led by Commissioner W. Ament.

PUBLIC COMMENTS:

There were no public/citizen comments.

CONSENT AGENDA

4) Discussion and possible action regarding approval of minutes from the Regular Planning and Zoning Commission Meeting held on **February 2, 2026**.

W. Ament motioned to **APPROVE** the minutes dated February 2, 2026, seconded by Yvonne Williams. The motion **PASSED** unanimously, 5-0-0.

REGULAR AGENDA

5) Discussion and possible action regarding the replat of Original Town Gatesville, Block 108, Lots 4-6; addressed 1413 & 1419 Mill Street.

John Westbrook motioned, seconded by Loni Jones, to recommend to City Council approval of the replat of Original Town Gatesville, Block 108, Lots 4-6 (1413 & 1419 Mill Street) to create five (5) lots, and approval of the requested variance to allow 6,000 square foot lot sizes in lieu of the 8,000 square foot minimum. The motion **PASSED** unanimously, 5-0-0.

6) Discussion and possible action regarding the abandonment of an alley located on 22nd Street.

Wyllis Ament motioned, seconded by Yvonne Williams to recommend the abandonment of the alley located on 22nd Street to City Council. The motion **PASSED** unanimously, 5-0-0.

7) Discussion and possible action regarding the annexation and zoning designation application for 504 and 506 Coryell City Road.

Loni Jones motioned, seconded by John Westbrook, to recommend acceptance and approval to annex the property located within the Salter Subdivision; Block 1, Lots 9 and 10 on .3400 acres in Coryell County and addressed as 504 and 506 Coryell City Road and recommend approval to designate the zoning as Residential Mobile Home. The motion **PASSED** unanimously, 5-0-0.

8) Adjourn Meeting.

The meeting was **adjourned at 6:15 p.m.**

Teressa Johnson, Chairman



PLANNING & ZONING COMMISSION MEMORANDUM

To: Chairman and Commission

From: Holly Owens, Director of Development Services

Agenda Item: Application to Annex property located on Cedar Ridge and Old Osage in the R B Irvine Survey.

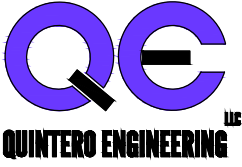
Information:

The applicant has submitted a request for voluntary annexation of property into the corporate limits of the City of Gatesville. The intent of the annexation is to facilitate the development of a Planned Unit Development (PUD) consisting of approximately 169 residential lots.

Water service for the development is proposed to be divided between providers, due to existing CCN lines. Mountain Water will serve approximately 42 lots on the eastern portion of the development, while City of Gatesville will serve the remaining approximately 127 lots. City will provide all other services to the entirety of the development, including solid waste services and sewer services.

Public Works has identified infrastructure requirements necessary to support the development, including the installation of a 6-inch water main to ensure adequate flow and the placement of fire hydrants at intervals of 600 feet to maintain proper fire protection coverage.

Staff anticipates presenting concept plans for the proposed PUD zoning, along with a preliminary plat for the subdivision, at the June meeting. All components of the development and platting process will be reviewed in accordance with Chapter 48 (Subdivisions) and Chapter 56 (Utilities) of the City of Gatesville Code of Ordinances.



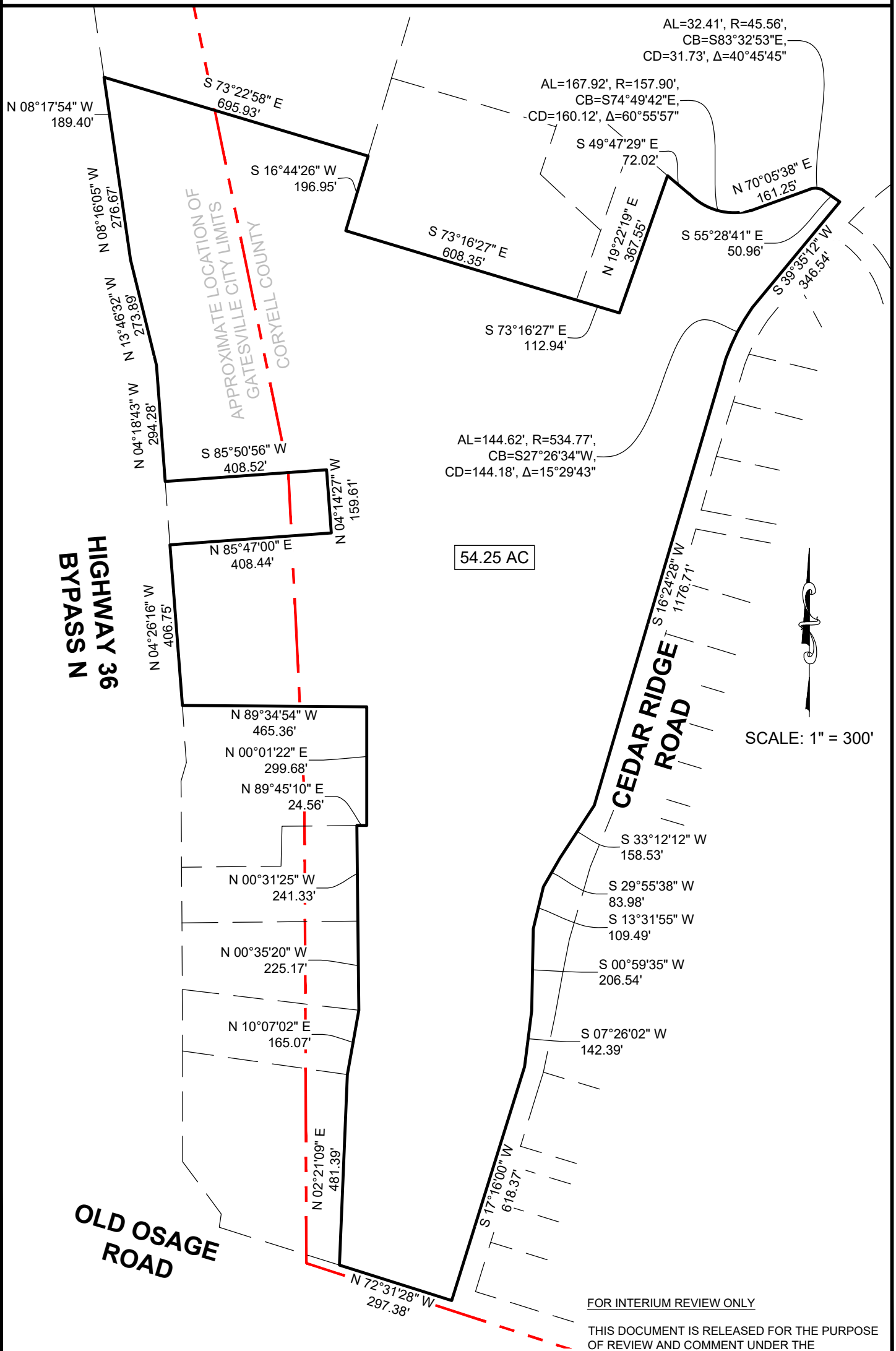
QUINTERO ENGINEERING, LLC

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT

1501 W. STAN SCHLUETER LP., KILLEEN, TEXAS (254) 493-9962

T.B.P.E. FIRM REGISTRATION NO. 14709

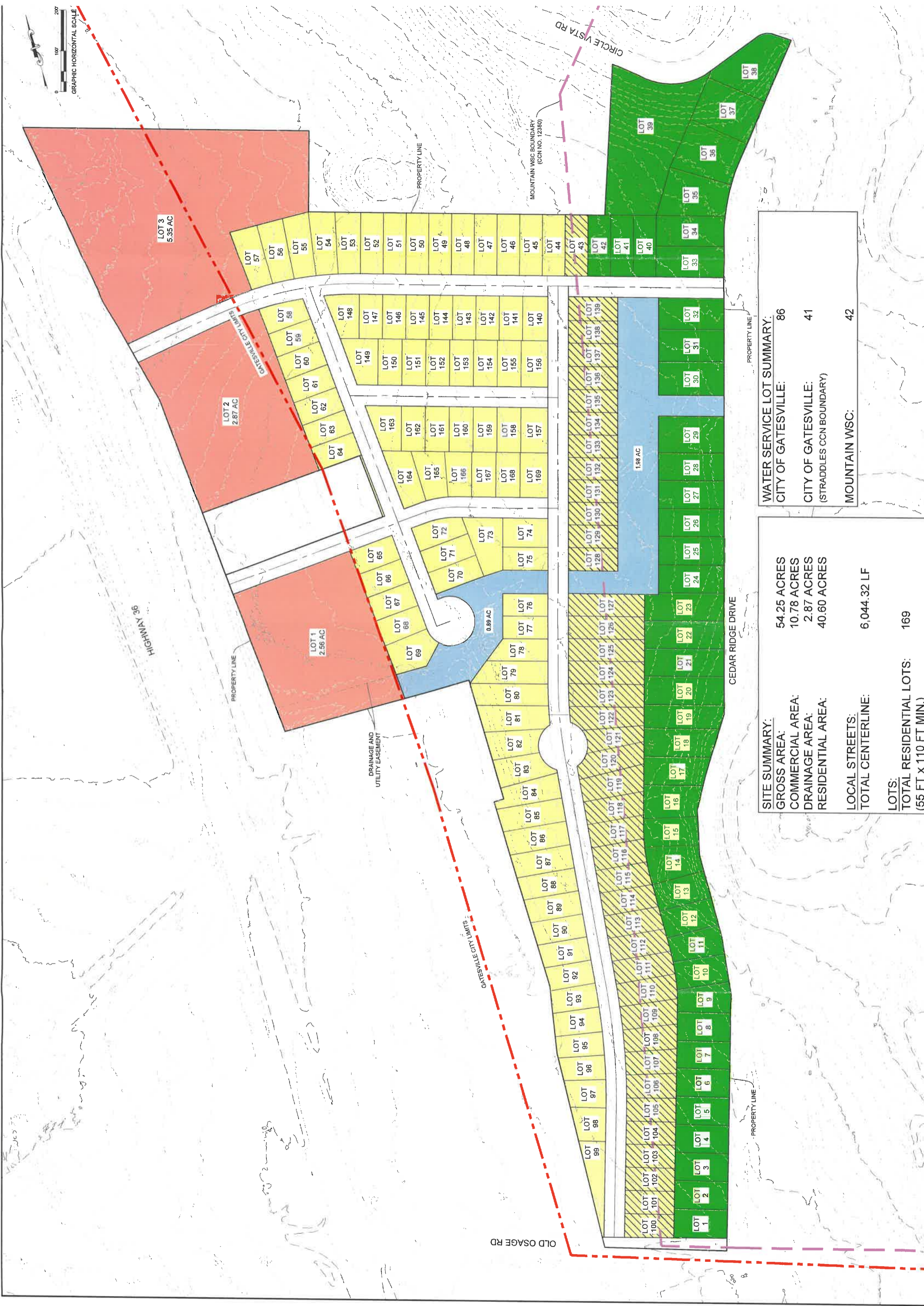
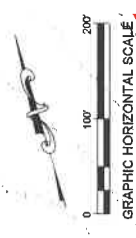
T.B.P.L.S. REGISTRATION NO. 10194110



SCALE: 1" = 300'

FOR INTERIUM REVIEW ONLY

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW AND COMMENT UNDER THE AUTHORITY OF SETH H. BARTON, R.P.L.S., R.P.L.S. NO. 6878 ON APRIL 27, 2026. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.



WATER SERVICE LOT SUMMARY:

CITY OF GATESVILLE:	86
CITY OF GATESVILLE: (STRADDLES CCN BOUNDARY)	41
MOUNTAIN WSC:	42

SITE SUMMARY:

GROSS AREA:	54.25 ACRES
COMMERCIAL AREA:	10.78 ACRES
DRAINAGE AREA:	2.87 ACRES
RESIDENTIAL AREA:	40.60 ACRES
LOCAL STREETS:	6,044.32 LF
TOTAL CENTERLINE:	
LOTS:	
TOTAL RESIDENTIAL LOTS: (55 FT x 110 FT MIN.)	169
TOTAL COMMERCIAL LOT:	3



PLANNING & ZONING COMMISSION MEMORANDUM

To: Chairman and Commission

From: Holly Owens, Director of Development Services

Agenda Item: Zoning Ordinance

Article I – Purpose and Intent

This article outlines the legal foundation and policy goals of the zoning ordinance. The regulations are intended to:

- Promote public health, safety, and general welfare
- Reduce congestion and prevent overcrowding
- Ensure adequate infrastructure such as utilities, roads, and public services
- Align zoning decisions with the City’s Comprehensive Plan

It also establishes:

- Repeal of prior conflicting ordinances
- Criteria for zoning changes, including compatibility, infrastructure capacity, and community impact
- Authority of the City Council to amend zoning regulations following Planning and Zoning Commission recommendation and public hearings

Article II – Scope

Defines the applicability of the zoning ordinance, which governs:

- Land use and development
- Building size, height, and placement
- Lot coverage, density, and open space

It clarifies that:

- Specific regulations take precedence over general ones
- More restrictive standards apply when conflicts arise
- The ordinance is intended to benefit the public as a whole

Article III – Administration and Enforcement

Establishes the administrative structure and enforcement mechanisms, including:

- Appointment of an Administrative Official responsible for enforcement
- Procedures for reporting and investigating violations
- Authority to issue stop-work orders and require corrective action

It also outlines:

- Building permit requirements, including submission of site plans and project details
- Permit expiration timelines (6 months to start construction; 2 years to complete)
- Requirement for a Certificate of Occupancy prior to use or occupancy
- Fee structures for permits and services

Article IV – Definitions

Provides standardized definitions for key zoning terms to ensure consistent interpretation. This includes:

- Land use categories (e.g., residential types, commercial uses)
- Development terms (e.g., setbacks, lot types, floor area)
- Operational and structural definitions

This section ensures clarity and uniform application of the ordinance.

Article V – Zoning Districts and Map

Establishes the official zoning map and district classifications. Key provisions include:

- The zoning map is the authoritative source for district boundaries
- Rules for interpreting boundaries (e.g., along streets or property lines)
- Procedures for annexation, including default zoning of newly annexed land as **AG Suburban** unless otherwise designated

The City is divided into multiple zoning districts, including:

- Agricultural and residential categories
- Commercial and industrial districts
- Planned Unit Development (PUD) and overlay districts

Article VI – Nonconforming Uses and Structures

Addresses existing uses and structures that do not comply with current zoning regulations. Key provisions include:

- Legal nonconforming uses may continue but cannot expand
- Discontinuation of a nonconforming use for 6 months or more results in loss of that status
- Damaged structures:
 - Less than 50% damage may be restored as nonconforming
 - 50% or more damage requires full compliance with current regulations
- Nonconforming structures cannot be enlarged unless brought into compliance
- Illegal uses remain prohibited

The article also outlines enforcement actions and penalties for violations, including fines and legal remedies.

Article VII – Districts

Establishes the zoning district framework for the City of Gatesville, including district purposes, permitted uses, development standards, and special requirements. The ordinance is based on a pyramid zoning structure, where more intensive districts allow uses from less intensive districts, while development standards are applied based on the specific use.

Pyramid Zoning Concept

- The City utilizes a hierarchical zoning system where:
 - Lower (more intensive) districts (e.g., Industrial) allow a broader range of uses

- Higher (less intensive) districts (e.g., Single-Family) are more restrictive
- Development standards are applied based on the actual use, not just the zoning classification



Article VIII – Off-Street Parking and Off-Street Loading

Purpose (Sec. 8-1): Ensures adequate parking for all new, expanded, or altered uses to improve safety, circulation, and property value.

Location (Sec. 8-2): Parking must generally be on-site but may be located within 300 feet for non-residential or shared uses.

Parking Design (Sec. 8-3 & 8-4): Sets minimum dimensions for different parking types (standard, compact, ADA, etc.) and requires durable, all-weather surfaces.

Calculation Rules (Sec. 8-5): Parking must be increased when uses expand significantly; mixed-use developments must meet combined parking requirements.

Required Parking (Sec. 8-6): Provides detailed minimum parking ratios for a wide range of residential and non-residential uses, including housing, schools, retail, offices, restaurants, industrial, and entertainment uses.

ADA Compliance (Sec. 8-7): Requires accessible parking spaces in accordance with applicable codes, including the IBC.

Vehicle Storage (Sec. 8-8): Regulates storage of inoperable or unlicensed vehicles and allows parking in certain yard areas if properly surfaced.

Loading Requirements (Sec. 8-9): Requires off-street loading spaces for commercial and industrial uses based on building size, with specific standards for location, design, and use.

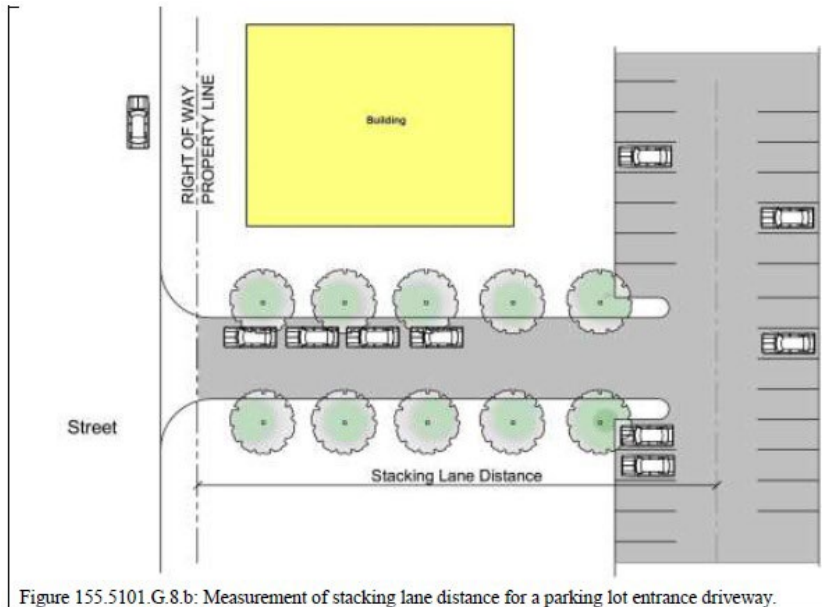


Figure 155.5101.G.8.b: Measurement of stacking lane distance for a parking lot entrance driveway.

Article IX – Lighting

SEC. 9-3. Lighting Design explained.

If you install:

- Lights on poles taller than 42 inches, or
- Lights mounted on the outside walls of a building,

Those lights must produce a soft, warm-colored light, not a harsh bright white or blue light.

The approved options are:

1. High-pressure sodium lights (the traditional yellow/orange streetlight type), or
2. LED lights with a color temperature of 4300 Kelvin or lower (neutral white or warm white), or
3. Any other lighting that creates a similar soft lighting effect.

Why this rule exists:

- Reduces glare
- Limits light pollution.
- Keeps lighting comfortable for nearby properties and drivers.

Recessed canopy or overhang lighting:

Lights that are fully recessed into the ceiling of things like:

- gas station canopies
- drive-through covers
- building overhangs

can be any type of light, as long as the brightness (illumination level) does not exceed the limits set in SEC. 9-4.

What “fully recessed” means:

The light fixture is set up inside the ceiling, so the bulb is not sticking out or visible from the side, which helps reduce glare.

Glare restriction

Lights are not allowed if they create glare that can be seen:

- at the property line, or
- in vehicle areas, such as streets or parking lots.

SEC. 9-4. Illumination explained:

When light from one property shines onto another property, the maximum brightness allowed depends on the zoning of the neighboring property.

