
TABLE OF CONTENTS

ARTICLE 1. GENERAL PROVISIONS

<u>Section</u>	<u>Page</u>
1.1 Enacting Clause	1-1
1.2 Purpose	1-1
1.3 Zoning District Map	1-1
1.4 Zoning District Boundaries	1-2
1.5 Compliance Required	1-3
1.6 Zoning Upon Annexation	1-3
1.7 Reserved	1-3
1.8 Complete Application Procedures	1-4
1.8.1 Completeness Determination	1-4
1.8.2 Incompleteness as Grounds for Denial	1-4
1.8.3 Pre-application Conference	1-4
1.8.4 Responsible Official	1-4
1.8.5 When Deemed Complete	1-4
1.8.6 Time for Completing Application	1-4
1.8.7 Sequence of Application	1-4
1.8.8 Vested Rights	1-5
1.8.9 Official Filing Date	1-5
1.9 Determination of Vested Rights	1-5
1.9.1 Vested Rights Petition	1-5
1.9.2 Petition Requirements	1-6
1.9.3 Processing of Petition and Decision	1-7
1.9.4 Action of Petition and Order	1-7
1.9.5 Criteria for Approval	1-8
1.9.6 Application Following Relief Order	1-9
1.9.7 Expiration	1-9

ARTICLE 2. ZONING PROCEDURES & ADMINISTRATION

2.1 Planning and Zoning Commission	2-1
2.1.1 General	2-1
2.1.2 Created; Membership; Officers	2.1
2.1.3 Quorum; Voting	2.1
2.1.4 Meetings	2-1
2.1.5 Powers and Duties	2-2
2.1.6 Procedure on Zoning Hearings	2-2

2.2 Zoning Board of Adjustments	2-3
2.2.1 Creation	2-3
2.2.2 Members and Terms of Office	2-3
2.2.3 Authority of Board	2-3
2.2.4 Appeals	2-4
2.2.5 Special Exceptions	2-5
2.2.6 Variances	2-6
2.2.7 Expiration Date for Nonconforming Uses	2-6
2.2.8 Reinstatement of Nonconforming Uses	2-7
2.2.9 Expansion of Nonconforming Uses	2-7
2.2.10 Changing from a Nonconforming Use to Another Nonconforming Use	2-8
2.2.11 Procedures	2-8
2.3 Changes, Amendments and Administrative Procedures for all Zoning Ordinances and Districts	2-9
2.3.1 Declaration of Policy and Review Criteria	2-10
2.3.2 Authority to Amend Ordinance	2-10
2.3.3 Application	2-11
2.3.4 Processing	2-11
2.3.5 Public Hearing and Notice	2-11
2.3.6 Failure to Appear	2-11
2.3.7 Planning and Zoning Commission Consideration and Report	2-12
2.3.8 Planning and Zoning Commission Recommendation to Deny	2-12
2.3.9 City Council Consideration	2-12
2.3.10 Joint Public Hearings	2-13
2.3.11 Procedure for Newly Annexed Land	2-14
2.3.12 Overlay Zoning District Procedures	2-14
2.4 Certificates of Occupancy and Compliance	2-15
2.4.1 Certificates of Occupancy	2-15
2.4.2 Procedure for New or Altered Buildings	2-15
2.4.3 Procedure for Vacant Land or a Change in Building Use	2-15
2.4.4 Contents	2-15
2.4.5 <i>Reserved</i>	2-16
2.4.6 Posting	2-16
2.4.7 Revocation	2-16
2.5 Nonconforming Uses and Structures	2-17
2.5.1 Intent of Provisions	2-17
2.5.2 Nonconforming Status	2-17
2.5.3 Continuing Lawful Use of Land and Structures	2-17
2.5.4 Abandonment of Nonconforming Uses	2-18
2.5.5 Changing Nonconforming Uses	2-18
2.5.6 Expansion of Nonconforming Uses and Structures	2-18
2.5.7 Restoration of Nonconforming Structures	2-19
2.5.8 Right to Proceed Preserved	2-19
2.6 Site Plan Review	2-20
2.6.1 Site Plan Review	2-20
2.6.2 Approval Process	2-23
2.6.3 Revisions to the Approved Site Plan	2-25

ARTICLE 3. ZONING DISTRICTS

3.1 Zoning Districts Established	3-1
3.2 RR – Rural Residential District	3-2
3.2.1 Purpose	3-2
3.2.2 Authorized Uses	3-2
3.2.3 District Development Standards	3-2
3.3 SF-E – Single-Family Residential District – Estate	3-4
3.3.1 Purpose	3-4
3.3.2 Authorized Uses	3-4
3.3.3 District Development Standards	3-4
3.4 SF-22 – Single-Family Residential District - 22,000	3-6
3.4.1 Purpose	3-6
3.4.2 Authorized Uses	3-6
3.4.3 District Development Standards	3-6
3.5 SF-15 – Single-Family Residential District- 15,000	3-8
3.5.1 Purpose	3-8
3.5.2 Authorized Uses	3-8
3.5.3 District Development Standards	3-8
3.6 SF-10 – Single-Family Residential District - 10,000	3-10
3.6.1 Purpose	3-10
3.6.2 Authorized Uses	3-10
3.6.3 District Development Standards	3-10
3.7 SF-8.5 – Single-Family Residential District - 8,500	3-12
3.7.1 Purpose	3-12
3.7.2 Authorized Uses	3-12
3.7.3 District Development Standards	3-12
3.8 SF-7 – Single Family Residential District- 7,000	3-14
3.8.1 Purpose	3-14
3.8.2 Authorized Uses	3-14
3.8.3 District Development Standards	3-14
3.9 TH – Single-Family Attached Residential District	3-16
3.9.1 Purpose	3-16
3.9.2 Authorized Uses	3-16
3.9.3 District Development Standards	3-16