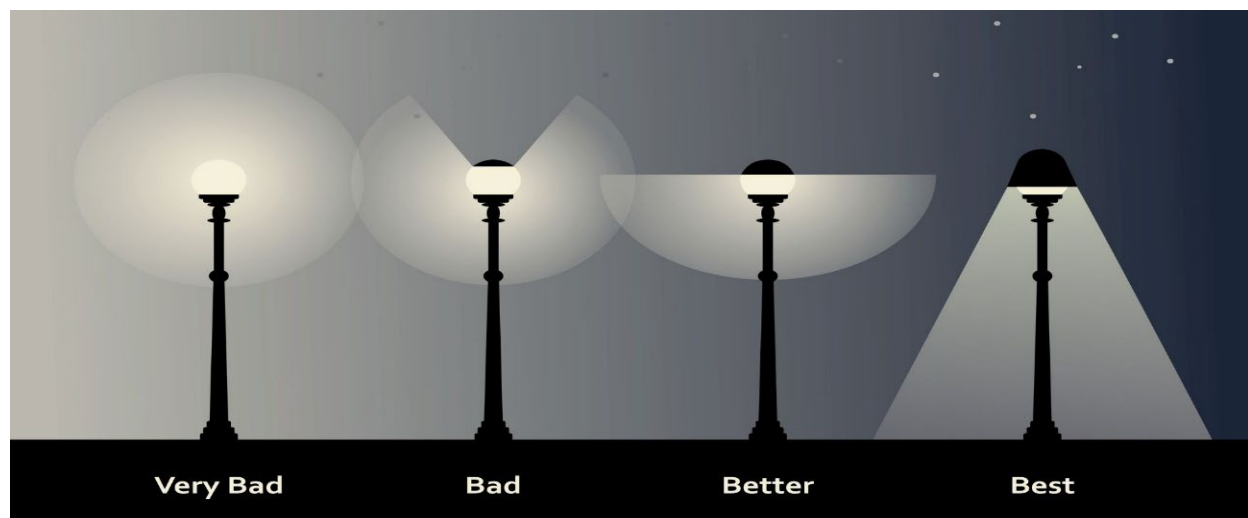
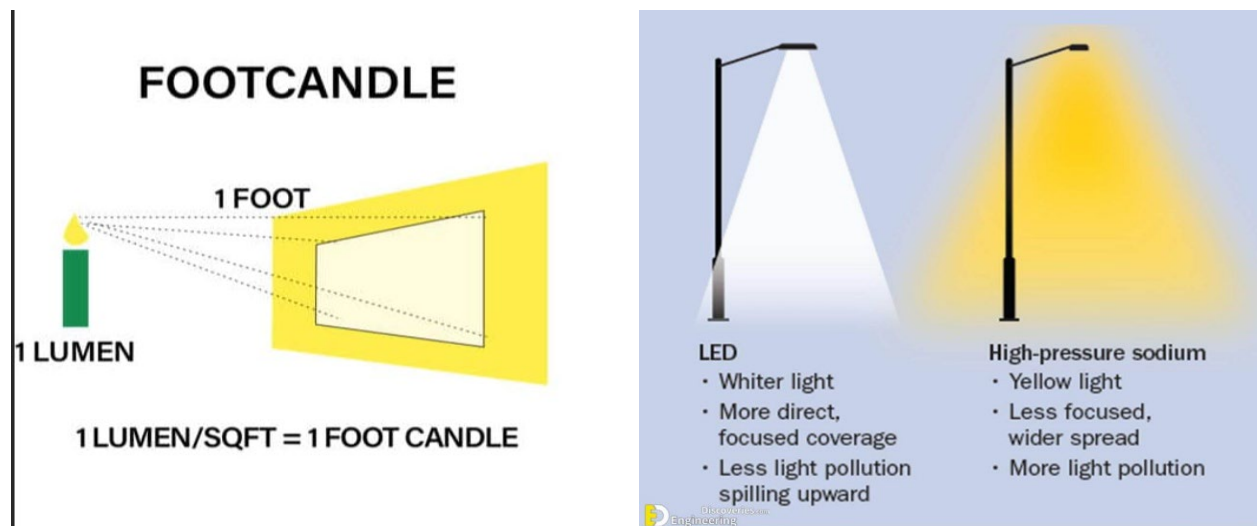
The brightness is measured at the neighbor's property line, not at the light fixture itself.

Two types of measurements are used:

- Horizontal footcandles – light shining down onto the ground
- Vertical footcandles – light shining sideways toward a wall, window, or person

Example:

If a commercial property borders a single-family neighborhood, the light at the property line cannot exceed 0.2 horizontal footcandles.



Article X – Landscaping

Purpose (Sec. 10-1): Promotes aesthetics, environmental benefits, and preservation of natural features. Applies primarily to multi-family, commercial, and industrial districts, with limited requirements for single-family and similar residential uses.

Applicability (Sec. 10-2): Landscaping compliance is triggered by new development, significant remodels, or expansions exceeding 25% of property improvement value.

General Requirements (Sec. 10-3): Typically requires 20% of the lot to be landscaped (may be reduced to 10% with credits). Emphasizes live plant materials, prohibits artificial turf, requires irrigation for nonresidential uses, and encourages drought-tolerant plants.

Location Standards (Sec. 10-4): At least 40% of required landscaping must be in the front yard, with some flexibility in industrial districts.

Credits (Sec. 10-5): Allows reduction in required landscape area through additional plantings (trees, shrubs, drought-tolerant areas), but not below 10% of the lot.

Installation & Maintenance (Sec. 10-6): Requires ongoing maintenance, irrigation access, and replacement of dead plants within specified timeframes.

Residential Requirements (Sec. 10-7): Simpler standards—generally one canopy tree in the front yard, with allowances for site constraints.

Parking Lot Landscaping (Sec. 10-8): Requires trees, landscape islands, perimeter buffers, and irrigation systems; includes standards for spacing, visibility, and credits for landscaped islands.

Nonconforming Sites (Sec. 10-9 & 10-10): Existing developments may remain but must meet minimum landscaping standards when improvements trigger compliance.

Modifications & Relief (Sec. 10-11 & 10-12): Allows administrative adjustments or formal relief through Planning & Zoning Commission and City Council due to site constraints.

Buffering (Sec. 10-12 – duplicate numbering): Requires buffers and additional landscaping when adjacent to residential districts.



Alternative Landscaping (Sec. 10-13): Permits xeriscape/“zero landscape” options (e.g., rock, gravel, mulch) with design, maintenance, and drainage standards, while limiting use of certain materials and preserving key landscaping functions.

CHAPTER 49 – ZONING REGULATIONS

ARTICLE I. – PURPOSE AND INTENT

SEC. 49-1. – Title

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Gatesville, Texas."

SEC. 49-2. Purpose

The zoning regulations published herein have been prepared for the following purposes:

- a) To promote the health, safety, comfort and general welfare of the citizens of the City of Gatesville by lessening congestion in the streets, providing a higher degree of safety from fire, panic, and other dangers, preventing overcrowding and undue concentration of populations, and to facilitate provision of transportation, schools, parks, and public utilities; and
- b) To promulgate fair and uniform guidelines for accomplishing the above; and
- c) To provide implementing instructions for applying and administering these guidelines.

SEC. 49-3. Compliance with Comprehensive Plan

The comprehensive plan provides guidance for future zoning. Zoning regulations adopted pursuant to the comprehensive plan shall be designed to:

- a) Lessen congestion in the streets.
- b) Secure safety from fire, panic, and other dangers.
- c) Promote health and general welfare.
- d) Provide adequate light and air.
- e) Prevent the undue overcrowding of land.
- f) Avoid undue concentration of population.
- g) Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

SEC. 49-4. Repeal, Severability, and Suppression

49-4.1. Repeal

Ordinance 1995-17 original adoption of the Zoning Ordinance are hereby repealed.

49-4.2. Severability

All other ordinances or parts of ordinances in conflict are hereby repealed to the extent of said conflict.

49-4.3. Supersession

These rules supersede any conflicting Ordinances or regulations of the City.

SEC. 49-5. Declaration of Policy

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

- a) To correct any errors in the regulations or map.
- b) To recognize changed or changing conditions or circumstances in a particular locality.
- c) To recognize changes in technology, the style of living, or manner of conducting business.
- d) To change the property to uses in accordance with the approved Comprehensive Plan.

49-5.1 Review Criteria

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council should consider the following factors:

- a) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- b) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- c) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- d) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- e) Any other factors which will substantially affect the public health, safety, or general welfare.

49-5.3 Compliance with the Comprehensive Plan

If a zoning amendment is inconsistent with the Comprehensive Plan, the burden of proof is on the applicant requesting the zoning amendment to demonstrate that there has been a significant change in condition from the time the Comprehensive Zoning Plan was developed that would merit the amendment. If it has been established that there has been a significant change in condition and the change is deemed to not have a detrimental impact upon the surrounding area, the change in zoning should still be based upon guidelines found in the Comprehensive plan.

SEC. 49-6. Authority to Amend this Ordinance

49-6.1 General

The City Council may from time to time, after receiving a recommendation thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the zoning map.

49-6.1.1 Any amendment to the zoning ordinance text or to zoning district boundaries may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, or may be requested by the owner of real property (or his/her authorized representative).

49-6.2 Application / Formal Submittal

49-6.2.1 Zoning Changes (no exhibit required)

An application for a change of zoning classification by a property owner shall be submitted on forms prepared by the City and shall be accompanied by the following:

- a. An application form signed by the owner(s) of all property within the area of request and notary acknowledgment of all signatures.
- b. On unplatted properties, a boundary survey shall be provided with a metes and bounds description and with all improvements shown. This survey shall be performed by a public surveyor registered in the State of Texas. Platted properties shall provide the lot, block, subdivision and phase description for each lot requesting a change in zoning.
- c. Any documents, such as studies, drawings, exhibits, or other ordinance requirements, in sufficient size and number, as set forth in the most current submittal policies and any reasonable information requested by the Administrative Official to assist the City in its review of the application.
- d. Any application submitted after a submittal deadline will be processed at the next applicable submittal deadline.
- e. An application will not be forwarded to the Planning and Zoning Commission and the City Council or advertised for any required public hearings until it meets the criteria of a formal submittal.

49-6.2.2 Zoning Changes (requiring exhibits)

An application for a change in zoning classification by a property owner shall be accompanied by a concept plan, development plan, or site plan as required by this ordinance or any other ordinances of the City.

49-6.2.3 Text Amendment

An owner, lessee, developer or option holder of real property within the City may file an application for an amendment to the text of this ordinance. The application shall be accompanied by any reasonable information requested by the Administrative Official to assist the City in its review of the application.

49-6.2.4 Application Fee

Every application shall be accompanied by the appropriate submittal fee as established by the City, and under no condition shall said fee or any part thereof be refunded for failure of such amendments to be enacted into law.

49-6.2 Delinquent Debts and Obligations

No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts, liens, or obligations to the City and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes,

assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

49-6.3 Failure to Appear

Failure of the applicant or their authorized representative to appear before the Planning and Zoning Commission, or City Council for more than one hearing without an approved delay by the Code Official shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the Code Official is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

ARTICLE II. - SCOPE

SEC. 2-1. Scope

The provisions of this code shall apply to the construction, addition, alteration, moving, repair, and use of any building, structure, parcel of land or sign within the City, except work located primarily in a public way, public utility towers and poles and public utilities, unless specifically mentioned in this code. This includes but is not limited to:

- a) The height, number of stories, bulk and size of buildings and other structures.
- b) The percentage of a lot that may be occupied.
- c) The size of yards, courts, and other open spaces.
- d) Population density.
- e) The location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

2-1.1.

In the case of designated places and areas of historical, cultural, or architectural importance and significance, the City Council may regulate the construction, reconstruction, alteration, or raising of buildings and other structures.

2-1.2.

Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different requirements, the more restrictive shall govern. If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

2-1.3.

In fulfilling these purposes, this ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although, through the implementation, administration and enforcement of this code, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a byproduct of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the City hereby shall not be enforceable in tort.

ARTICLE III. – ADMINISTRATION AND ENFORCEMENT; BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY

SEC. 3.1. Administration and Enforcement

The Administrative Official appointed by the City Manager shall administer and enforce this ordinance. He shall be provided with the assistance of such other persons or consultants as the City Council may direct. If the Administrative Official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the landowner or person responsible for the violation indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of any illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

SEC. 3.2. Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Administrative Official, such complaint stating fully the causes and basis thereof. The Administrative Official shall properly record such complaint, investigate in a timely manner and take appropriate action thereon as provided by this ordinance. The Administrative Official, or his duly authorized representative, shall have the right to enter upon any premises in the City at reasonable times for the purpose of making inspections of buildings or premises necessary to carry out the enforcement of this ordinance.

SEC. 3-3. Permits and Approvals

3-3.1 General

Departments, officials, and employees which are charged with the duty or authority to issue permits or approvals shall issue no permit or approval for uses or purposes where the same would be in conflict with this code. Any permit or approval, if issued in conflict with this code, shall be considered null and void.

3-3.1.1 Application for Building Permit

All applications for building permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed buildings or alteration, existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate,

conditions existing on the lot, and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

The copy of the plan shall be returned to the applicant by the Administrative Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original plan, similarly marked, shall be retained by the Administrative Official.

3-3.2 Expiration or Cancellation

Each license, permit or approval for which the Planning and Zoning Commission and Building Standards Commission is responsible, the Code Official shall require that the development or use in question proceed only in accordance with the terms of such license, permit or approval, including any requirements or conditions established as a condition of issuance. Except as specifically provided for in this code and conditions for approval, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other required review or approval.

If actual construction of the work described in any building permit has not begun within six (6) calendar months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Administrative Official; and written notice thereof shall be given to the original applicant at the address given in such application. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved. If the work described in any building permit has not been completed within two years of the date of issuance or extension thereof, said permit shall expire and be cancelled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

3-3.3 Certificate of Occupancy Required for New, Altered, and Changed Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any premises or any building or structure, or any part thereof which is hereafter erected, reconstructed, altered, enlarged or moved onto any premises until a certificate of occupancy shall have been issued therefore by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of this ordinance, as well as ordinances relating to the health laws, building codes, electrical and plumbing codes, and other development and health and safety ordinances of the city.

- a. A temporary certificate of occupancy may be issued by the Administrative Official for a period not exceeding six (6) months during the alteration or partial occupancy of a building

pending its completion, provided that such temporary certificate includes such conditions and safeguards as will protect the safety of the occupants and the public.

- b. The Administrative Official shall maintain a record of all certificates of occupancy, and a copy shall be furnished upon request to any person.
- c. Failure to obtain a certificate of occupancy shall be a violation of this ordinance.

SEC. 3-4. Fees

3-4.1 Fees

A fee for services shall be charged. Fees shall be set by the City and schedules shall be available at the office of the Code Official and located in Chapter 18 of the Code of Ordinances.

ARTICLE IV. – DEFINITIONS

SEC. 4-1. General Rules

For the purpose of this ordinance certain terms and words are defined in the following sections. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular. The words "shall" and "will" are used interchangeably throughout the code and are mandatory, and not directory. The word "should" indicates an action that is required unless affirmatively proven unnecessary. The word "may" indicates a suggested, but not required, action. The word "structure", includes the word "building." The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." The word "lot" includes the words "plot," "parcel" or "tract" as used in their common meanings. Words not defined herein shall have the common meanings ascribed to them by usage unless other means are clear from their context of use.

4-1.1 Terms defined in other codes

Where terms are not defined in this code and are defined in other codes such as but not limited to all the International Code Council Books, such terms shall have the meanings ascribed to them as in those codes.

4-1.2 Terms not defined

Where terms are not defined through the methods authorized by this section, such terms have ordinarily accepted meanings such as the context implies.

SEC. 4-2. Definitions

Accessory Building or Use - A subordinate building having a customarily incidental use to the principal use of a property located on the same lot as the principal use, (i.e., detached garages, sheds, and home occupations) and not for habitable use.

Alley - A minor right-of-way, dedicated to public use more than ten (10) feet, but less than twenty (20) feet in width, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Alteration - Any change, addition or modification in construction, occupancy, or use.

Amusement Center - Any building, room, place or establishment of any nature or kind and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to or five (5) amusement devices operated for a profit, whether the same be operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. Provided, however, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated machines designed exclusively for children and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

Apartment Building – See “Dwelling, Multiple Family” in General Definition.

Apartment, Garage - A dwelling unit designed or constructed as a part of a private garage.

Apartment, Hotel - An apartment house which is furnished for the use of its tenant’s service ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Art Gallery or Museum - An institution for the collection, display and distribution of objects of art or science, and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

Artificial Plants - a manufactured or assembled representation of live plant material constructed from man-made material for the purpose of closely resembling live plant material and to be used as a substitute to live plant material.

Atmospheric Pollution - The discharging of stacks, open storage, chimneys, exhaust, vents, ducts, openings, or open fires of such air contaminants as defined by the Texas Air Quality Act.

Automobile and Trailer Sales Area - An area other than a street, used for the display, sale, or rental of new or used automobiles, trucks or trailers, where no repair work is done, except minor reconditioning of motor vehicles or trailers to be displayed, sold or rented on the premises. Such area shall not include automobile wrecking or dismantling or the sale of salvage parts.

Auto Wrecking - See Wrecking or Auto Salvage Yard.

Background Noise - Noise from all sources other than that under specific consideration including traffic operating on public thoroughfares.

Basement - Any floor of a building which is partly or entirely below ground level.

Billboard (Outdoor Advertising Sign) - Any advertising structure, bearing a sign, which structure is erected upon the ground or on a building, or any sign attached or painted on a building, which sign is neither appurtenant to the use of the property or a product sold thereon, not to the sale or lease of the property on which displayed, and which does not fall within the definition of a Business Identification Sign.

Boarding or Rooming House - A dwelling, other than a hotel, where lodging and/or means for two (2) or more persons are provided for compensation, pursuant to previous arrangements for definite periods, but not to the public or transient.

Bollard luminaire - a luminaire on a pole not over 42 inches in height designed to project light below a horizontal plane running through the top of the fixture.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Building Code - The International Building Code promulgated by the International Code Council, as adopted by the City.

Building Ends - Those sides of a building having the least dimension as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple-family dwelling, a building end shall be interpreted as being the narrowest side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

Building, Height of - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck-line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

Building Line - A line parallel or approximately parallel to the street line or lot line, beyond which buildings may not be erected.

Building Main - A building in which the principal use of the site is conducted.

Building Official - The inspector or administrative official, deputized by the Zoning Official, who is/are charged with the responsibility to enforce the zoning and building codes of the city. Such individuals shall be responsible for the approval of building/construction permits.

Caliper - the diameter of the trunk of a tree measured 12 inches above the ground.

Candela – the unit of luminous intensity in a given direction. It is commonly called candlepower.

Canopy - A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

Canopy tree - a perennial woody plant single or multiple trunks, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as a shade tree.

Cargo Container - An all-steel container with strength to withstand shipment, storage, and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.

Carport - A structure open on a minimum of two (2) sides designed or used to shelter not more than three (3) vehicles and not to exceed twenty-four (24') feet on its longest dimension. Also called "covered parking area."

Car Wash - A building designed to be used for cleaning vehicles, either automatic or manual. May be installed at other vehicle type service establishments such as service stations or oil change facility as an accessory use as long as the Industrial Waste Ordinance is complied with.

Certificate of Occupancy - An official certificate issued by the City through the Building Official which indicates conformance with the zoning regulations and building codes and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

Charity/Philanthropy - Non-religious, non-profit institutions of charitable or philanthropic nature.

Clinic - A building in which a group of physicians, dentists, and allied professional assistants are associated with treating and diagnosing ill or injured out-patients. A clinic may include a dental or medical laboratory or a dispensing apothecary.

Club or Lodge - A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Code Compliance Official - The person(s) deputized by the Code Official, who is/are charged with the responsibility to enforce the ordinances of city through the use of fines, liens, and other such enforcement measures that the City finds appropriate.

Commission - an official group or board created by a government or organization to perform a specific function, study an issue, or make decisions.

- a) Planning and Zoning Commission
- b) Building Standards Commission

Common Area - Private property owned in common by, and designated for the private use of, the owners or occupants of townhouses in a particular project or subdivision. Common area uses include, but are not limited to, recreation areas, parks and plazas, ornamental areas open to the general view within the project or subdivision, and building setbacks not otherwise required by ordinance. The common area does not include public streets, alleys, required building setbacks or utility easements.

Community Center - A building dedicated to social or recreational activities, serving the City or a neighborhood and owned and operated by the City, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the City.

Community Home - A community based residential home operated by either State, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally handicapped. A home that provides care for persons who have mental and/or physical impairments which substantially limit one or more major life activities.

Comprehensive Plan - as authorized by *Texas Local Government Code Chapter 213*, is a document composed of coordinated, long-range policies intended to guide the physical development of a municipality and its extraterritorial jurisdiction. The plan may include, but is not limited to, provisions on land use, transportation, public facilities, and other elements necessary to promote sound planning and orderly growth. Under Texas law, the comprehensive plan serves as a policy guide for future development and the adoption of zoning regulations “in accordance with” the plan, thereby supporting the public health, safety, and general welfare of the community.

Conditional Use - A privileged use or development of property which would not be appropriate generally or without restrictions, but which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions provided that the development would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the community as a whole.

Condominium - The same as an apartment except that the tenant has the option of obtaining title of ownership of the dwelling space and physical interior of the dwelling space. The building's owner retains title to the building frame, the building physical exterior, and all physical service facilities and ways of the building which are not part of the physical interior described above, and the land on which the building is located. Restrictive covenants ensure that the functional and environmental conditions of the interior of each dwelling unit are maintained to the extent that the value of all the other dwelling units in the same building is protected.

Convalescent Home - Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

Correlated Color Temperatures are Color temperature identified in the unit of absolute

temperature, the kelvin, having the unit symbol K:

- Color Temperatures over 4,301 K and above are called cool colors (blueish/white)
- Color Temperature at 3,000K to 4,300K are called neutral colors
- Color Temperatures at 2,999 and below are called warm colors (yellowish white through red).

Council - The City Council of the City of Gatesville, (Governing Body)

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

Coverage - The percentage of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of one (1) foot from the walls of a building shall be excluded from coverage computations.

Customarily Incidental Use - A use of a building or premises, not involving the conduct of a business, which use is only secondary to the principal use and is necessary to the enjoyment of the premises for any of the principal uses permitted within a zoning district. A customarily incidental use may include a customary home occupation.

Day Care Center - An agency at which four or more children, under age sixteen and not related to the proprietor, are left for care a part of the twenty-four hours of the day.

Density - The number of dwellings units that are allowed on an area of land not to include dedicated streets contained within the development.

Development Controls - All or any part of those regulations that establish minimum yards, setbacks, or open space; limit height, or location of buildings or other structures; or regulate the placement or operation of facilities or equipment.

Diffusing Luminaires - a luminaire that scatters light substantially in all directions as contrasted with a directional luminaire which confines its light principally in an angle of less than 180 degrees.

District - A Zoning District; a section of the City for which the requirements governing the area, height, and use of buildings and land are uniform.

Drive-In Restaurant - Any eating establishment which either serves food to occupants of parked automobiles or offers facilities that would encourage patrons to eat in parked vehicles.

Driveway - A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

Dumpster Enclosure - An outdoor structure that encloses a dumpster and provides organized and secure access for employees to safely dispose of their trash. It hides your dumpster from public view and ensures your property remains clean and aesthetically pleasing.

Duplex – A building containing two and only two dwelling units with an attached roof.

Dwelling, Attached Single-Family - An attached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family. See “Townhouse” in Use Definitions.

Dwelling Detached - A building containing a dwelling unit and not connected to any other building containing a dwelling unit.

Dwelling, Doublewide Mobile Home - A building completely assembled in two sections at the factory and designed to be transported and joined together at the building site, on a permanent foundation, with all utility connections that are available. Designed, built, and installed in accordance with all federal, state, and local laws, regulations, and ordinances.

Dwelling, Mobile Home – also known as a house trailer, park home trailer, or trailer home which is a prefabricated structure, built in a factory on a permanently attached chassis before being transported to site.

Dwelling, Modular Home - A building prefabricated at the factory and designed to be transported in room size sections, with all plumbing and electrical installed so that sections can be joined together at the building site to form a finished product and placed on a permanent foundation.

Dwelling, Multiple Family - A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwellings units may be owned as condominiums or offered for rent.

Dwelling, Two Family - A structure designed or arranged with two attached dwelling units to be occupied by two families living independently. Also known as a “duplex”

Dwelling Unit - Any building or portion thereof designed or providing complete, independent living facilities for one or more persons, including permanent provision for living, sleeping, eating, cooking and sanitation.

Easement - That portion of land or property reserved for present or future use by a person or agency other than the legal owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

E-cigarettes/Vape Shop – a retail store that sells electronic cigarettes (e-cigarettes), also called vapes, and related products such as e-liquids, devices, batteries, and accessories.

Face of Building, Primary - The wall of a building fronting a street right-of-way, excluding and appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

Family - One or more persons who are related by blood or marriage, living together, and occupying a single dwelling unit, or a group of not more than 5 persons living together by joint agreement and occupying a single dwelling unit.

Family Home - A home that provides care for persons who have mental and/or physical impairments which substantially limit one or more major life activities.

Floodlight - a luminaire designed to project its light in a defined area. It is directional in character.

Floodlight beam - the angular spread of light between two orthogonal planes each of which equal ten percent of the maximum candlepower within the beam.

Flood Plain - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM (Flood Insurance Rate Map).

Floor Area, Gross - The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls, this includes areas covered by a roof such as courts, decks, or porches.

Floor Area, Net - The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls, and similar facilities.

Floor Area, Ratio (FAR) - The ratio between the total square feet of floor area in a structure and the total square feet of land within the lot or tract on which the structure is located.

Footcandle - the amount of illumination provided by one lumen uniformly distributed on one square foot of surface.

Footlambert - the luminance of a surface uniformly emitting, transmitting, or reflecting one lumen per square foot of surface.

Franchised Private Utility - A private utility requiring a franchise to operate in the City.

Frontage, Block - All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Garage, Private - An accessory building for private storage of motor vehicles.

Garage, Public - A building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

Glare - light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see.

Grade - (Adjacent Ground Elevation). The lowest point of elevation of the existing surfaces of the ground, within the area between the building and a line 5 feet from the building.

Grasses - thin and broad-bladed surface material typically planted from seed, sprigs, or plugs with the intention of providing a uniform and aesthetic groundcover very close to the surface of the ground.

Green House - A building or portion thereof designed or used for the sale of plant material, and the incidental sale of material and products intended chiefly for use with home gardening activities.

Groundcover - consists of low-growing, dense-spreading plants typically planted from containers.

Gym – Private Owned - A building designated to be used for athletic body conditioning or specialized training for athletic, self-defense or similar type events. Either associated with a private club or open to the public.

Habitable Space (Room) - Space in a dwelling unit for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, garages, and similar areas are not considered habitable space.

Hemp Shop – retail store that legally sells products derived from the hemp plant, which are legally distinct from products containing high levels of THC from marijuana.

Home Occupation - Any occupation or activity which is clearly incidental and secondary to the use of premises for dwelling purposes, is carried on wholly within the dwelling, and is not detrimental or injurious to the economic or aesthetic value of adjoining properties to the neighborhood as a whole. Customary home occupations shall not include barber shops, beauty shops, carpenters, electricians, or plumbers' shops, radio shops, tin-painting, furniture repairing, sign painting, or any form of merchandising activity.

Hotel - A building in which lodging or boarding is provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contrast to a boardinghouse, a lodging-house, or an apartment.

Hydromulch - a planting process by which seed, water, fertilizer, fiber mulch, and sometimes lime are blended together in a tank and applied onto a prepared lawn area. This process is also known as hydraulic mulch seed, hydromulching, and hydroseeding.

Illumination - the density of the luminous flux (lumens) incident on the surface. It is the quotient of the luminous flux divided by the area of the surface, expressed in foot candles.

Infrastructure - For the purpose of these regulations, infrastructure shall refer to the basic installations and facilities on which the continuance and growth of the community depends such

as streets, roads, transportation systems, communications systems and basic utilities such as water, sewer, gas and power.

Interpretation - A determination of the meaning of zoning controls or their application, or a determination of the location of zoning district boundaries, expressed as a Planning and Zoning ruling which becomes a permanent guide in the enforcement of the Zoning Ordinance.

Irrigation system - a method of conveyance and application of water to live plant material for the purpose of maintaining said plant material in a live and healthy condition.

Landscaping - The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted to include the use of ornamental logs, rocks, fountains, water features and contouring of the earth.

Landscape area - consists of an area included in and around a development site that has been planned to complement the development site with natural grass, groundcover, trees, or other natural plant materials.

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 remunerations are received.

Kitchen - Any habitable space (room) or portion thereof within a building designed and intended to be used for the cooking or preparation of food.

Light source - a device (such as a lamp) which produces visible energy as distinguished from devices or bodies that reflect or transmit light, such as a luminaire.

Light Emitting Diode (LED) are diodes (electronic components that let electricity pass in only one direction) that emit visible light when electricity is applied, much like a light bulb.

Loading Space - A space within the main building or on the same lot there-with, providing for the standing, loading or unloading of vehicles.

Lot - A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, and having its principal frontage upon a street or upon an officially approved place.

Lot Coverage - The percentage of the total area of the lot, excluding streets, alleys and dedicated drainage ways, covered by all buildings located thereon.

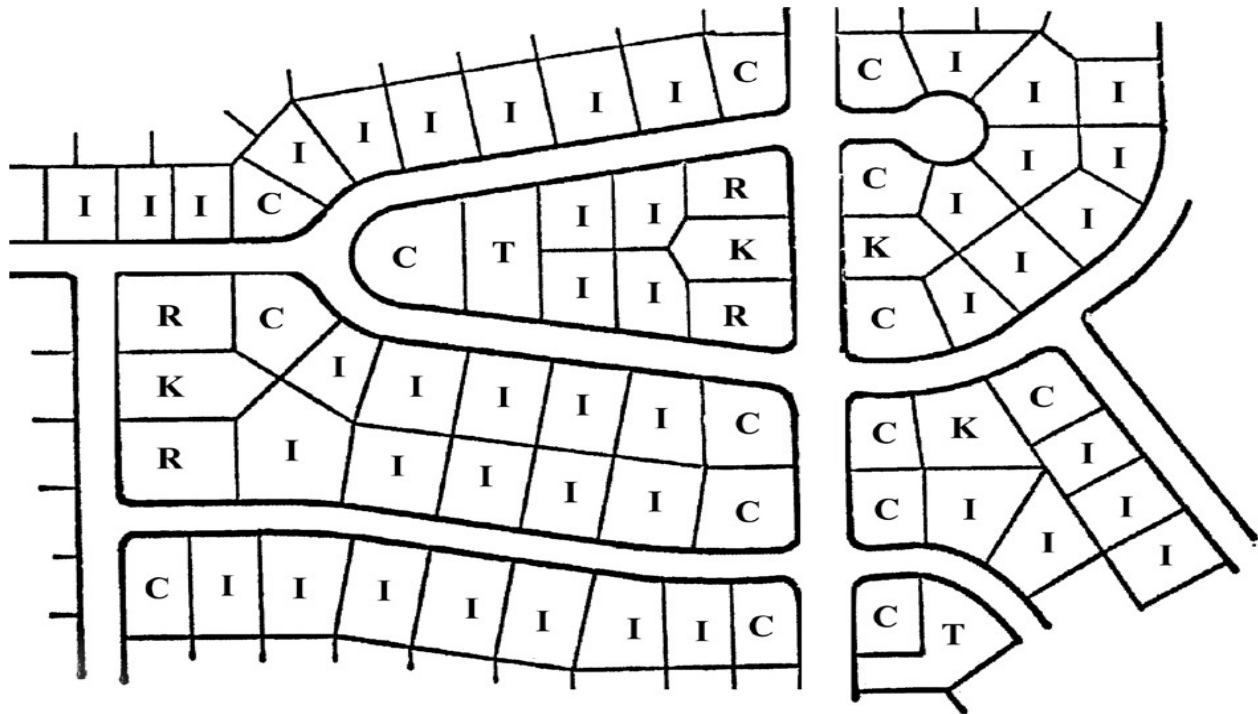
Lot Depth - The mean distance of a lot between the front and rear property lines.

Lot Frontage - The width of a lot or parcel abutting a public right-of-way measured at the front property line.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types - The designation of lots according to the diagram in Figure 1 illustrating corner lots, interior lots, reversed frontage lots and through lots.

Figure 1



C – Corner Lot - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

I – Interior Lot - A lot other than a corner lot having only one frontage on a street.

K – Key Lot - An interior lot so situated that it fronts onto the side street of an adjoining corner lot and so that the sideline of the key lot is the rear line of the corner lot which abuts the same street.

R – Reverse Frontage Lot - A corner lot in which its frontage is on a street whose alignment is generally parallel to the side lines of the lots that constitute the predominant lot pattern in the block.

T – Through Lot - An interior lot with frontage on more than one street; a through lot fronting on two generally parallel streets may be referred to as a “double frontage” lot.

Lot Width - The mean distance of a lot between the side property lines.

Lumen - the quantity of luminous flux intercepted by a surface of one square foot, all points of which are one foot from a uniform source of one candela. A one-candela source provides 12.57 lumens.

Luminaire - a device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

Luminance - the luminous intensity per unit projected area of a given surface viewed from a given direction for purposes of this Ordinance expressed in candelas divided by distance squared.

Manufactured Home – is a type of factory-built housing constructed after June 15, 1976, under HUD’s updated standards and commonly known as a mobile home. It is largely assembled in factories on a permanently attached chassis before being transported to site.

Manufactured Home Space - A plot of ground within a manufactured home park designed for the leasing and accommodation of one manufactured home.

Mini-Warehouse - A building with individual units not to exceed 576 square feet per unit, for rent to the general public for storage of personal possessions.

Mobile Home – (also known as a house trailer, park home, trailer, or trailer home) is a prefabricated structure, built in a factory on a permanently attached chassis before being transported to site.

Mobile Home Park - Any plot of ground which two or more MOBILE homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

Mobile Home Space - A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Modular Building - Manufactured, room size, structures completely wired, plumbed, and finished at the factory designed to be moved to a permanent location and fitted together to become a complete unit on a permanent foundation.

Non-Conforming Lot - A parcel, site or tract of land which does not meet the minimum lot requirements as described by the bulk regulations for the district in which it is located, which lot was legally created prior to the effective date of the applicable zoning ordinance.

Non-Conforming Structure - A building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations for the district in which it is located.

Off-Street Parking - Off-street parking spaces provided in accordance with the requirements specified by this Ordinance and located on the lot or tract occupied by the main use and located within the same zoning district as the main use or in an adjacent parking district.

Open Space - Land areas that are not occupied by buildings, structures, parking areas, streets, alleys, or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

Parking Lot - An open area, other than a street, used for the parking of automobiles.

Parking Space, Automobile - A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

Parking Space, Off-Street - An area adequate for parking an automobile with room for opening doors on both sides, together with maneuvering room and with properly related access to a public street or alley.

Person - An individual, heirs, executors, administrators or assigns, and includes a firm, partnership, or corporation, it's or their successors or assigns, or the agent of any of the aforesaid.

Planned Development (PD) - A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived, or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Plot Plan - A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

Portable Building - Any prefabricated structure assembled off site and delivered to the site as a complete unit or a building purchased in kit form and assembled onsite, which can be moved without disassembly to another location.

Portable Building Sales - An establishment which displays and sells structures capable of being carried and transported to another location but not including mobile homes.

Private Club or Lodge - 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.

Public Improvement - Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

Public View - Public view means areas that can be seen from the closest public street.

Quasi-Public - Essentially public use, although under private ownership or control.

Recreation Area - An area devoted to facilities and equipment for recreational purposes including but not limited to swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses.

Recreational Vehicle (RV) - A portable or mobile vehicular type unit primarily used as temporary living quarters for the purposes of recreational camping or travel-use that has either its own motive power or is mounted on or towed by another vehicle. Examples include but are not limited to travel trailers, camping trailers, truck campers, and motor homes. Herein referred to as a “RV.”

Renovation - Interior or exterior remodeling of a structure, other than ordinary repair.

Residential Structure - Any structure containing one or more dwelling units and their accessories.

Riding Track - A track specifically for pleasure riding horses or mules, private or for hire, but expressly not meant for commercial racing of these animals.

Right-of-Way (ROW) - Any street, alley or other parcel of land open to the outside air, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and has a clear width and height of not less than 10 feet (3,048 mm).

Roof Overhangs - Portion of a roof structure that extends beyond the exterior wall of a building. It provides protection from the elements by directing rainwater away from the walls and foundation, offers shade to windows and doors, and can contribute to the building’s aesthetic design. Roof overhangs include eaves, rakes, and soffits as applicable.

Sale - The word sale, as used herein, shall mean sales at both wholesale and retail unless specifically stated otherwise.

Screening Device - A structure such as a fence or wall not less than six (6) feet high or greater than eight (8) feet high which serves as a visual screen, including semi-solid structures such as netting, lattice, etc. A structure in excess of eight (8) feet in height shall be deemed a wall and shall be subject to the provisions of the Building Code of the City.

Servant Quarters – An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Service Station (Oil Change-Lubrication Facility) - A business establishment whose service includes but not limited to, dispensing fuel for automobiles and trucks, lubrication, oil changing, washing, convenience food sales, minor repairs, and tire service.

Setback - The minimum required distance between the property line and the building line.

Shipping Container - An all-steel container with strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking,

shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.

Short-Term Rental (STR) - A property rented out or for a period of 30 days or less, often used for vacation or short-term stays, as opposed to long-term leases.

Shrubs - plants that grow vertically in a multi-branched growth pattern from the ground level to heights usually not to exceed six feet. These plants may be sculpted and trimmed to present aesthetic shapes and forms.

Sign - Any display of letters, figures, symbols, insights, pictures, lights, or other devices when placed within or on the outside of any building or structure or in a free-standing situation so as to be visible from any public street or adjacent property.

Sign Business Identification - Any display of letters, figures, symbols, insights, pictures, lights, or other devices when placed within or on the outside of any building or structure or in a free-standing situation so as to be visible from any public street or adjacent property.

Sign Directional - Any sign, except those authorized by law, which is designed and erected solely for the purpose of vehicular or pedestrian traffic control and placed on the property to which or on which the public is directed.

Sign Subdivision Identification - A permanent sign identifying a subdivision by name or symbol only and erected on private property at an entrance to a subdivision at location shown on a recorded subdivision plat and of a design approved by the Commission.

Site Plan - A plan that outlines the use and development of any tract of land.

Small Animal Clinic - An establishment for the care and medical veterinary practice on or for domestic household animals, conducted completely within an enclosed, soundproof and air-conditioned structure and not using any yard or open space for the activities defined.

Smoke Shop – a store selling tobacco products, paraphernalia, vaping products, hemp products, and smoking equipment.

Sod - grass and the part of the soil beneath it held together by its roots or another piece of thin material.

Special Exceptions - A privileged use or development of property which would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, size, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare of the community. See Variance.

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.

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.

Storage Building – structure or part of a building used primarily for the storage or shelter of goods, merchandise, personal belongings, equipment, or materials. These structures are not designed for permanent or temporary residence.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered to be a story.

Story, Half - A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet (4') above the floor of such story, except that any partial story used for residence purposes other than by a family occupying the floor immediately below it, shall be deemed a full story.

Street - Any public or private thoroughfare not less than 20 feet (6,096 mm) in width which affords the principal means of access to abutting property.

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

Street, Private - A right-of-way or easement in private ownership, not dedicated or maintained as a public street, that affords the principal means of access to two or more sites.

Structure - Anything constructed or erected, which requires location on or within the ground, or attached to something having a location on or within the ground.

Structural Alterations - Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Subdivision - The division of a tract, lot, or parcel of land into two or more lots, plats, sites, or other divisions of land.

Theater or Theaters - As used herein, shall include all forms, types and kinds of entertainment and recreation, as set forth herein, without regard to whether same be referred to as, or called by name, "theater", "theatrical", "club", "night club", "show", "exhibition", "performance," "production," "entertainment", "recreation," or by some other name of designation, as it is the legislative purpose and intent of the City Council of the City of Gatesville, Texas to look to the substance rather than the form or name, of the activity, or activities to be carried out in the future, by the applicant or applicants, seeking the change in zoning, in connection with a request seeking such a zoning

change, and in the City Council's consideration of and for such zoning change request, and in the City Council's approval or denial of such zoning change, as the case may be.

Travel Trailer - A vehicular, portable structure built on a chassis designed to be used as a temporary living facility for travel and recreational purposes, having a body width not exceeding eight feet, but not having all sanitary facilities within the trailer. See recreational vehicles.

Used Car Lot - A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles or the storage of automobile parts.

Use - The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

Use, Change Of - The change within the classified use of a structure or premise.

Use, Non-Conforming - A use of land or structure which is not authorized in the district in which such use or activity is conducted, which use was legally existing or in operation under other laws of the State or codes of the City of Gatesville prior to the effective date of the applicable zoning regulations.

Use, Principal - A use that fulfills a primary function of a household, establishment, institution, lot, parcel, or other entity.

Use, Temporary - A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, carnivals, flea markets, farmers markets, and garage sales.

Utility Meter - Any metering device used for measuring usage of a utility. Hereafter referred to a "Meter."

Variance - A privileged relaxation of the Development Controls provisions of this Ordinance where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship and would prevent the substantial enjoyment of property rights as shared by nearby properties which conform to the Development Controls.

Veterinary Hospital - An establishment for the care and medical treatment of large animals and domestic household pets having treatment and boarding facilities both in an enclosed building and outside pens or runs enclosed by permanent type of fencing.

Warehouse - A building used for storage purposes generally by commercial or industrial businesses for storage of their business-related merchandise, equipment or fixtures.

Wrecking or Auto Salvage Yard - A yard or building where automobiles or machinery are stored, dismantled and/or offered for sale as whole units or salvaged parts or as processed metal.

Yard - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Exterior - Exterior yard shall be that part of the lot between the lot line and the building line. For exterior lots, the exterior yard will correspond to the front yard. On corner lots, the exterior yard shall consist of both the front and side yards. A full depth exterior yard shall be constructed as the side yard of a corner lot extending the full depth of the lot front to back. Exterior yards of through lots shall consist of the yards between the lot lines and setback lines at both ends of the lot.

Yard, Front - A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear - A yard extending across **full width of the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps. On all lots the rear yard shall be in the rear of the front yard.**

Yard, Side - A yard **between the main building and the sideline of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main building.**

Yard, Special - A yard behind any required yard adjacent to a public street, required to perform the same function as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly apply.

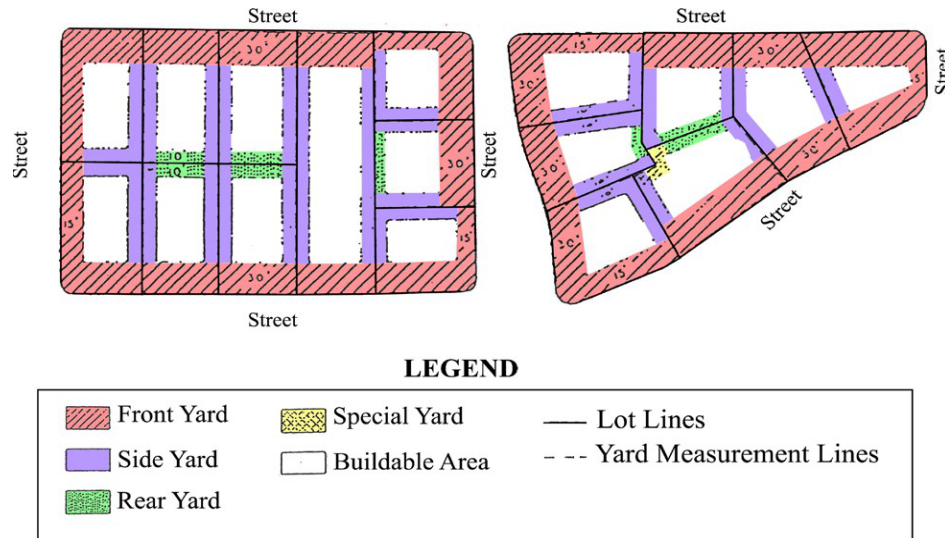
Zero Landscape (Xeriscape) - A landscape design method that minimizes or eliminates turf grass and live plant material through the use of drought-tolerant and non-vegetative materials such as crushed granite, gravel, stone, mulch, and similar materials.

Zero Lot-Line - A side lot line of a lot on which a structure is permitted to be located all the way to the edge of the lot; that is the side yard width is zero. May or may not be common wall construction.

Zoning Official - **The Zoning Official shall be the City Manager or their designee.** This person shall be duly designated to administer and enforce the provisions of this ordinance.

Zoning District Map - The official certified map upon which the boundaries of the various Zoning Districts are drawn, and which is an integral part of the Zoning Ordinance.

Figure II



ARTICLE V. – ESTABLISHMENT OF DISTRICTS; PROVISIONS FOR OFFICIAL ZONING MAP, ZONING CHANGES AND ANNEXATIONS

SEC. 5-1 – Official Zoning Map

The district aforesaid, and the boundaries of such districts, shall be as shown upon a map made a part of this ordinance, said map being designated "Official Zoning Map," said map and all notations, references, and other information shown thereon shall be a part of this ordinance the same as if all such matters and information were fully described herein. The original of said map shall bear even date with the passing of this ordinance; shall be signed by the Mayor and attested by the City Secretary and promptly displayed in the City Hall.

SEC. 5-2 – Determination of Boundaries

In determining the location of zoning district boundaries on the map accompanying and made a part of this ordinance, the following rules shall apply:

- a. Where boundaries are shown to follow streets or alleys, the centerline of such streets or alleys, as they exist at the time of adoption of this ordinance, shall be the zoning boundary; or
- b. Where boundaries are shown to enter on cross blocks, property lines of lots, as they exist at the time of adoption of this ordinance, shall be the zoning boundary; or
- c. Where boundaries are shown on un-subdivided property, the location shall be determined by scale shown on the map unless dimension is given on the map.

SEC. 5-3 – Annexation

All annexation information can be found in Texas Local Government Code §43.0671 et seq., Subchapter C-3 and in the City of Gatesville adopted ordinances, Ordinance 2024-04.

5-3.1

To initiate a voluntary annexation, property owners must submit a petition that includes:

- a. A signed annexation application.
- b. A survey sketch of the property prepared by a Registered Land Surveyor or Professional Engineer.
- c. Meets and bounds describing the property.

5-3.2

The City will provide a Municipal Services Agreement outlining the services that will be available to the property upon annexation or when such services become available.

5-3.3

All territory hereafter annexed into the City of Gatesville shall be temporarily classified as AG Suburban unless a permanent zoning classification is placed upon the property at the time of annexation. In the event any zoning other than AG Suburban is requested at the time of annexation, all requirements of Sec. 1-6 of this ordinance shall be complied with, including all public notices and public hearings as required by this ordinance or by state law. The zoning shall be based on existing zoning districts upon the following criteria:

- a. Its current land use at the time of annexation.
- b. The existing land use of the property surrounding the territory.
- c. Its future land use as designated by the comprehensive plan.

SEC. 5-4. Districts

For the purpose of regulating and restricting the heights and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, the City of Gatesville, Texas, is hereby divided into districts of which there shall be eleven classes in number and which shall be known as:

ARTICLE LEGAL	AG	Ag Suburban Homesite	VI. — NON-
	RSF	Residential Single-Family	
	RTH	Residential Townhomes	
	R2-4	Residential Duplex/Tri-plex/Four-plex	
	RMF	Residential Multi-family	
	RMH	Residential Mobile Home	
	MHP	Mobile Home Park	
	RVP	Recreational Vehicle Park	
	BC-L	Business Commercial Light (Neighborhood)	
	BC-M	Business Commercial Medium	
	BC-H/I	Business Commercial Heavy / Industrial	
	PUD	Planned Unit Development	
OVLY	Overlay		

CONFORMING USES

SEC. 6-1. – Existing Structures and Uses

6-1.1 General

Lawfully established buildings and uses in existence at the time of the adoption of this code shall be permitted to have their existing use or occupancy continued, provided that such continued use does not constitute a life hazard, public health concern, public nuisance, or environmental hazard.

6-1.2 Additions, Alterations, or Repairs

Additions, alterations, or repairs shall be permitted to be made to any building or use without requiring the existing building or use to comply with the requirements of this code, provided that the addition, alteration or repair conforms to that required for a new building or use.

6-1.3 Maintenance

Buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or owner's authorized agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the Building Official shall be permitted to cause any structure or use to be inspected.

6-1.4 Moved and Temporary Buildings, Structures, and Uses

Buildings or structures moved into or within the City shall comply with the provisions of this code for new buildings and structures.

6-1.4.1 Temporary buildings, structures and uses such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public shall be permitted to be erected, provided that a special approval is received from the Zoning Code Official for a limited period of time.

6-1.4.2 Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

6-1.5 Illegal Uses

Uses that were Illegally established prior to the adoption of this code shall remain illegal.

SEC. 6-2. – Non-Conforming Uses and Structures

6-2.1 Continuance

The lawful use of land existing on the date of this ordinance, although such use does not conform to the provisions of this ordinance, may be continued, but if such nonconforming use is discontinued for a period of six months or more, any future use of such premises shall be in conformity with the provisions of this ordinance. In other than criminal proceedings, the owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

- 6-2.1.1 The lawful use of any building or structure existing on the date of adoption of this ordinance may be continued even though such use does not conform to the provisions of this ordinance, and such use may be extended throughout the building or structure, provided no structural alterations, except those required by law or ordinances, are made therein.
- 6-2.1.2 Whenever nonconforming use is discontinued for six months or more, all nonconforming use rights shall cease, and the use of the premises shall be in conformance with this ordinance. The term “discontinue” shall mean that the property or structure is vacant and no attempt to market the property is observable on the property or from the exterior of any structure, or that the property or structure is vacant, and City taxes owed on the property are delinquent.
- 6-2.1.3 Nothing contained in this ordinance shall require any change in the plans, construction or designated use of a building or structure actually under construction, and for which a building permit was issued, on or before the date of adoption of this ordinance, and which entire building or structure is completed within one year from that date. If any amendment to this ordinance is hereafter adopted changing the boundaries or districts, the provisions of this ordinance with regard to buildings or uses legally existing, or to building legally under construction or building permits legally issued in the area affected by such amendments at the time of the passage of such amendments, shall not cause such use to be terminated or to bar the occupancy of such building unless provided by other proceedings at law.

SEC. 6-3 – Discontinuance

6-3.1 Vacancy

- 6-3.1.1 Any structure, or portion thereof, occupied by a nonconforming use, that is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of 6 months shall not there be occupied, except by a use that conforms to this code.
- 6-3.1.2 Abandonment of a nonconforming structure shall be determined by relevant evidence of nonuse of the structure, including, but not limited to, termination or nonuse of utilities, termination of leasehold, and evidence of lack of occupancy of the structure.
- 6-3.1.3 The Code Official may determine that a structure which has been abandoned under the intent of this section may continue to exist if the owner can show unusual circumstances which prevented or precluded use of the structure during that period, in which case the structure may be reoccupied.

6-3.2 Damage

6-3.2.1 If a nonconforming structure or portion of a nonconforming structure is destroyed or damaged by less than 50 percent of the current replacement cost of the structure the structure, as determined by the Code Official, may be restored to its preexisting nonconforming state. Such restored structures shall meet all other applicable City codes, and nothing herein shall be construed as constituting a waiver of requirements other than those governed by the zoning ordinance.

6-3.2.2 If plans to restore or repair the structure are not submitted for issuance of a building permit within 12 months from the date of the destruction or damage, the structure must be replaced or restored in full conformity with current structural regulations for the district in which it is located. The Code Official may grant, upon written application by the property owner showing cause, a one-time extension to seek a building permit for a period not to exceed six months.

6-3.2.3 If a nonconforming structure or portion of a nonconforming structure is destroyed or damaged by 50 percent or more of the current replacement cost of the structure, the structure must be restored in full conformity with current structural regulations for the district in which it is located.

SEC. 6-4 – Enlargement and Modifications

6-4.1 Maintenance and Repair

Maintenance, repairs, and structure alterations shall be permitted to be made to nonconforming structures or to a structure housing a nonconforming use with valid permits.

6-4.1.1

On any nonconforming structure or portion of a nonconforming structure, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 50 percent of the current replacement cost of the nonconforming structure or portion of the structure, as the case may be, provided that the cubic volume existing when it became nonconforming shall not be increased.

6-4.1.2

A property owner may apply to the Code Official for an increase in the time period or the percentage limits contained herein to enable repairs necessary for the protection of the public health, safety, and welfare.

6-4.2 Changes of nonconforming use

A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use.

6-4.2.1

Where such change is made, the use shall not thereafter be changed back to a nonconforming use.

6-4.2.2

A nonconforming use or a lawful use that has become nonconforming by the future adoption or amendment of a zoning ordinance, or a nonconforming use that exists by virtue of annexation to the City, shall be permitted to exist, subject to the following:

- a. Additions to nonconforming structures and parking areas shall conform to the requirements of this code.
- b. Additions to structures housing nonconforming uses that increase the area of nonconforming use shall not be made.
- c. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this ordinance.

6-4.3 Relocation of structure

Should any such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the structural regulations for the district in which it is located after it is moved.

6-4.4 Enlargement or Extension of Nonconforming Structures

A nonconforming structure in which a nonconforming use is operated shall not be enlarged or extended. A nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all the provisions of this ordinance established for structures in the district in which the nonconforming structure is located.

SEC. 6-5. Violations

6-5.1 Unlawful Acts

It shall be considered unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or land or cause or permit the same to be done in violation of this code. Where any building or parcel of land regulated by this code is being used contrary to this code, the Code Official shall be permitted to order such use discontinued and the structure, parcel of land, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use

within the time prescribed by the Code Official after receipt of such notice to make the structure, parcel of land, or portion thereof, comply with the requirements of this code.

6-5.1.1

The City Council may adopt ordinances to enforce this code, or any ordinance or regulation adopted under this code.

6-5.1.2

A person commits an offense if the person violates this code, or an ordinance or regulation adopted under this code. An offense under this section is a misdemeanor, punishable by fine, imprisonment, or both, as provided by the City Council. The City Council may also provide civil penalties for a violation.

6-5.1.3

If a building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if a building, other structure, or land is used in violation of this code or an ordinance or regulation adopted under this code, the City Council, in addition to other remedies, may institute appropriate action to:

- a. prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use.
- b. restrain, correct, or abate the violation.
- c. prevent the occupancy of the building, structure, or land; or
- d. prevent any illegal act, conduct, business, or use on or about the premises.

SEC. 6-6. Conflicts with other laws

6-6.1 General

If a zoning regulation adopted under this code requires a greater width or size of a yard, court, or other open space, requires a lower building height or fewer number of stories for a building, requires a greater percentage of lot to be left unoccupied, or otherwise imposes higher standards than those required under another statute or local ordinance or regulation, the regulation adopted under this code controls. If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls.

6-6.2

This section does not authorize the City Council to require the removal or destruction of property that exists at the time the City Council implements this section and that is actually and necessarily used in public service.

6-6.2.1

This section does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency.

6-6.2.2

This section applies to a privately-owned building or other structure and privately-owned land when leased to a state agency.

6-6.3

A zoning regulation adopted after the approval of a residential subdivision plat does not apply to that subdivision until the second anniversary of the later of:

- a. the date the plat was approved; or
- b. the date the City accepts the subdivision improvements offered for public dedication.

6-6.3.1

This section does not prevent a City from adopting or enforcing applicable building codes or prohibiting the use of building materials that have been proven to be inherently dangerous.

ARTICLE VII. – ZONING DISTRICT DESCRIPTIONS AND REGULATIONS

The City of Gatesville operates under Pyramid Zoning. This is a hierarchical system where less restrictive zones (like Industrial) allow all uses from more restrictive zones (like commercial and residential) to build on top, creating a pyramid with single-family zoning at the peak and heavy industry at the base, allowing for mixed uses in lower zones but strictly separating them in higher ones.

Development regulations are enforced based on the use within the zoning. Example: Build a single-family home in Industrial zoning, Single-Family District regulations apply.

SEC. 7-1. Agriculture Suburban (AG)

7-1.1 Purpose

The Agricultural/Suburban Home sites District is designed to permit sparsely settled residential development and residential in combination with traditional farming activities.

7-1.2 Permitted Uses

- a. Farms, ranches, orchards, truck gardens, nurseries for the growing of plants and similar agrarian activities involving the growing of plants and raising and pasturing of livestock, animal husbandry, including accessory feeding pens but not commercial feeding pens.
- b. Residential Single-Family detached dwelling, one (1) dwelling per lot.
- c. Community Facility (i.e., City Hall, Police Department, Fire Station, and other municipal uses)
- d. County / State / Federal Facility
- e. Park / Walking Trails
- f. Independent School Campus'
- g. Churches / Religious Structures
- h. Kennel
- i. Home Occupation with exception to the following business-related uses:
 - i. Retail
 - ii. Nail/Hair Salon
 - iii. Office facility for a doctor, dentist, veterinarian or other medical related profession.
 - iv. Restaurant or on-premises food or beverage consumption.
 - v. Mortuary or funeral home
 - vi. Trailer, vehicle, tool or equipment rentals
 - vii. Automotive-related uses, painting, and repairs
 - viii. Adult-Oriented or Regulated Business
 - ix. Industrial or Manufacturing uses
 - x. Hazardous or Regulated Materials

- xi. Uses that create excessive noise, odors, vibration, traffic, parking demand, visual impact.

7-1.3 Accessory Uses

Any use as established in the definition under Sec. 4.2.

- a. Shall be located behind the minimum front and side street building setback lines.

7-1.4 Development Regulations

- a. Height: No building or structure shall exceed two and one-half (2 1/2) stories, nor shall it exceed thirty-five (35) feet.
- b. Front Yard: There shall be a front yard of not less than thirty (30) feet.
- c. Side Yard: There shall be a side yard of not less than ten (10) feet.
- d. Rear Yard: There shall be a rear yard of not less than ten (10) feet.
- e. Lot Area: The minimum area of a lot shall be forty-three thousand five hundred and sixty (43,560) square feet (1 acre).
- f. Lot Dimensions: Each lot shall have a minimum width of one hundred (100) feet.
- g. Fence: Maximum height is eight (8) feet. Any fence constructed, erected or built in the city limits must be constructed of masonry, concrete, wood (except plywood), plastic (prefabricated), vinyl, wrought iron or chain link materials. No fence shall be constructed of corrugated metal, corrugated tin, corrugated fiberglass, fiberglass or metal panels, cattle panels, chicken wire or welded wire mesh of any sort.
 - Any fence located in the front yard and/or side yard facing a street shall have a maximum height of four (4) feet.
 - Sec. 54-102. Certain fences prohibited.

7-1.5 Special Requirements

- a. Open / Outside Storage: Open storage is prohibited (except for materials for the resident's personal use or consumption, (i.e., firewood, gardening materials, etc.). Other storage may be kept in premises wholly within a permitted storage structure. Such structure shall comply with all other applicable provisions and regulations provided within this ordinance.
- b. Temporary Dwellings: No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or motor homes.

7-1.6 Special Exception Uses

Special exception uses (SUP) may be recommended for approval to the City Council by the Planning and Zoning Commission under the provisions of Chapter 3 of the Gatesville Code of Ordinances.

SEC. 7-2. Residential Single-Family (R-SF)

7-2.1 Purpose

The Residential Single-Family District is designed to permit single-family home sites to promote and encourage a suitable environment for family life. This district is intended to be composed of detached dwelling units located on individually owned lots that are designed for residential use.

7-2.2 Permitted Uses

- a. All uses listed in SEC. 7-1.
- b. Kennel (Specific Use Permit Required)
- c. Residential Uses, specifically single-family detached dwellings, one dwelling per lot.
- d. Residential Uses, modular home for single-family detached dwellings, one dwelling per lot.

7-2.3 Accessory Uses

Any use as established in the definition under Sec. 4.2.

- a. Shall be located behind the minimum front and side street building setback lines.
- b. Maximum height is twenty (20) feet.
- c. Pitched roof with a minimum 1:3 design.

7-2.4 Development Regulations

- a. Height: No building or structure shall exceed two and one-half (2 1/2) stories, nor shall it exceed thirty-five (35) feet.
- b. Front Yard: There shall be a front yard of not less than twenty-five (25) feet.
- c. Interior Side Yard: There shall be a side yard of not less than six (6) feet.
- d. Street Side Yard: There shall be a side yard of not less than ten (10) feet.
- e. Rear Yard: There shall be a rear yard of not less than ten (10) feet.
- f. Lot Area: The minimum area of a lot shall be six thousand (6,000) square feet.
- g. Lot Dimensions: Each lot shall have a minimum width of fifty (50) feet.
- h. Floor Area: The main residence shall contain a minimum of one thousand (1,000) square feet of floor area.
- i. Fence: Maximum height is eight (8) feet. Any fence constructed, erected or built in the city limits must be constructed of masonry, concrete, wood (except plywood), plastic (prefabricated), vinyl, wrought iron or chain link materials. No fence shall be constructed of corrugated metal, corrugated tin, corrugated fiberglass, fiberglass or metal panels, cattle panels, chicken wire or welded wire mesh of any sort.
 - Any fence located in the front yard and/or side yard facing a street shall have a maximum height of four (4) feet.
 - Sec. 54-102. Certain fences prohibited.

7-2.5 Special Requirements

- c. Open / Outside Storage: Open storage is prohibited (except for materials for the resident's personal use or consumption, (i.e., firewood, gardening materials, etc.). Other storage may be kept in premises wholly within a permitted storage structure. Such structure shall comply with all other applicable provisions and regulations provided within this ordinance.
- d. Temporary Dwellings: No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or motor homes.

7-2.6 Special Exception Uses

Special exception uses (SUP) may be recommended for approval to the City Council by the Planning and Zoning Commission under the provisions of Chapter 3 of the Gatesville Code of Ordinances.

SEC. 7-3. Residential Townhomes (R-TH)

7-3.1 Purpose

The Residential Townhome District is designed to permit attached townhouse or rowhouse style single-family home sites on individually platted lots through the creation of a subdivision plat designed with non-traditional platting with zero side lot lines on one or two sides. Townhome subdivisions must contain enough area to provide minimal amounts of open space in the front and rear for single-family housing.

7-3.2 Permitted Uses

- a. All uses listed in SEC. 7-2.
- b. Residential Uses, single-family dwelling attached two (2) stories, but the upper and lower floors constitute one (1) single-family dwelling.

7-3.3 Accessory Uses

Any use as established in the definition under Sec. 4.2.

- a. Shall be located in the rear portion of the property and meet the building setback lines.
- b. Maximum height is twenty (20) feet.
- c. Pitched roof with a minimum 1:3 design.

7-3.4 Development Regulations

- a. Height: No building or structure shall exceed two and one-half (2 1/2) stories, nor shall it exceed thirty-five (35) feet.
- b. Front Yard: There shall be a front yard of not less than twenty-five (25) feet.
- c. Interior Side Yard: There shall be a side yard of not less than six (6) feet when adjoining another lot and zero (0) feet when adjoining another dwelling unit on the same platted lot.

- d. **Street Side Yard:** There shall be a side yard of not less than ten (10) feet.
- e. **Rear Yard:** There shall be a rear yard of not less than ten (10) feet.
- f. **Lot Area:** The minimum area of a lot shall be six thousand (6,000) square feet.
- g. **Lot Dimensions:** Each lot shall have a minimum width of one hundred (100) feet.
- h. **Floor Area:** The main residence shall contain a minimum of one thousand (1,000) square feet of floor area.
- i. **Fence:** Maximum height is eight (8) feet. Any fence constructed, erected or built in the city limits must be constructed of masonry, concrete, wood (except plywood), plastic (prefabricated), vinyl, wrought iron or chain link materials. No fence shall be constructed of corrugated metal, corrugated tin, corrugated fiberglass, fiberglass or metal panels, cattle panels, chicken wire or welded wire mesh of any sort.
 - Any fence located in the front yard and/or side yard facing a street shall have a maximum height of four (4) feet.
 - Sec. 54-102. Certain fences prohibited.
 - A fence is required if adjacent to Residential Single-Family zoning separating the properties and creating buffer.

7-3.5 Special Requirements

- a. **Open / Outside Storage:** Open storage is prohibited (except for materials for the resident's personal use or consumption, (i.e., firewood, gardening materials, etc.). Other storage may be kept in premises wholly within a permitted storage structure. Such structure shall comply with all other applicable provisions and regulations provided within this ordinance.
- b. **Temporary Dwellings:** No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or motor homes.

7-3.6 Special Exception Uses

Special exception uses (SUP) may be recommended for approval to the City Council by the Planning and Zoning Commission under the provisions of Chapter 3 of the Gatesville Code of Ordinances.

SEC. 7-4 Residential 2-4 Family (R-2-4)

7-4.1 Purpose

Residential 2-4 Family zoning is to provide areas for low-to-moderate density residential development that accommodate small multi-family houses (i.e., duplexes, triplexes, and four-family dwellings, while maintaining the character and livability of residential neighborhoods.

7-4.2 Permitted Uses

- a. All uses listed in SEC. 7-3.

- b. Residential Uses, single-family dwelling attached with two (2) dwellings (duplex).
- c. Residential Uses, single-family dwelling attached with three (3) dwellings (tri-plex).
- d. Residential Uses, single-family dwelling attached with four (4) dwellings (quad-plex).

7-4.3 Accessory Uses

Any use as established in the definition under Sec. 4.2.

- a. Shall be located in the rear portion of the property and meet the building setback lines.
- b. Maximum height is twenty (20) feet.
- c. Pitched roof with a minimum 1:3 design.

7-4.4 Development Regulations

- a. Height: No building or structure shall exceed two and one-half (2 1/2) stories, nor shall it exceed thirty-five (35) feet.
- b. Front Yard: There shall be a front yard of not less than twenty (20) feet.
- c. Interior Side Yard: There shall be a side yard of not less than six (6) feet.
- d. Street Side Yard: There shall be a side yard of not less than ten (10) feet.
- e. Rear Yard: There shall be a rear yard of not less than ten (10) feet.
- f. Lot Area: The minimum lot area shall be 6,000 square feet.
- g. Lot Dimensions: Each lot shall have a minimum width of sixty (60) feet.
- h. Floor Area: The main residence shall contain a minimum of one thousand (1,000) square feet of floor area.
- i. Fence: Maximum height is eight (8) feet. Any fence constructed, erected or built in the city limits must be constructed of masonry, concrete, wood (except plywood), plastic (prefabricated), vinyl, wrought iron or chain link materials. No fence shall be constructed of corrugated metal, corrugated tin, corrugated fiberglass, fiberglass or metal panels, cattle panels, chicken wire or welded wire mesh of any sort.
 - Any fence located in the front yard and/or side yard facing a street shall have a maximum height of four (4) feet.
 - Sec. 54-102. Certain fences prohibited.

7-4.5 Special Requirements

- a. Open / Outside Storage: Open storage is prohibited (except for materials for the resident's personal use or consumption, (i.e., firewood, gardening materials, etc.). Other storage may be kept in premises wholly within a permitted storage structure. Such structure shall comply with all other applicable provisions and regulations provided within this ordinance.
- b. Temporary Dwellings: No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or motor homes.

7-4.6 Special Exception Uses

Special exception uses (SUP) may be recommended for approval to the City Council by the Planning and Zoning Commission under the provisions of Chapter 3 of the Gatesville Code of Ordinances.

SEC. 7-5 Multi-Family (R-MF)

7-5.1 Purpose

The Residential Multi-Family District is designed to permit high density residential development characterized by apartment buildings and complexes containing more than four dwelling units including, but not limited to, buildings of two or more stories in height.

7-5.2 Permitted Uses

- a. All uses listed in SEC. 7-4.
- b. Residential Uses, single-family dwelling attached with two (2) or more stories in height and more than four (4) units (i.e., apartment building, complex, dormitory, and condominium).

7-5.3 Accessory Uses

Any use as established in the definition under Sec. 4.2.

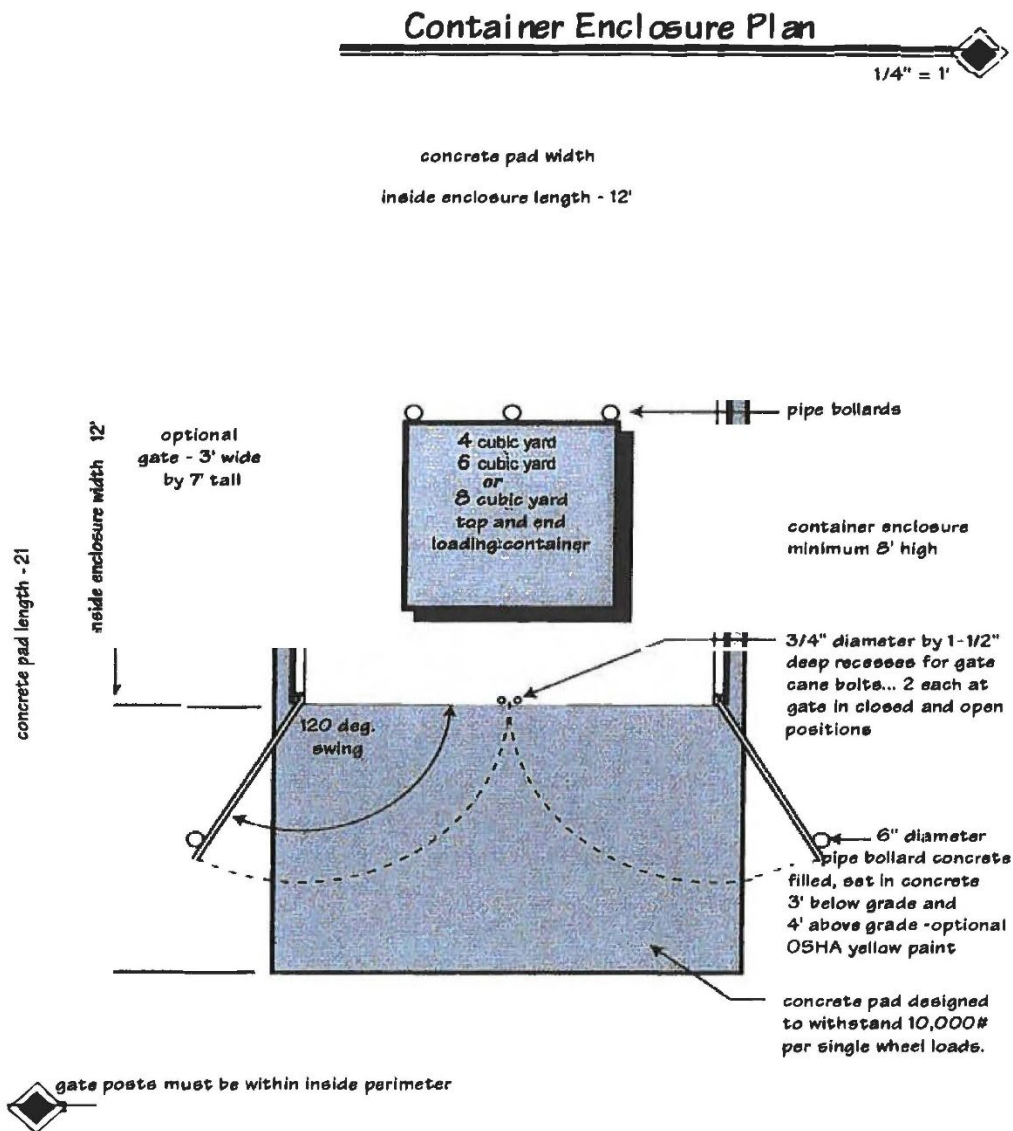
- a. Leasing office, Laundry Room, Mail Structure, Pool House, Community Gym, Community Activity Structure, Dog Park, Community Park/Playground, and Storage Facilities are considered secondary uses to the primary use.
 - i. May be located anywhere on the property but shall meet the building setback lines.
 - ii. Maximum height is twenty (20) feet.
 - iii. Pitched roof with a minimum 1:3 design.

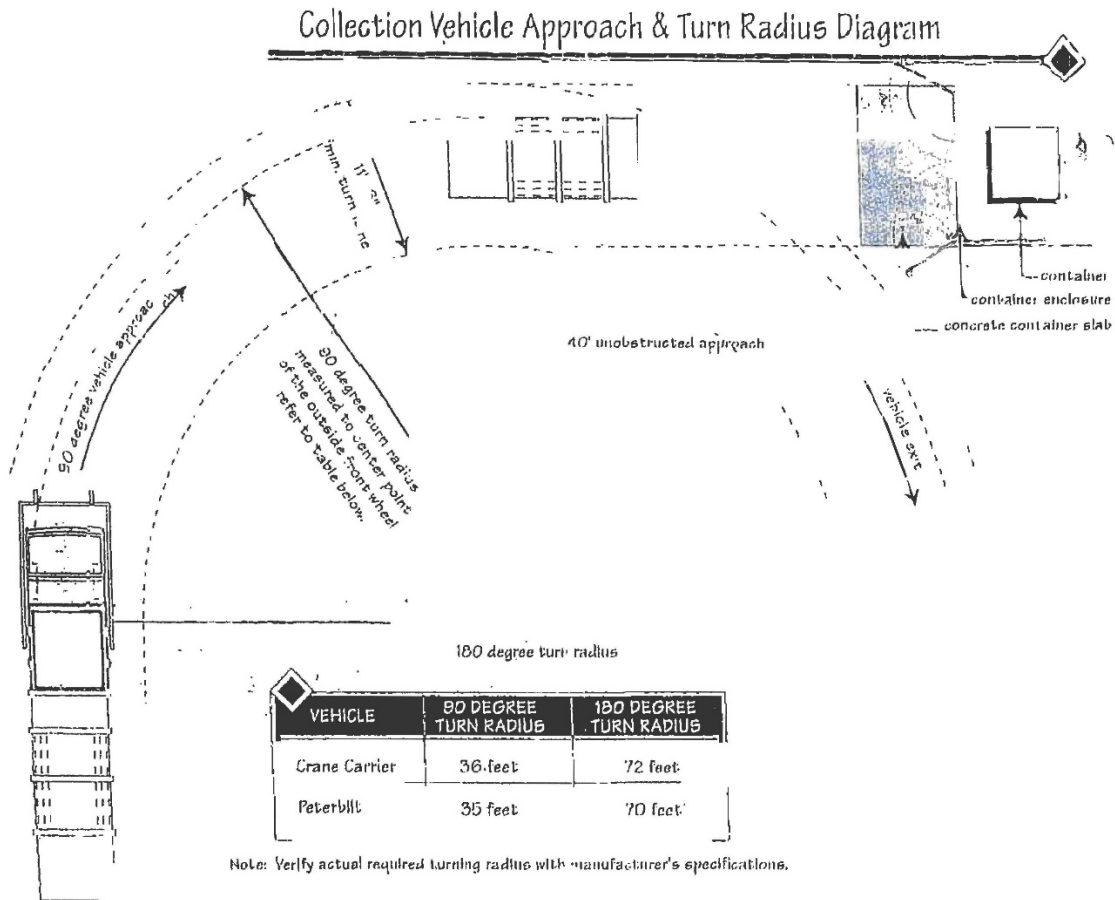
7-5.4 Development Regulations

- a. Height: No building or structure shall exceed four (4) stories, nor shall it exceed fifty (50) feet.
- b. Front Yard: There shall be a front yard of not less than twenty (20) feet.
- c. Interior Side Yard: There shall be a side yard of not less than twenty (20) feet.
- d. Street Side Yard: There shall be a side yard of not less than twenty (20) feet.
- e. Rear Yard: There shall be a rear yard of not less than twenty (20) feet.
- j. Lot Area: The minimum area of a lot shall be sixteen thousand (16,000) square feet.
- f. Lot Dimensions: Each lot shall have a minimum width of one hundred (100) feet.
- g. Floor Area: The main residence shall contain a minimum of eight hundred (800) square feet of floor area.
- h. Fence: Maximum height is eight (8) feet. Any fence constructed, erected or built in the city limits must be constructed of masonry, concrete, wood (except plywood), plastic

(prefabricated), vinyl, wrought iron or chain link materials. No fence shall be constructed of corrugated metal, corrugated tin, corrugated fiberglass, fiberglass or metal panels, cattle panels, chicken wire or welded wire mesh of any sort.

- A fence is required if adjacent to Residential Single-Family zoning separating the properties and creating buffer.
- i. Dumpster Enclosure: See the following Diagram.





7-5.5 Special Requirements

- a. **Open / Outside Storage:** Open storage is prohibited (except for materials for the resident's personal use or consumption, (i.e., firewood, gardening materials, etc.). Other storage may be kept in premises wholly within a permitted storage structure. Such structure shall comply with all other applicable provisions and regulations provided within this ordinance.
- b. **Temporary Dwellings:** No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or motor homes.

7-5.6 Special Exception Uses

Special exception uses (SUP) may be recommended for approval to the City Council by the Planning and Zoning Commission under the provisions of Chapter 3 of the Gatesville Code of Ordinances.

SEC. 7-6 Manufactured Home (R-MH)

7-6.1 Purpose

The purpose of the Manufactured Home District is to provide suitable locations for the placement and development of manufactured homes in a manner that promotes safe, affordable housing while protecting the public health, safety, and general welfare. This district is intended to ensure compatibility with surrounding land uses, encourage orderly development, and establish uniform standards for site design, infrastructure, utilities, and occupancy in compliance with applicable state and federal regulations. By designating specific areas for manufactured housing, the district supports efficient land-use planning, preserves neighborhood character, and provides regulatory clarity for property owners, residents, and the City.

7-6.2 Permitted Uses

- a. All uses listed in SEC. 7-5.
- b. Manufactured Home, one (1) dwelling per lot.

7-6.3 Accessory Uses

Any use as established in the definition under Sec. 4.2.

- a. Shall be located in the rear portion of the property and meet the building setback lines.
- b. Maximum height is twenty (20) feet.
- c. Pitched roof with a minimum 1:3 design.

7-6.4 Development Regulations

- a. Height: No building or structure shall exceed one (1) story, nor shall it exceed thirteen (13) feet from the ground to the tip of the roof.
- b. Front Yard: There shall be a front yard of not less than twenty (20) feet.
- c. Interior Side Yard: There shall be a side yard of not less than six (6) feet.
- d. Street Side Yard: There shall be a side yard of not less than ten (10) feet.
- e. Rear Yard: There shall be a rear yard of not less than ten (10) feet.
- f. Lot Area: The minimum area of a lot shall be six thousand (6,000) square feet.
- g. Lot Dimensions: Each lot shall have a minimum width of sixty (60) feet.
- h. Floor Area: There is no minimum floor area.
- i. Fence: Maximum height is eight (8) feet. Any fence constructed, erected or built in the city limits must be constructed of masonry, concrete, wood (except plywood), plastic (prefabricated), vinyl, wrought iron or chain link materials. No fence shall be constructed of corrugated metal, corrugated tin, corrugated fiberglass, fiberglass or metal panels, cattle panels, chicken wire or welded wire mesh of any sort.
 - Any fence located in the front yard and/or side yard facing a street shall have a maximum height of four (4) feet.

- Sec. 54-102. Certain fences prohibited.

7-6.5 Standards

- a. Any manufactured home must be installed on a permanent foundation in accordance with the Department of Housing and Community Affairs (TDCA) rules.
- b. Running gear, tongues, axles, and wheels shall be removed from all manufactured homes at the time of installation.
- c. The roof of a manufactured home placed in the city must be predominantly double-pitched and have a minimum rise of three (3) inches for every twelve (12) inches of vertical run (3:12) roof pitch. The roof must be covered with material that is commonly used on site-built single-family dwellings within the city, including but not limited to asphalt composition shingles, fiberglass or architectural metal panels and excluding corrugated aluminum, corrugated fiberglass, or corrugated metal. The roof shall have a minimum eave projection and roof overhang of eight (8) inches.
- d. Exterior siding shall be of a material that is commonly used on site-built single-family dwellings with the city that does not have a high gloss finish. It may include wood, cementitious board, composition, clapboard, conventional vinyl or metal siding, brick, stucco, or similar material, but excludes smooth, ribbed, or corrugated metal or plastic panels.
- e. The perimeter of the crawlspace beneath a manufactured home placed within the city limits shall be skirted, with openings only for crawlspace ventilation, access, and equipment operation. Skirting shall be constructed of brick, masonry, concrete, stucco, or the same material as the siding of the unit.

7-6.6 Special Requirements

- a. Open / Outside Storage: Open storage is prohibited (except for materials for the resident's personal use or consumption, (i.e., firewood, gardening materials, etc.). Other storage may be kept in premises wholly within a permitted storage structure. Such structure shall comply with all other applicable provisions and regulations provided within this ordinance.
- b. Temporary Dwellings: No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or motor homes.

7-6.7 Special Exception Uses

Special exception uses (SUP) may be recommended for approval to the City Council by the Planning and Zoning Commission under the provisions of Chapter 3 of the Gatesville Code of Ordinances.

SEC. 7-7 Commercial Business Light (Neighborhood) (NBC)

7-7.1 Purpose

Commercial Business Light is to allow business, and service uses that have low impact on surrounding areas and serve local or neighborhood needs. It acts as a buffer between residential zones and heavier commercial areas. This limits noise, traffic, emissions, odor, and heavy truck activity.

7-7.2 Permitted Uses

- a. All uses listed in SEC. 7-6.
- b. Beauty Parlor / Barbor Shop
- c. Nail Salon / Tanning Salon
- d. Dry Cleaning / Tailor / Seamstress
- e. Offices (i.e., doctor, dentist, lawyer, accountant, etc.)
- f. Radio/Computer Repair Shop
- g. Boutique
- h. Small Retail (less than 4,000 sq. ft.)
- i. Studio (i.e., music, art, photography, etc.)
- j. Bakery, Café, Bodega (less than 1,000 sq. ft. and no drive thru)
- k. Food Truck
- l. Animal Grooming
- m. Golf Course (Public / Private)
- n. Nursery Yards / Landscaping Yards
- o. Day Care
- p. Lodge / Sorority / Fraternity
- q. Bed and Breakfast
- r. Mail Services
- s. Other similar uses as approved by City Council.

7-7.3 Accessory Uses

Any use as established in the definition under Sec. 4.2.

- a. Shall be located in the rear portion of the property and meet the building setback lines.
- b. Maximum height is twenty (20) feet.
- c. Pitched roof with a minimum 1:3 design.

7-7.4 Development Regulations

- a. Height: No building or structure shall exceed two (2) stories, nor shall it exceed thirty-five (35) feet.
- b. Front Yard: There shall be a front yard of not less than ten (10) feet.
- c. Interior Side Yard: There shall be a side yard of not less than six (6) feet when adjoining residential and three (3) feet when adjoining non-residential.
- d. Street Side Yard: There shall be a side yard of not less than ten (10) feet.

- e. **Rear Yard:** There shall be a rear yard of not less than twenty (20) feet.
- a. **Lot Area:** There is no minimum square footage required.
- b. **Lot Dimensions:** There is no minimum width.
- c. **Floor Area:** Minimum floor area depends on the use as listed in Sec. 7-8.2 Permitted Uses.
- j. **Fence:** Maximum height is eight (8) feet. Any fence constructed, erected or built in the city limits must be constructed of masonry, concrete, wood (except plywood), plastic (prefabricated), vinyl, wrought iron or chain link materials. No fence shall be constructed of corrugated metal, corrugated tin, corrugated fiberglass, fiberglass or metal panels, cattle panels, chicken wire or welded wire mesh of any sort.
 - No front yard fencing.
 - A fence is required if adjacent to all Residential, Townhome, Multi-Family, Manufactured Home zoning separating the properties and creating a buffer.
- k. **Dumpster Enclosure;** See 7-5.4 (i).

7-7.5 Special Requirements

- a. **Open / Outside Storage:** Open storage is prohibited. Other storage may be kept in premises wholly within a permitted storage structure. Such structure shall comply with all other applicable provisions and regulations provided within this ordinance.
- b. **Temporary Dwellings:** No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or motor homes.

7-7.6 Special Exception Uses

Special exception uses (SUP) may be recommended for approval to the City Council by the Planning and Zoning Commission under the provisions of Chapter 3 of the Gatesville Code of Ordinances.

SEC. 7-8 Commercial Business Medium (BC)

7-8.1 Purpose

The purpose of the Medium Business Commercial District is to provide areas for a range of moderate-intensity commercial uses that serve the daily needs of the community while maintaining compatibility with adjacent residential and commercial areas. This district is intended to accommodate offices, retail establishments, personal and professional services, restaurants, and similar uses that generate moderate traffic and activity levels. Development standards within the district are designed to promote orderly growth, ensure safe access and circulation, minimize adverse impacts such as noise and congestion, and support attractive, functional commercial development that contributes to the City's economic vitality and overall land-use plan.

7-8.2 Permitted Uses

- a. All uses listed in SEC. 7-7.
- b. Automobile Services / Repair / Sales / Tire Shop (No paint shop)
- c. Boat Services / Repair / Sales
- d. Hotel/Motel/Tourist Court (Roadside Inn)
- e. Moving Picture House or Theater / Auditorium
- f. Large Retail
- g. Grocery Store
- h. Car Wash
- i. Restaurant / Fast Food / Independent Ice Machines
- j. Dance Hall / Lodge Hall
- k. Tavern / Club / Bar
- l. Mortuaries / Funeral Home
- m. Self-Serve Laundry Facilities
- n. Convenience Store
- o. Gas / Service Station
- p. Vape / E-Cigarette / Hemp Shop
 - i. Exemption: Not permitted on Main Street from Highway 36 Byp N heading west to the city limits nor on S State Highway 36.
- q. Veterinary Clinic / Hospital /Animal Boarding / Kennel
- r. Clinic
- s. Bank / Financial Services / Bail Bond
- t. Parking Lot / Parking Garage
- u. Personal Physical Fitness Gym
- v. Brewery
- w. Driving School
- x. Donation Center / Food Bank
- y. Pawn Shop
- z. Utility Company
- aa. Other similar uses as approved by City Council.

7-8.3 Accessory Uses

Any use as established in the definition under Sec. 4.2.

- a. Shall be located in the rear portion of the property and meet the building setback lines.
- b. Maximum height is twenty (20) feet.
- c. Pitched roof with a minimum 1:3 design.

7-8.4 Development Regulations

- a. Height: No building or structure shall exceed six (6) stories, nor shall it exceed eighty-four (84) feet.

- b. **Front Yard:** There shall be a front yard of not less than ten (10) feet.
- c. **Interior Side Yard:** There shall be a side yard of not less than six (6) feet when adjoining residential and three (3) feet when adjoining non-residential.
- d. **Street Side Yard:** There shall be a side yard of not less than ten (10) feet.
- e. **Rear Yard:** There shall be a rear yard of not less than twenty (20) feet.
- d. **Lot Area:** There is no minimum square footage required.
- e. **Lot Dimensions:** There is no minimum width.
- f. **Floor Area:** No minimum floor area.
- l. **Fence:** Maximum height is ten (10) feet. Any fence constructed, erected or built in the city limits must be constructed of masonry, concrete, wood (except plywood), plastic (prefabricated), vinyl, wrought iron or chain link materials. No fence shall be constructed of corrugated metal, corrugated tin, corrugated fiberglass, fiberglass or metal panels, cattle panels, chicken wire or welded wire mesh of any sort.
 - No front yard fencing.
 - A fence is required if adjacent to all Residential, Townhome, Multi-Family, Manufactured Home zoning separating the properties and creating a buffer.
- m. **Dumpster Enclosure;** See 7-5.4 (i).

7-8.5 Special Requirements

- a. **Open / Outside Storage:** Open storage is prohibited. Other storage may be kept in premises wholly within a permitted storage structure. Such structure shall comply with all other applicable provisions and regulations provided within this ordinance.
- b. **Temporary Dwellings:** No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or motor homes.

7-8.6 Special Exception Uses

Special exception uses (SUP) may be recommended for approval to the City Council by the Planning and Zoning Commission under the provisions of Chapter 3 of the Gatesville Code of Ordinances.

SEC. 7-9 Manufactured Home Park (MHP)

7-9.1 Purpose

The purpose of the Manufactured Home Park District is to provide appropriate locations for the orderly development and operation of manufactured home parks while protecting the public health, safety, and general welfare. This district is intended to accommodate long-term and short-term residential and recreational lodging needs in areas served by adequate infrastructure and public services, ensure compatibility with surrounding land uses, and establish uniform standards for site design, density, utilities, access, and amenities. By regulating these uses within a designated zoning district, the City promotes affordable housing and tourism opportunities, minimizes land-use conflicts, preserves community character, and provides clear regulatory

guidance for property owners, operators, and residents.

7-9.2 Permitted Uses

- a. All uses listed in SEC. 7-8.
- b. Manufactured Home, one (1) dwelling per lot.

7-9.3 Accessory Uses

Any use as established in the definition under Sec. 4.2.

- a. Leasing office, Mail Structure, Pool House, Community Gym, Community Activity Structure, Dog Park, and Community Park/Playground are considered secondary uses to the primary use.
- b. Shall be located in the rear portion of the property and meet the building setback lines.
- c. Maximum height is twenty (20) feet.
- d. Pitched roof with a minimum 1:3 design.

7-9.4 Development Regulations

- a. Subdivision may be created for the purpose of subdividing land into residential lots to be sold for the use of Manufactured Homes. Such subdivision shall be of a size of not less than four (4) acres. Subdivision regulations can be found in Chapter 48 of the Gatesville Code of Ordinances.
- b. Height: No building or structure shall exceed one (1) story, nor shall it exceed thirteen (13) feet from ground to tip of roof.
- c. Front Yard: There shall be a front yard of not less than twenty (20) feet.
- d. Interior Side Yard: There shall be a side yard of not less than six (6) feet.
- e. Street Side Yard: There shall be a side yard of not less than ten (10) feet.
- f. Rear Yard: There shall be a rear yard of not less than ten (10) feet.
- g. Lot Area: The minimum area of a lot shall be five thousand (5,000) square feet.
- h. Lot Dimensions: Each lot shall have a minimum width of fifty (50) feet.
- i. Floor Area: There is no minimum floor area.
- j. Fence: Maximum height is eight (8) feet. Any fence constructed, erected or built in the city limits must be constructed of masonry, concrete, wood (except plywood), plastic (prefabricated), vinyl, wrought iron or chain link materials. No fence shall be constructed of corrugated metal, corrugated tin, corrugated fiberglass, fiberglass or metal panels, cattle panels, chicken wire or welded wire mesh of any sort.
 - Any fence located in the front yard and/or side yard facing a street shall have a maximum height of four (4) feet.
 - Sec. 54-102. Certain fences prohibited.

- A fence is required if adjacent to Residential Single-Family and Residential 2-4 Family zoning separating the properties and creating buffer.
- k. Individual space numbering system required and shall be in a conspicuous location, visible from the internal circulation road which abuts the front yard of the manufactured home space.

7-9.5 Standards

- a. Any manufactured home must be installed on a permanent foundation in accordance with the Department of Housing and Community Affairs (TDCA) rules.
- b. Running gear, tongues, axles, and wheels shall be removed from all manufactured homes at the time of installation.
- c. The roof of a manufactured home placed in the city must be predominantly double-pitched and have a minimum rise of three (3) inches for every twelve (12) inches of vertical run (3:12) roof pitch. The roof must be covered with material that is commonly used on site-built single-family dwellings within the city, including but not limited to asphalt composition shingles, fiberglass or architectural metal panels and excluding corrugated aluminum, corrugated fiberglass, or corrugated metal. The roof shall have a minimum eave projection and roof overhang of eight (8) inches.
- d. Exterior siding shall be of a material that is commonly used on site-built single-family dwellings with the city that does not have a high gloss finish. It may include wood, cementitious board, composition, clapboard, conventional vinyl or metal siding, brick, stucco, or similar material, but excludes smooth, ribbed, or corrugated metal or plastic panels.
- e. The perimeter of the crawlspace beneath a manufactured home placed within the city limits shall be skirted, with openings only for crawlspace ventilation, access, and equipment operation. Skirting shall be constructed of brick, masonry, concrete, stucco, or the same material as the siding of the unit.

7-9.6 License

It shall be unlawful for any person to maintain or operate a manufactured home park or within the limits of the city, unless such person shall first obtain a license as issued by the building official of the city. Such license shall be valid for a period not to exceed one (1) year and is subject to renewal upon expiration.

- a. The annual license fee for each manufactured home park shall be as set out in Chapter 18 Fee Schedule for each manufactured home space provided with a minimum charge.
- b. Register of occupants. It shall be the duty of each licensee to maintain a register containing a record of manufactured homeowners/occupants located within the manufactured home parks. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The

register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

7-9.7 Special Requirements

- a. Open / Outside Storage: Open storage is prohibited (except for materials for the resident's personal use or consumption, (i.e., firewood, gardening materials, etc.). Other storage may be kept in premises wholly within a permitted storage structure. Such structure shall comply with all other applicable provisions and regulations provided within this ordinance.
- b. Temporary Dwellings: No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or motor homes.

7-9.8 Special Exception Uses

Special exception uses (SUP) may be recommended for approval to the City Council by the Planning and Zoning Commission under the provisions of Chapter 3 of the Gatesville Code of Ordinances.

SEC. 7-10 Recreational Vehicle Park (RVP)

7-10.1 Purpose

The purpose of the Recreational Vehicle Park District is to provide appropriate locations for the orderly development and operation of recreational vehicle parks while protecting public health, safety, and general welfare. This district is intended to accommodate long-term and short-term residential and recreational lodging needs in areas served by adequate infrastructure and public services, ensure compatibility with surrounding land uses, and establish uniform standards for site design, density, utilities, access, and amenities. By regulating these uses within a designated zoning district, the City promotes affordable housing and tourism opportunities, minimizes land-use conflicts, preserves community character, and provides clear regulatory guidance for property owners, operators, and residents.

7-10.2 Permitted Uses

- c. All uses listed in SEC. 7-9.
- d. Recreational Vehicle, one (1) per lot.

7-10.3 Accessory Uses

Any use as established in the definition under Sec. 4.2.

- e. Leasing office, Laundry Room, Sanitation Facility, Mail Structure, Pool House, Community Gym, Community Activity Structure, Dog Park, and Community Park/Playground are considered secondary uses to the primary use.

- f. Shall be located in the rear portion of the property and meet the building setback lines.
- g. Maximum height is twenty (20) feet.
- h. Pitched roof with a minimum 1:3 design.

7-10.4 Development Standards

- g. Subdivision may be created for the purpose of subdividing land into residential lots to be sold for the use of Recreational Vehicles. Such subdivision shall be of a size of not less than four (4) acres with a maximum of twenty (20) units per acre. Subdivision regulations can be found in Chapter 48 of the Gatesville Code of Ordinances.
- h. Height: No building or structure shall exceed one (1) story, nor shall it exceed fourteen (14) feet from ground to tip of roof.
- i. Lot Area: The minimum area of a lot shall be five thousand (3,000) square feet.
- j. Lot Dimensions: Each lot shall have a minimum width of fifty (50) feet.
- k. Individual space numbering system required and shall be in a conspicuous location, visible from the internal circulation road which abuts the front yard of the manufactured home space.
- l. Utility hookups shall be located such that a ten (10) foot clearance shall be maintained between recreational vehicles when parked.
- m. Each recreational vehicle space provided with electrical service shall be so served through an underground distribution system. The park office and/or service buildings may receive electrical service as provided through overhead facilities.
- n. Each recreational vehicle park shall provide, at minimum, one (1) sanitary disposal site (dump station) which discharge into the city sewage system.
- o. Service Buildings minimum:
 - One (1) flush toilet for women.
 - One (1) flush toilet for men.
 - One (1) lavatory for each sex.
 - One (1) shower and dressing accommodations for each sex, provided in an individual compartment or stall.
 - One (1) washing machine.
 - One (1) slop sink, not less than fourteen (14) inches square and fourteen (14) inches deep.
 - Permanent structures which comply with all applicable laws and ordinances.
 - Shall be located no closer than fifteen (15) feet nor farther than two hundred (200) feet from any recreational vehicle space within the park.

The aforementioned amenities shall accommodate not more than twelve (12) recreational vehicle spaces. For each ten (10) recreational vehicle spaces, one (1) flush toilet, one (1) shower with individual compartments/stall, with one (1) lavatory shall be provided for each six (6), with laundry and slop sink facilities.

- j. Dumpster Enclosure; See 7-5.4 (i).
 - a. A fence is required if adjacent to Residential Single-Family and Residential 2-4 Family zoning separating the properties and creating buffer.

7-10.5 Standards

- a. Shall be registered according to the Texas Department of Motor Vehicles (DMV):
 1. Proof of Ownership
 2. Evidence of Insurance
 3. Registration sticker shall be affixed and visible on the right side of the front window.
 4. License plates shall be current and registered according to the DMV.

7-10.6 License

It shall be unlawful for any person to maintain or operate a recreational vehicle park within the limits of the city, unless such person shall first obtain a license as issued by the building official of the city. Such license shall be valid for a period not to exceed one (1) year and is subject to renewal upon expiration.

- a. The annual license fee for each manufactured home park shall be as set out in Chapter 18 Fee Schedule for each manufactured home space provided with a minimum charge.
- b. Register of occupants. It shall be the duty of each licensee to maintain a register containing a record of recreational vehicle owners/occupants located within the recreational vehicle parks. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

7-10.7 Special Requirements

- a. Open / Outside Storage: Open storage is prohibited (except for materials for the resident's personal use or consumption, (i.e., firewood, gardening materials, etc.). Other storage may be kept in premises wholly within a permitted storage structure. Such structure shall comply with all other applicable provisions and regulations provided within this ordinance.

7-10.8 Special Exception Uses

Special exception uses (SUP) may be recommended for approval to the City Council by the Planning and Zoning Commission under the provisions of Chapter 3 of the Gatesville Code of Ordinances.

SEC. 7-11 Industrial /Commercial Business (BI)

7-11.1 Purpose

The purpose of the Industrial / Commercial Business District is to provide suitable areas for industrial and intensive commercial uses that support the City's economic development while protecting the public health, safety, and general welfare. This district is intended to accommodate manufacturing, warehousing, distribution, processing, and related commercial activities that may involve higher levels of traffic, noise, or operational impacts. By locating these uses in designated areas with appropriate infrastructure, access, and performance standards, the district promotes efficient land use, minimizes conflicts with residential and lower-intensity commercial areas, supports employment opportunities, and ensures orderly, sustainable industrial growth consistent with the City's long-range planning objectives.

7-11.2 Permitted Uses

- a. All uses listed in SEC. 7-10.
- b. Data Center
- c. Arena / Stadium / Event Venue (Private)
- d. Indoor or Outdoor Family Entertainment (i.e., miniature golf, bowling alley, skating rink)
- e. Drive-In Theater
- f. Storage Facilities / Warehouses / Storage Building Sales
- g. Transportation Stations
- h. Travel Center / Truck Stop
- i. Manufacturing / Processing Facilities
- j. Junk Yards / Automobile Wrecking Yards
- k. Refinery
- l. Slaughter Yard
- m. Stockyard
- n. Sexually Oriented Business (See Chapter 32, Article VII)
- o. Laboratory Facilities
- p. Concrete Batch Plant / Rock Quarry (Specific Use Permit Required)
- q. Racetrack (Specific Use Permit Required)
- r. Nursing Home / Assisted Living
- s. Hospital
- t. Prison
- u. Private School / Higher Education / University (Planned Development Required)
- v. Paint Shop
- w. Zoo (Planned Unit Development Required)
- x. Gun Range

- y. Liquor Store
- z. Game Rooms [i.e., Sweepstakes machines, gaming machines, computer games), (Chapter 32, Article IX)]
- aa. Pool Hall
- bb. Other similar uses as approved by City Council.

7-11.3 Accessory Uses

Any use as established in the definition under Sec. 4.2.

- a. All additional structures are considered a secondary use to the main building.
- b. Can be located on any portion of the property but shall meet the building setback lines.
- c. Maximum height is twenty (20) feet.
- d. Pitched roof with a minimum 1:3 design.

7-11.4 Development Regulations

- a. Height: No building or structure shall exceed six (6) stories, nor shall it exceed eighty-four (84) feet.
- b. Front Yard: There shall be a front yard of not less than ten (10) feet.
- c. Interior Side Yard: There shall be a side yard of not less than ten (10) feet when adjoining residential and three (3) feet when adjoining non-residential.
- d. Street Side Yard: There shall be a side yard of not less than twenty (20) feet.
- e. Rear Yard: There shall be a rear yard of not less than twenty (20) feet.
- f. Lot Area: There is no minimum square footage required.
- g. Lot Dimensions: There is no minimum width.
- h. Floor Area: No minimum floor area.
- i. Fence: Maximum height is ten (10) feet. Any fence constructed, erected or built in the city limits must be constructed of masonry, concrete, wood (except plywood), plastic (prefabricated), vinyl, wrought iron or chain link materials. No fence shall be constructed of corrugated metal, corrugated tin, corrugated fiberglass, fiberglass or metal panels, cattle panels, chicken wire or welded wire mesh of any sort.
 - No front yard fencing.
 - A fence is required if adjacent to all Residential, Townhome, Multi-Family, Manufactured Home zoning separating the properties and creating a buffer.
- j. Dumpster Enclosure; See 7-5.4 (i).

7-11.5 Special Requirements

- a. Open / Outside Storage: Open storage is prohibited. Other storage may be kept in premises wholly within a permitted storage structure. Such structure shall comply with all other applicable provisions and regulations provided within this ordinance.

- b. Temporary Dwellings: No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or motor homes.

7-11.6 Special Exception Uses

Special exception uses (SUP) may be recommended for approval to the City Council by the Planning and Zoning Commission under the provisions of Chapter 3 of the Gatesville Code of Ordinances.

SEC. 7-12 Planned Unit Development (PUD)

7-12.1 Purpose

The purpose of the Planned Unit Development (PUD) District is to provide a flexible zoning framework that encourages innovative, high-quality development while ensuring consistency with the City's comprehensive plan and overall land-use objectives. This district is intended to allow a coordinated mix of land uses, site design, and development standards that may vary from conventional zoning requirements in order to promote efficient land use, preservation of natural features, creative design, and compatibility with surrounding development. Through a unified development plan and negotiated standards, the PUD district supports orderly growth, enhances community character, and ensures that public services, infrastructure, and amenities are adequately provided and integrated into the development.

7-12.2 Permitted Uses

The PUD District, when approved as a suffix to a particular zoning district, will allow the development of any combination of uses which are permitted in that district. The PUD District may also be approved by a specific use or uses, or a class of generic uses. A PUD District may have certain variances approved for the overall PUD with the exception of life safety requirements.

7-12.3 Development Regulations

Property may be classified under the PUD District zone either in combination with another zoning district and so designated by the letters PUD affixed to the code letters of the base district, or as a single zoning district. When the PUD designation is affixed to another base district, development may proceed in accordance with the provisions of this section.

When property carries on the PUD designation it shall be considered to be classified in a "holding zone" pending:

- a. Presentation by landowner of specific development proposals consistent with the adopted City Plan
- b. Determination of public action on facilities and services needed to serve the proposed development. Under this circumstance no development may proceed until an accompanying base district classification is established by map amendment to this ordinance.
- c. When the PD designation in combination with any Working Area Zone (s) has gross

- area of at least ten (10) acres the Development Controls of the Working Area Zone (s) shall apply. In addition, special attention shall be given to the external effects of the proposed development on properties generally located in the surrounding area.
- d. When the PD designation in combination with any Living Area Zone(s) has a gross area of at least twenty (20) acres, the Development Controls of the Living Area Zone(s) shall apply only to the total site and to individual blocks within the site; provided that, in lieu of the Bulk Control Standards, the Intensity Factor of the district as shown above shall apply to each district.
 - e. A site plan approved by the City Council shall be a prerequisite to issuance of building permits and certificates of occupancy for any property in the district other than those which are entitled to same by reason of other provisions of this ordinance.
 - f. The site plan shall show all pertinent information necessary to accompany an application for building permit and such other information pertinent to the site and surrounding area as the Commission may require under its Rules of Procedure, including a schedule of proposed improvements both on-site and off-site.
 - g. A request for site plan approval shall follow the same review and hearing procedure as a proposal for zoning district change. A site plan approval request may be heard concurrent with or subsequent to a zoning change request, but not before.
 - h. The Commission may recommend and the Council may require such modification of a site plan as will permit the proposed project to be in harmony with the existing and anticipated development of surrounding areas.
 - i. All site plans approved hereunder may be amended pursuant to the same procedure and subject to the same limitations and requirements by which such plans were originally approved.
 - j. Every application for approval of a site plan under the terms of this district shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the developer, how the development will relate to public services and facilities, and what protection features are included to ensure that the development will be compatible with existing and allowable development on adjacent property. The site plan shall show at least the following items of information.
 1. The land area including within the site, the land area of all abutting sites and the zoning classification thereof, all public and private rights of way and easements bounding and intersecting the site and the abutting sites which are proposed to be continued, created, relocated and/or abandoned;
 2. The proposed finished grade of the site, shown to contour intervals of not to exceed two feet;
 3. A description of the proposed site and the boundaries thereof;
 4. The location of each existing and each proposed structure on the site, the use or uses to be contained therein, the number of stories, gross floor area, and the location of entrances and exits to buildings;
 5. The location of all outside facilities for waste disposal;
 6. The location and width of all curb cuts and driving lanes;
 7. The dimensions and capacities of parking areas and loading areas, and the character and location of illumination facilities for same;
 8. All pedestrian walks, malls and open areas for use by tenants or the

- public;
- 9. The location and height of all walls, fences and screen planting;
- 10. The location, size, heights and orientation of all signs other than signs flat on building facades;
- 11. The types of surfacing, such as paving, turfing or gravel, to be used at the various locations;
- 12. The location of fire hydrants.

SEC. 7-13 Overlay Districts (OD)

7-13.1 Purpose

The purpose of an overlay district applied to commercial zoning is to impose additional or modified development standards that address specific community needs, site conditions, or planning objectives without changing the underlying commercial zoning classification. An overlay district allows the City to protect public health, safety, and welfare; enhance community character; and guide development in targeted areas by regulating elements such as design, access, signage, environmental protection, historic preservation, or land-use compatibility. By layering these supplemental requirements over existing commercial zoning, the overlay district provides flexibility, preserves established commercial uses, and ensures that development aligns with adopted plans, infrastructure capacity, and long-term community goals.

7-13.2 Area

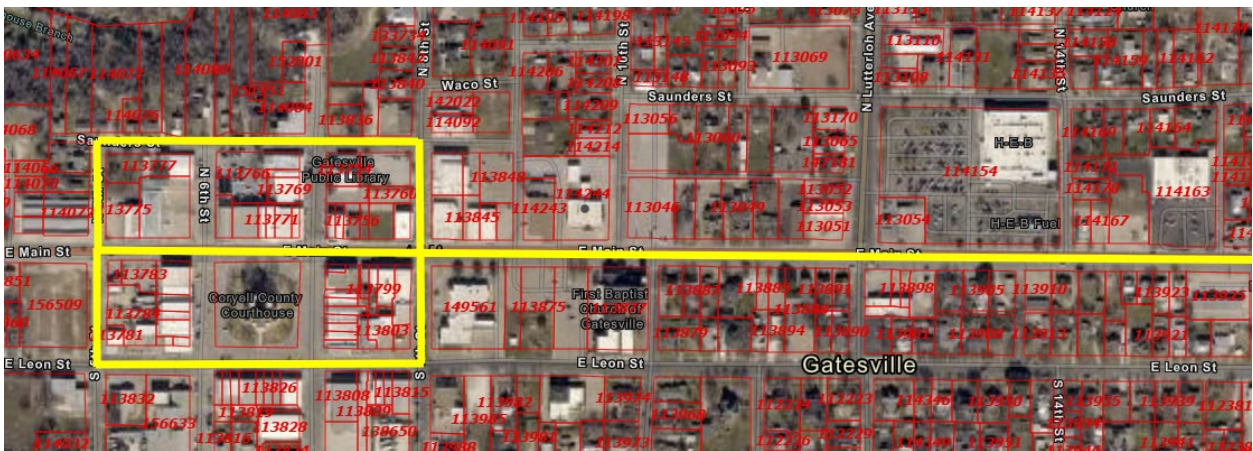
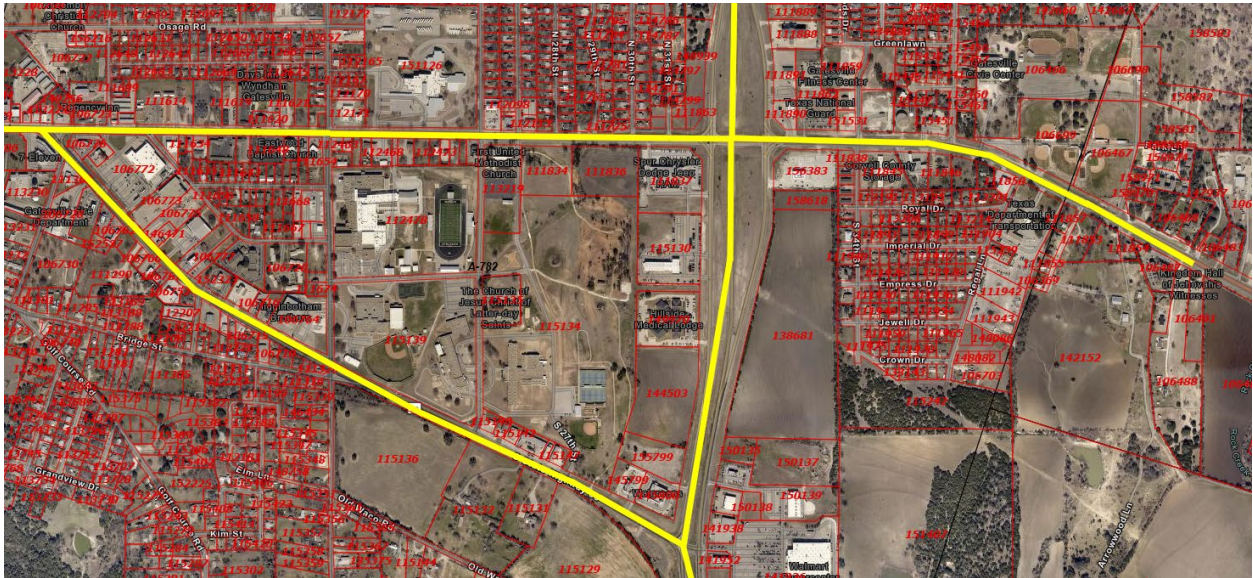
- a. Highway 36 Bypass N heading west on E US Highway 84 (E Main Street) to N 5th Street.
- b. Highway 36 Bypass N heading east on E US Highway 84 to the city limits.
- c. E Main Street heading southeast on S State Highway 36.
- d. E US Highway 84 heading south on Highway 36 Bypass N and continuing along S State Highway 36 to the city limits.
- e. E US Highway 84 heading north on Highway 36 Bypass N to the city limits.
- f. Saunders Street heading south on N 5th Street to E Leon Street, heading east on E Leon Street to S 8th Street, heading north on S 8th Street to Saunders Street, and heading west on Saunders Street to N 5th Street.

7-13.3 Development Regulations

- a. Limit residential use. In the event that residential use ceases, the property shall be restricted to commercial use only.
- b. Exception for residential use:
 - i. Allow for mixed use with residential above the second story or above and only a minimum of 60% of the gross floor area is devoted to non-residential uses. Separate means of egress required for each use.
 - ii. Multi-Family (7-13.2 (b) (d) (e))
 - iii. Subdivision with an entrance (7-13.2 (b) (d) (e))
- c. Boarder landscaping in the area along E Main Street between N 5th Street and N 8th

Street to create a buffer between the street and the business and allow for walkability along E Main Street. This also helps to absorb excess water run off and allows for ornamental lights along the sidewalks.

- d. Area 7-13.2 (f): Maintain historic façade, look and integrity.



ARTICLE VIII. – OFF-STREET PARKING REGULATIONS

SEC. 8-1. Purpose and Intent

The purpose and intent of these regulations are to ensure safety from fire, panic and other dangers; to lessen congestion in the streets and alleys; to facilitate the adequate provision of transportation and circulation; to conserve the value of building and land uses; and to encourage the most appropriate use of land. **To this end in all zoned districts, there shall be provided at the time any use is established or expanded, or any building or structure is erected or structurally altered (except as otherwise provided elsewhere in this section), minimum off-street parking in conformance with the requirements established herein.**

SEC. 8-2. Location of Parking Spaces

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained within three hundred (300) feet of an institutional or other non-residential building served.

SEC. 8-3. Computation of Parking Space Sizes and Parking Areas

In computing the minimum size and area of parking spaces and parking areas, the following rules shall govern:

8-3.1 Parking Space Size

- a. Perpendicular: No parking space shall be less than 9 feet in width by 18 feet in length.
- b. Parallel: No parking space shall be less than 8 feet by 22 feet.
- c. Angled: No parking spaces shall be less than 8 feet by 20 feet with a minimum 60-degree angle.
- d. Compact: No parking spaces shall be less than 8 feet by 16 feet.
- e. **ADA: No parking spaces shall be less than 8 feet wide with adjacent 5-foot access; Van-Accessible shall be a minimum of 11 feet wide.**

SEC. 8-4. Type of Parking Surface Required

All parking and vehicle use areas shall be of all-weather surface material and constructed in accordance with applicable codes. Permeable pavements such as permeable asphalt, concrete or equivalent shall be considered an all-weather surface if it is designed by a licensed engineer experienced in the design of permeable pavement and is installed to industry standards.

SEC. 8-5. Rules for the Computation of the Number of Parking Spaces

8-5.1 Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units,

seating capacity, or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement of new total. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of 25 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

8-5.2 In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

SEC. 8-6. Number of Off-Street Parking Spaces Required

8-6.1 Residential Uses

- a. Single-Family Detached Dwelling: two (2) spaces per dwelling unit exclusive of “in-garage” parking.
- b. Boarding House: One (1) space per bed or individual sleeping room.
- c. Fraternity or Sorority House: One (1) space per bed.
- d. Nursing, Rest or Convalescent Home, Home for the Aged, Senior Citizens Apartment Dwelling, or Other Similar Dwelling or Institution: One (1) space per each three (3) beds or One (1) space per individual sleeping unit, whichever is greater.
- e. Duplex/Tri-plex/Quad-plex: Two spaces per dwelling unit.
- f. Mobile Home Park, Subdivision or Campground: One (1) to five (5) spaces for each transient stand for a mobile home park or campground and for each lot in a mobile home subdivision.
- g. Multi-Family: One (1) space for each 500 square feet of dwelling unit floor area within the building site. Only floor space within a dwelling unit is included for calculation of required off-street parking.

8-6.2 Non-Residential Uses

- a. Schools:
 - i. Elementary: One (1) space for each classroom or teaching station, plus One (1) additional space for each four (4) seats in any auditorium, gymnasium, or other assembly place, whichever is greater.
 - ii. Junior High/Middle School: Same requirements as for elementary schools.
 - iii. High School: One (1) space for each classroom or teaching station, plus One (1) additional space for each three (3) students accommodated in the school.
 - iv. College or University: Same requirements as for high schools.
 - v. Day Care Centers or Kindergarten: One (1) space per each five (5) pupils accommodated, plus sufficient space to accommodate off-street circulation for pickup and delivery of children by auto.
- b. Churches and Places of Worship: One (1) space for each three (3) seats in the main sanctuary or auditorium.
- c. Other Institutions:
 - i. Hospital, General Acute Care: One (1) space per bed, plus 1 space for each four (4) persons employed.
 - ii. Hospital, Chronic Care: One (1) space per each three (3) beds, plus one (1) space for each four (4) persons employed.

- iii. Foster Home: One (1) space per each ten (10) pupils or residents.
- iv. Institutions of Philanthropic Nature: ten (10) spaces plus one (1) space for each employee.
- d. Community Facilities:
 - i. Art Gallery or Museum: One (1) space per each 1,000 square feet of floor area.
 - ii. Library: One (1) space per each 150 square feet of floor area.
 - iii. Community Center (public or private): One (1) space per each 100 square feet of floor area.
 - iv. Meeting Rooms and Places of Public Assembly: One (1) space per each three (3) seats.
 - v. Lodge or Fraternal Organization: One (1) space per each 200 square feet of floor area.
- e. Personal Service and Retail Uses:
 - i. Personal Service Shop or Establishment: One (1) space per each 200 square feet of floor area.
 - ii. Mortuary/Funeral Home: One (1) space per each 50 square feet of floor area in "slumber rooms," parlors, and individual service rooms, or One (1) space per each two (2) seats accommodated in a chapel area, whichever is greater.
 - iii. Furniture Stores and Appliance Stores: One (1) space per each 400 square feet of floor area.
 - iv. Gasoline Service Stations:
 - without a convenience store: Minimum of six (6) spaces;
 - with a convenience store: Minimum of one (1) space for each 200 square feet of floor area;
 - with convenience store and sit down dining area: Minimum of one (1) space for each 200 square feet of retail floor area + the greater of one (1) space per each three (3) seats under the maximum seating arrangement or one (1) space per each 100 square feet of floor area devoted to dining;
 - with convenience store and drive-through restaurant (or other service window): Minimum of one (1) space for each 200 square feet floor area + three (3) stacking spaces per service window.
 - with a self-service car wash added to any of the above combinations, a minimum of three (3) stacking spaces shall be provided. Each stacking space on the site shall be nine feet by twenty-two feet (9' x 22'), shall be located in a sequential arrangement to the service area, and shall not be on any street rights-of-way or common access easement, any necessary maneuvering area for parking spaces, within the general traffic circulation pattern of a parking lot, or in a designated fire lane.
 - v. Retail Stores or Shops: One (1) space per each 200 square feet of floor area.
 - vi. Open (Outdoor) Retail Sales: One (1) space per each 600 square feet of open-site area utilized, exclusive of buildings.
- f. Office, Professional or Financial Uses: For all categories listed under this heading, a minimum of eight (8) spaces shall be provided for the first 1,000 square feet. The following requirements pertain to the remaining square footage:
 - i. Banks, Savings and Loan, or Other Similar Financial Establishments: One (1) space per each 300 square feet of floor area.

- ii. Doctor's Offices and Medical Clinics: One (1) space per each 150 square feet of floor area.
- iii. Veterinarian Offices or Clinics: One (1) space per each 300 square feet of floor area.
- iv. Offices, General: One (1) space per each 300 square feet of floor area.
- v. Dance, Music, Display or Drama Studios: One (1) space per each 200 square feet of floor area.
- vi. Business, Trade or Craft School: One (1) space per each 3 students in attendance at peak time of day.
- vii. For mixed retail and office uses, the parking requirements shall be based on the space allocated for the various uses; and shall use the parking requirements for those uses.
- g. Transient Lodging Uses:
 - i. Hotel, Motel, or Dude Ranch: One (1) space per each room, unit or guest accommodation plus specific requirements for restaurants, cocktail lounges, and related facilities prescribed elsewhere in this section.
 - ii. Seasonal Camp or Cabin: One (1) space per each sleeping unit or cabin.
- h. Eating and Drinking Establishments:
 - i. Restaurant, Cafeteria or Cafe: One (1) space per each three (3) seats under maximum seating arrangement, or One (1) space per each 100 square feet of floor area, whichever is greater.
 - ii. Drive-in Eating and Drinking Establishments: twelve (12) spaces plus one (1) space per each 50 square feet of floor area.
 - iii. Cocktail Lounges, Taverns and Similar Establishments: One (1) space per each 100 square feet of floor area.
- i. Social, Recreation and Entertainment Uses:
 - i. Commercial Amusement Establishments: One (1) space per each 100 square feet of floor area.
 - ii. Bowling Alley: Six (6) spaces per each bowling lane.
 - iii. Private Club or Night Club: One (1) space per each 100 square feet of floor area.
 - iv. Theater: One (1) space per each three (3) seats.
 - v. Country Club: One (1) space per each 100 square feet of floor area, exclusive of locker rooms and bathhouses.
 - vi. Recreation Club or Area, Private: One (1) space per each 100 square feet of floor area.
 - vii. Golf Course: Five (5) spaces per each green.
 - viii. Sports Arena, Stadium or Gymnasium: One (1) space per each three (3) seats or bench seating spaces.
- j. Industrial Uses: One (1) off-street parking space required per 1,000 square feet of under-roof industrial area and one (1) space per each 300 square feet of under-roof office area.

SEC. 8-7. Parking for the Handicapped

All parking shall meet state, federal, and other applicable requirements with respect to parking for the handicapped and reference to Section 1106 of the International Building Code (IBC). Wherever handicapped parking spaces are required, appropriate curb ramps shall be installed.

SEC. 8-8. Parking and Storage of Vehicles

- a. In order to avoid the unsightly visual impact and clutter of indiscriminately parked or stored junked and/or abandoned vehicles so as to promote and maintain a desirable aesthetic appearance of the City, no motor vehicles or trailers of any kind or type without current state license plates, where required, shall be parked or stored on any lot or premises unless compliance with at least one of the following provisions is met:
 - i. Such vehicle(s) or equipment is contained within an enclosed garage or other accessory building.
 - ii. Such vehicle(s) or equipment is adequately screened or separated by substantial distance from view from any adjacent public street, highway or adjacent property, provided such screens, parking or storage area is behind the nearest portion of a principal building to a street or highway.
 - iii. Farm and ranch vehicles and equipment, when used in conjunction with farm and ranch activities conducted on the premises, are not considered applicable to the provisions of this paragraph
- b. Off-street vehicle parking spaces may be located within the required front yard of any retail, office or industrial district; however, such off-street parking spaces shall be on a hard surfaced drive or parking area.

SEC. 8-9. Off-Street Loading

8-9.1. Location of Loading Spaces

Off-street loading spaces shall be provided and maintained for all commercial, office, and industrial uses and structures for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract adjacent thereto. Such spaces may be adjacent to a public alley or private service drive.

8-9.2. Type of Parking Surface Required for Loading Spaces

All parking vehicle use areas used for loading and unloading operations shall be of an all-weather surface material and constructed in accordance with applicable codes.

8-9.3. Spaces Required

At least the following amounts of off-street loading space shall be provided, plus an area or means adequate for ingress and egress. The number of spaces required, except as modified hereafter, shall be not less than the following which shall be deemed to include and apply to all structures:

Gross Floor Area (square feet)	Spaces Required
--------------------------------	-----------------

10,001	up to and including 25,000	1
25,001	up to and including 40,000	2
40,001	up to and including 100,000	3
100,001	up to and including 160,000	4
160,001	up to and including 240,000	5
240,001	up to and including 320,000	6
320,001	up to and including 400,000	7
For each additional 90,000	over 400,000	+1

8-9.4. Special Standards

The following amounts of off-street loading spaces shall be required for the following enumerated use classes in lieu of the above:

- a. Pre-School, Kindergarten or Day Care Center: Two (2) each ten (10) feet by twenty (20) feet.
- b. Tourist Facilities:
- c. One-fourth the number of spaces required above.
- d. Places of Public Assembly:
- e. One-fourth the number of spaces required above.
- f. Office Areas:
- g. One-fourth the number of spaces required above.

8-9.5. Development Standards

- a. No off-street loading facility may be used for sales, repair work, storage, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
- b. No loading space will be located closer than fifty (50) feet to any lot in any residential district.
- c. No parking or loading spaces or vehicle sales areas on private property shall be located in any required landscape or bufferyard areas.

ARTICLE IX. – LIGHTING

SEC. 9-1. Purpose and Intent

The purpose and intent of these regulations are to preserve and enhance the lawful nighttime use and enjoyment of property and protect drivers and pedestrians on nearby travel ways from disabling glare from non-vehicular light sources that shine directly into their eyes and thereby impair safe travel. It is also intended to shield neighboring properties from nuisance glare and trespass resulting from improperly directed or unshielded light sources, preclude or lessen light pollution, and promote efficient design and operations with regard to energy conservation.

SEC. 9-2. Exemptions

The following uses shall be exempt from the requirements of this Ordinance:

- a. Lighting installed on property used for single-family or two-family dwelling.
- b. Lighting such as streetlights and traffic signal devices, installed by a governmental agency for traffic safety control purposes on public rights-of-way or property.
- c. Temporary special effects of holiday lighting.
- d. Lighting which is not subject to this Ordinance by state or federal law.

SEC. 9-3. Lighting Design

- a. Lighting systems, including the placement of luminaires, shall meet the requirements of this Ordinance.
- b. Luminaires on poles over 42 inches in height and exterior wall mounted light fixtures shall be either high-pressured sodium lights or neutral or warm correlated color temperature Light Emitting Diode (LED) lights (temperature equal to or less than 4300 degrees Kelvin) or other lights giving a similar soft lighting effect. The building official may approve alternate lighting if he finds that it:
 - i. provides at least approximate equivalence to the applicable specific requirements of this Ordinance; and
 - ii. is otherwise satisfactory and complies with the intent of this Ordinance.
- c. Fully recessed lights in ceilings of canopies or roof overhangs may be of any type provided the level of illumination does not exceed the limitations specified in SEC. 9-4. hereof. See Appendix Illustration B.
- d. Luminaires causing glare at property line or in vehicle areas on streets or parking lots are prohibited.
- e. Incandescent bulbs may be used as decorative lighting provided the individual lamps do not exceed 25 watts and do not otherwise conflict with this Ordinance.

SEC. 9-4. Illumination

- a. The intensity of illumination projected from one property to another property is determined by the zoning district classification of the neighboring property and shall

not exceed the following intensities, as measured from the property line of the neighboring property:

Zoning of Neighboring Property	Footcandles Horizontal	Footcandles Vertical
AG, R-SF, R-TH, R-2-4	0.2	0.5
R-MF, R-MH, MHP, RVP	0.5	0.5
Nonresidential Districts, Streets	3.0	3.0
Industrial Districts	5.0	5.0

- b. The maximum outdoor computed or measured illumination level on a property shall not exceed 20-foot candles outdoors at any point, except that lighting under canopies (such as service stations) shall not exceed 30-foot candles.

SEC. 9-5. Measurement

- a. Meter required. Lighting levels of outdoor lighting shall be measured in foot candles with a direct reading portable light meter with a color and cosine corrected sensor with multiple scales. The meter shall read within an accuracy of plus or minus five percent. It shall have been tested and calibrated by an independent commercial photometric laboratory or the manufacturer within one year of date of use as attested to by a certificate issued by such laboratory.
- b. Horizontal method of measurement. The meter sensor shall be mounted not more than six inches above ground level in a horizontal position. Readings shall be taken only after the cell has been exposed to provide a constant reading. Measurements shall be made when the meteorological optical range is six miles or further so that measurements will not be adversely affected by atmospheric scatter. Measurements shall be made after dark with the existing questioned light sources on, then with the same sources off. This procedure eliminates the effects of moonlight and other ambient light. The difference between the two readings shall be compared to the footcandle ratings listed in SEC. 9- 4(a) hereof.
- c. Vertical method of measurement. The meter sensor shall be mounted at five feet above ground level in a vertical position, perpendicular to the property line and facing the outdoor lighting in question. Reading shall be taken only after the cell has been exposed to provide constant reading. Measurements shall be made after dark with the existing questioned light sources on, then with the same sources off. This procedure eliminates the effects of moonlight and other ambient light. The difference between the two readings shall be compared to the footcandle ratings listed in SEC. 9- 4(a) hereof.
- d. Computation of illumination. Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of a generally accepted Illuminating Engineering society method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the city. Computations shall be based on new, properly seasoned lamps, new and clean fixtures, and at rated voltage and wattage, with ballasts, lenses, shields, diffusers, and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and manmade objects.

SEC. 9-6. Luminance

- a. Limits. The intensity of luminance projected from one property to another is determined by the zoning district classification of the neighboring property and shall not exceed the following limits:

Zoning of Neighboring Property	Luminance
AG, R-SF, R-TH, R-2-4	0.02
R-MF, R-MH, MHP, RVP	0.05
Nonresidential Districts, Streets	0.30
Industrial Districts	0.50

- b. Calculations generally. Because of the lack of a practical means of measuring fixture luminance in the field, and because of the factors involved in glare, a computational method shall be used, the results of which determine compliance with this section. The point from which luminance calculations shall be made is five feet above ground at the property line of the property adjacent to the property with the outdoor lighting.
- c. Luminance calculations using luminaire photometric data. Luminance shall be computed by the formula:

$$L = \frac{I}{d^2 + h^2}$$

where “I” is the fixture candlepower in candelas in the direction of the point from which the calculations are to be made, “d” is the shortest distance in feet measured horizontally from the property line to a point directly under the luminaire, and “h” is the height of the luminaire above the eye level as explained in Appendix A illustration.

SEC. 9-7. Enforcement

- a. Illumination in excess of limits. If the illumination, as measured, exceeds the limits stated in SEC. 9-4 hereof, the illumination shall be reduced until the illumination is equal to or less than the limits prescribed in SEC. 9-4. This may be accomplished by removal of the light, reduction in the quantity of luminaires, reduction of the wattage of the lamps, shielding the luminaires or aiming of the luminaires.
- b. Luminance in excess of limits. If the luminance of a luminaire, as calculated, exceeds the limitations stated in SEC. 9-6 hereof, the luminance shall be reduced until the luminance is equal to or less than the limits prescribed in SEC. 9-6. This may be accomplished by reduction of the wattage of the lamps, shielding the luminaire or by re-aiming of the luminaires.
- c. Shielding. Fixtures or luminous must be fully shielded. Fully shielded means a light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. Fixture or luminaires shall be aimed in such a manner that the viewer’s eye, five feet above ground at or beyond the property line, shall not be exposed to fixture

luminance within the floodlight beam of the luminaire. If such luminaires cannot be aimed they shall be shielded such that the light source is effectively concealed from view from the neighboring property. Shielding may be accomplished by louvers, baffles, visors, or shields placed on the luminaires, or by plantings, fences, berms, elevation, or any other method such that the limitations of SEC. 9-6 hereof are met. Shielding techniques shall be indicated on the lighting plan and approved by the City prior to the issuance of a permit.

SEC. 9-8. Plans and Submittals

- a. Lighting plans submitted for review and approval for concept plans, site plans, and building permits shall include a schematic lay-out of all proposed exterior fixture locations, foot candle data, and a plot demonstrating intensities and uniformities within the limitations established in this Ordinance.
- b. When requested by the building official, the applicant shall submit a visual impact photometric plan that demonstrates both light coverage and light spillage resulting from the proposed lighting plan and the provision for adequate measures to mitigate nuisance from light pollution and disabling glare both on the uses or development site and on adjacent properties.
- c. Should any outdoor light fixture or the type of light source be changed after receiving approval pursuant to this Ordinance, the owner shall submit a change request to the building official for his approval, together with adequate information to assure compliance with this Ordinance.

ARTICLE X. – LANDSCAPING

SEC. 10-1. Purpose and Intent

The purpose of this ordinance is to establish certain regulations pertaining to landscaping within the City of Gatesville. These regulations provide standards and criteria for new landscaping and the retention of existing trees, which are intended to:

- a. Promote the value of property, enhance the welfare, and improve the physical appearance of the city;
- b. Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and unvegetated surfaces within the urban environment; and
- c. Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, abatement of noise, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the city:
 - i. Except as stated in section 10-7, landscaping for single-family, manufactured home subdivision and two-family residential uses, this article establishes landscaping requirements only in zoning districts R-MF, NBC, BC, MHP, RVP, and BI and all specific uses that specify that the requirements of this article be met. Single-family, manufactured home subdivision and two-family residential uses shall be required to conform to the requirements of section 10-7, only.

SEC. 10-2. Events requiring compliance.

Land uses not previously subject to landscaping requirements shall be required to comply with this article upon issuance of a building permit satisfying the conditions established by the following:

- a. Remodeling, alterations or additions for which a site plan is required under the terms of this zoning chapter; or
- b. Remodeling or alterations taking place within a 12-month period the total value of which exceeds 25 percent of the valuation of property improvements (excluding land value) as shown on the current county tax rolls.

SEC. 10-3. Landscaping.

Landscape installation is required as follows:

- a. Landscaping of twenty (20) percent of the total lot shall be required, unless credits are obtained by additional plantings as set forth in section 10-5. Landscaping, which includes the planting new and the retention of existing shrubs, trees, and flowering plants in excess of the minimum standards established in this article, may not reduce the landscape requirements to less than ten (10) percent of the total lot area.

- b. Where the construction is to be a single phase or multi-phase development, only the area being constructed in the current phase shall be required to comply with the landscape regulations. However, each phase will be required to meet the landscaping requirements as it is being developed.
- c. The use of native and adapted, drought-tolerant plants is encouraged to meet requirements of this article.
- d. Artificial plants or artificial turf are expressly prohibited.
- e. An irrigation system must be provided with all landscape plans for nonresidential development. Irrigation plans shall comply with the design standards set forth by the state commission on environmental quality, in 30 Texas Administrative Code chapter 344, Landscape Irrigation.
- f. The term "ornamental tree" shall be defined as a single-or multi-trunk tree with a maximum height of approximately 30 feet and maximum crown diameter of approximately 30 feet, and a minimum height of approximately 20 feet and minimum crown diameter of approximately 15 feet.
- g. A minimum of 20 percent of total lot area must be devoted to landscaping. Grass, groundcover, trees, shrubs, flowering and nonflowering plants, stonework, and water features may all be used as components of required landscaping in conjunction with the following minimum planting standards:
 - i. Grass and/or groundcovers shall not be allowed to comprise over 90 percent of any required landscape area.
 - ii. The credits listed in section 10-5 shall be used to calculate the area occupied by a tree or shrub. Trees and shrubs used to comply with minimum landscape requirements shall not be credited towards area reduction requirements set forth in section 10-5.
- h. Grasses shall be installed by laying sod. Spreading grass seed or use of hydromulch is expressly prohibited.
- i. Alternative landscaping methods in accordance with SEC. 10-13 may be used in lieu of live plant material unless otherwise required by this Article.

SEC. 10-4. Location criteria.

- a. Not less than 40 percent of the total landscaping shall be located in the designated front yard.
- b. In the BI (business industrial) district only the front yard 40 percent of the total 20 percent shall be required. The rear and side yard landscape requirements may be waived upon submittal of a landscape plan showing other requirements.

- c. All landscape material shall comply with visibility requirements as stated in Sec. 36-79.

SEC. 10-5. Credits for landscape area reduction.

Required landscape area may be reduced to less than the 20 percent specified by section 10-3. The application of credits shall not reduce the required landscape area to less than ten percent of the total lot area. Reduction of area may be achieved by planting additional trees, shrubs, and flowering plants. Area reduction credits may be granted in the following manner:

Additional enhancement credit:

- a. Three-inch tree, planted or saved, (trunk diameter measured 12 inches above grade): 200 sq. ft.
- b. Six-inch tree, planted or saved, (trunk diameter measured 12 inches above grade): 400 sq. ft.
- c. One shrub, less than five gallons: ten sq. ft.
- d. One shrub, five gallons or greater: 25 sq. ft.
- e. For each one square foot of drought tolerant area: two sq. ft.
 - i. Total landscaping on a lot shall not be reduced through credits by more than 50 percent of the landscaped area required.
 - ii. Drought tolerant area and methodology shall be clearly located and detailed on the site plan.
 - iii. Area reduction credit, based on tree size, shall be granted for all saved trees regardless of species.
 - iv. Unless otherwise approved by the planning director, area reduction credit for newly planted trees shall only be granted for the following:

Canopy Trees

Bald cypress	Bigtooth maple	Bur Oak	Caddo maple
Chinese pistache	Lacebark elm	Osage orange	Pecan
Shumard oak	Southern live oak	Southern magnolia	Texas red oak

Ornamental Trees

Afghan pine	Crape myrtle	Dogwood	Eastern red cedar
Eve’s necklace	Flowering crabapple	Forest pansy redbud	Little gem magnolia
Japanese maple	Mexican plum	Oklahoma redbud	Ornamental pear
Western soapberry			

SEC. 10-6. Installation and maintenance.

Article X – Landscaping

Page 4 of 10

- a. All required landscaped area shall be permanently landscaped with living plant material and shall have either an irrigation system installed or shall be accessible to a hose bib, faucet, or other water source on the same lot or tract. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements.
- b. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants, not a part of the landscaping.
- c. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.
- d. Plant materials which die shall be replaced with plant material of similar variety size within 90 days, with a one-time extension not exceeding 90 days being provided upon approval of the director of development services or their designee.

SEC. 10-7. Landscaping for single-family, manufactured homes, and two-four family residential uses.

The landscaping requirements set forth in this article shall apply to R-SF, R-TH, R-2-4, R-MH residential districts.

- a. Lots shall have a minimum landscaping requirement of one canopy tree located in any required front yard.
- b. Required canopy trees shall be a minimum of three-caliper inches.
- c. Existing trees of equal or greater size within the front yard area may be counted toward this requirement.
- d. In cases when the applicant can show that required trees cannot reasonably be placed on the lot due to size, configuration or amenities, the director of development services or their designee may reduce the required number of trees to a number that can reasonably be accommodated on the subject lot.
- e. Grasses shall be installed by laying sod. Spreading grass seed or use of hydromulch is expressly prohibited.

SEC. 10-8. Landscaping of parking lots.

It is the purpose of this section to require incorporation of landscaping into the design and construction of parking areas while maintaining standards necessary for safe parking and maneuvering space. Within parking lots, landscaping shall be provided as follows:

- a. New trees from the approved tree list contained in section 10-5.
- b. Unless otherwise approved by the director of development services, trees planted

to satisfy parking lot landscape requirements shall be chosen from the species specified by section 10-5.

- c. Existing, on-site trees of any species that are of six inches minimum caliper, measured 12 inches above grade may be counted towards landscaping requirements established for parking lots.
- d. An irrigation system must be provided with all landscape plans. Irrigation plans shall comply with the design standards set forth by the state commission on environmental quality, in 30 Texas Administrative Code chapter 344, Landscape Irrigation.
- e. Landscaping adjacent to public rights-of-way:
 - i. A five-foot landscaped strip shall be provided adjacent to all public and private rights-of-way on lots with an area greater than one acre, but less than five acres.
 - ii. A ten-foot landscaped strip shall be provided adjacent to all public and private rights-of-way on lots with an area greater than five acres.
 - iii. Within landscaped strips adjacent to rights-of-way, landscaping shall be required as follows:
 - 1. One canopy tree or two ornamental trees, for each 60 linear feet of frontage, at a minimum three-inch caliper.
 - 2. An average density of one, five-gallon evergreen shrub for each five linear feet of frontage provided, however, that any landscaping materials that will be located within ten feet of any public right-of-way shall not, at ultimate growth, exceed 30 inches in height above street grade unless otherwise permitted by the city. Shrubs may be grouped to provide variety in design.
 - 3. A landscaped berm may be provided in lieu of required shrubs. The berm must be an average height of three feet, but in no case less than 18 inches, above the average grade of the street and parking lot curbs and must be planted with evergreen groundcover and/or shrubs to provide full plant coverage of the berm surface area. A variation in height of the berm is encouraged. Shrubs may be grouped to provide variety in design. The combined height of the berm and ultimate height of plant materials shall not exceed 30 inches in height from street grade in any area that is within ten feet of a public right-of-way.
- f. Parking lot interior.
 - i. Developments with an area less than five acres shall be designed with a maximum of 20 parking spaces between landscape islands. Parking aisles of 20

or more spaces in length shall terminate in landscape islands.

- ii. Developments with an area five acres or greater shall provide one 62 sq. ft. landscaped island for each 12 parking spaces.
- iii. Within parking lot interiors, landscaping shall be provided as follows:
 1. One canopy tree or one ornamental tree at a minimum three inches in caliper.
 2. Grass, evergreen groundcover or shrubs to a maximum ultimate height of 30 inches from parking lot grade, of a type that will provide full coverage of the landscape island shall be provided. Planted area shall be exclusive of the area within 18-inch radius from each required tree.
 3. Areas that are not covered with live plant materials shall be permanently maintained with natural mulch materials such as hard wood, pine bark, or other typical mulch materials.
- iv. Exception: accessible parking. The design and location of accessible parking spaces shall comply with the State of Texas Architectural Barriers Act. A landscape island may be omitted at an aisle termination for the purpose of providing required access to accessible parking spaces.
- v. Landscape material which is located within the interior of a parking lot shall not create a visibility obstruction. A visibility obstruction within a parking lot is defined as landscaping between 24 inches in height and seven feet in height. No shrubs shall exceed 24 inches in height. Tree canopies shall be at least seven feet in height.
- vi. For large existing trees located in the parking area, which are being retained and incorporated into the landscaping plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.
- vii. For each landscaped island of at least ten feet by 20 feet located within a parking lot, credit for four parking spaces will be provided. Credit for parking spaces cannot reduce the overall parking requirement by more than ten percent or to less than ten total spaces.

SEC. 10-9. Nonconforming uses and/or structures.

All uses that were in existence at the time of the adoption of this article, which do not meet the landscape requirements, will be considered legal nonconforming.

SEC. 10-10. Landscaping of developed sites.

- a. When the owners of structures on sites that do not comply with the landscape

requirements of sections 10-3 through 10-7 are, under the terms of section 10-2, required to provide landscaping, the minimum standards in this section shall apply.

- b. A minimum of ten percent of total lot area must be devoted to landscaping. Grass, groundcover, trees, shrubs, flowering and nonflowering plants, stonework, and water features may all be used as components of required landscaping in conjunction with the following minimum planting standards:
 - i. Grass and/or groundcovers shall not be allowed to comprise over 90 percent of any required landscaped area. Grass shall be installed by laying sod. Spreading grass seed or use of hydromulch is expressly prohibited.
 - ii. The credits listed in section 10-5 shall be used to calculate the area occupied by a tree, or shrub. Trees and shrubs used to comply with minimum landscape requirements shall not be credited toward area reduction requirements set forth in section 10-5.
 - iii. No additional area reduction credits shall be allowed for landscape required under the terms of section 10-9.

SEC. 10-11. Modification of landscape requirements.

The director of development services or a designee may approve minor variations in the location of required landscape materials due to unusual topographic constraints, setting requirements, preservation of existing stands of native trees or similar conditions, or maintain consistency of established front yard setbacks. These minor changes may vary the location of required landscape materials but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted to the director of development services or a designee and shall specify the modifications requested and present a justification for such modifications.

SEC. 10-12. Relief from landscaping requirements.

The planning and zoning commission and city council may, upon completion of the following, grant relief from landscaping requirements in situations where the individual circumstances, such as the presence of existing facilities or unusual topography, limit the applicant's ability to comply with the landscaping requirements:

- a. Application for relief from landscaping requirements may be made by any property owner, or other person having a proprietary interest in the property for which relief is requested.
- b. Applications for relief from landscaping requirements shall be made in writing and shall specify the property conditions or considerations that make the requested relief necessary.
- c. Applications for relief from landscaping requirements shall include a proposed landscape plan, drawn to scale, illustrating the area available for landscaping and

specifying proposed plantings by size, type and location. The proposed plan shall indicate the means by which irrigation will be provided and provide a phasing schedule for completion of the plan.

- d. Application for relief from landscaping requirements shall be accompanied by an application fee as currently established or as hereafter adopted by ordinance of the city council from time to time.
- e. Applications for relief from landscaping requirements shall be presented to the planning and zoning commission. Applications for relief shall not require a public hearing. The planning and zoning commission, after considering a proposed plan, may recommend that it be approved as presented, approved with modification, or denied.
- f. Following consideration by the planning and zoning commission, a proposed landscape plan shall be forwarded to the city council with the commission's recommendation. The city council shall act to approve a plan, as presented, approve it with modifications, or deny approval.
- g. City council's action regarding a proposed landscape plan shall be documented as follows:
 - i. If approved, the director of development services shall sign two copies of the approved plan. One copy shall be returned to the applicant. The second copy shall be retained by the city.
 - ii. If approved with modification, the applicant shall amend the plan to reflect the required modifications. The applicant shall return two copies of the amended plan to the city within 14 calendar days of the city council's action to approve the plan with modifications. The director of development services shall sign two copies of the amended plan. One copy shall be returned to the applicant. The second copy shall be retained by the city.
 - iii. If disapproved, the city manager shall sign two copies of the plan that have been marked as being disapproved. A letter prepared by the director of development services, stating the reasons for disapproval, shall be attached to each signed plan. One copy of the plan shall be returned to the applicant. The second copy shall be retained by the city.

SEC. 10-12. Landscaping abutting R-SF, R-2-4, R-TH, and R-MH districts.

- a. Landscape buffer of 20 feet will be required along any property line abutting a R-SF, R-2-4, R-TH, and R-MH residential district.
- b. Not less than 20 percent of the gross site area shall be devoted to open space, including required yards and buffer areas. Open space shall not include areas covered by structures, parking areas, driveways, and internal streets.

- c. Landscaping consisting of the planting of new or retention of existing shrubs, trees, and flowering plants shall be placed in the yard facing any public roadway.
- d. Method of irrigation must be indicated on the site plan.
- e. All landscaping shall be permanently maintained. Should any plant material used in any landscaping required under this article die, the owner of the property shall have 90 days after notification from the city to obtain and install suitable replacement plant material. Landscaped area shall be kept free of trash, litter, weeds and other material or plants, not a part of the landscaping.
- f. An irrigation system must be provided with all landscape plans. Irrigation plans shall comply with the design standards set forth by the state commission on environmental quality, in 30 Texas Administrative Code chapter 344, Landscape Irrigation.

SEC. 10-13. Alternate Landscaping (Zero Landscape / Xeriscape)

This section is intended to allow flexibility in landscape design, promote water conservation, and reduce maintenance demands, while maintaining the aesthetic quality and environmental intent of this Article.

- a. The following materials may be used to satisfy all or a portion of required landscaping:
 - i. Crushed granite
 - ii. Decomposed granite
 - iii. Decorative gravel or stone
 - iv. River Rock
 - v. Mulch (organic or inorganic)
 - vi. Flagstone, pavers, or permeable hardscape
- b. Applicability
 - i. Alternative landscaping may be used in lieu of live plant material for all properties subject to this Article, except where specifically restricted.
 - ii. This section does not eliminate tree preservation requirements or any required buffering unless expressly approved.
- c. Design Standards
 - i. Full Coverage Required. All landscaped areas must be completely covered; exposed soil is prohibited.
 - ii. Weed Barrier. A weed barrier or equivalent ground cover shall be installed beneath crushed granite or similar materials.
 - iii. Containment. Materials shall be contained by permanent edging (metal, concrete, stone, or similar) to prevent migration.
 - iv. Maintenance. Property owners shall maintain:
 - 1. A weed-free condition

2. Even distribution of materials
 3. Clean and orderly appearance
 - v. Drainage. Installation shall not:
 1. Block natural drainage
 2. Cause runoff onto adjacent properties or public rights-of-way
- d. Percentage Allowance
 - i. Zero landscape may constitute up to 100 percent (100%) of required landscaped areas.
 - ii. The City may require live plant material as part of:
 1. Buffer yards
 2. Screening requirements
 3. Specific use permits
 4. Planned developments
- e. Prohibited Materials
 - i. Broken concrete, asphalt, or construction debris
 - ii. Materials that create dust, erosion, or safety hazards
 - iii. Junk, scrap, or waste materials