3.10 MF – Multiple-Family Residential District	3-18
3.10.1 Purpose	3-18
3.10.2 Authorized Uses	3-18
3.10.3 District Development Standards	3-18
3.11 NS – Neighborhood Service District	3-21
3.11.1 Purpose	3-21
3.11.2 Authorized Uses	3-21
3.11.3 District Development Standards	3-21
3.12 LR – Local Retail District	3-23
3.12.1 Purpose	3-23
3.12.2 Authorized Uses	3-23
3.12.3 District Development Standards	3-23
3.13 OT – Old Town District	3-25
3.13.1 Purpose	3-25
3.13.2 Authorized Uses	3-25
3.13.3 Sub-Districts Created	3-25
3.13.4 Criteria for Approval	3-25
3.13.5 District Development Standards (all sub-districts)	3-26
3.13.6 Old Town Square Sub-district	3-26
3.13.7 Old Town Corridor Sub-district	3-29
3.13.8 Old Town Residential Sub-district	3-31
3.14 UT – Uptown Overlay District	3-33
3.14.1 Purpose	3-33
3.14.2 Authorized Uses and Applicability	3-33
3.14.3 General Building and Site Orientation	3-33
3.14.4 Yard Requirements	3-33
3.14.5 Parking Lot Location and Screening Requirements	3-34
3.14.6 Lighting Standards	3-34
3.14.7 Street and Parking Area Fixtures	3-34
3.14.8 Signs	3-34
3.14.9 Flood Plain	3-35
3.14.10 Utilities	3-35
3.15 CC – Campus Commercial	3-36
3.15.1 Purpose	3-36
3.15.2 Authorized Uses	3-36
3.15.3 District Development Standards	3-36
3.16 C – Commercial District	3-38
3.16.1 Purpose	3-38
3.16.2 Authorized Uses	3-38
3.16.3 District Development Standards	3-38
3.17 IP – Industrial Park District	3-40
3.17.1 Purpose	3-40

3.17.2	Authorized Uses	3-40
3.17.3	District Development Standards	3-40
3.18	1 – Industrial District	3-42
3.18.1	Purpose	3-42
3.18.2	Authorized Uses	3-42
3.18.3	District Development Standards	3-42
3.19	PD – Planned Development District	3-44
3.19.1	Purpose	3-44
3.19.2	Nature of District and Minimum Standards	3-44
3.19.3	Plans Required	3-45
3.19.4	Pre-Application Conference	3-46
3.19.5	Compliance with Approved Plans	3-46
3.19.6	Establishment of District and Concept Plan	3-46
3.19.7	Development Plans	3-50
3.19.8	PD Site Plans	3-53
3.19.9	Amendment of Plans	3-57
3.20.10	Lapse of Approval in PD Districts	3-57
3.19.11	Effect on Prior PD Districts	3-59
3.19.12	Planned Development Combining District	3-60
3.20	CUP – Conditional Use Permit	3-64
3.20.1	Purpose	3-64
3.20.2	Status of Conditionally Permitted Uses	3-64
3.20.3	Application for Conditional Use Permit	3-64
3.20.4	Procedure for Conditional Use Permit	3-65
3.20.5	Standards	3-65
3.20.6	Expiration and Termination of Conditional Use Permits	3-67
3.20.7	Amendment	3-67
3.20.8	Other Regulations	3-67
3.20.9	Use Regulations	3-67
3.20.10	Effects on Special Uses	3-67
3.20.11	Change in Status of Permitted Use	3-68
3.21	HP – High Pointe Overlay District	3-70
3.21.2	Purpose	3-70
3.21.2	Uses and Development Standards	3-70
3.21.3	Additional Landscaping, Screening and Buffering Standards Incorporated	3-70
3.22	<i>Reserved</i>	3-71
3.23	<i>Reserved</i>	3-72
3.24	<i>Reserved</i>	3-73
3.25	<i>Reserved</i>	3-74

ARTICLE 4. USE REGULATIONS

4.1.1 Use Regulations

4.1.2 Use Charts (Tables)

4.1.3 Accessory Buildings and Accessory Uses

4.1.4 Alcoholic Beverage Requirements

4.1.5 Home Based Business Regulations

- 4.1.6 Retail Businesses: Specialty or Novelty Items**
- 4.1.7 Sexually Oriented Businesses**
- 4.1.8 Wind-Powered Generators (Personal)**
- 4.1.9 Audio Recording Studio Retreat**
- 4.1.10 Solar Panel Systems**
- 4.1.11 Credit Access Business**
- 4.1.12 Drive-Through Facility**
- 4.1.13 Liquor Store**
- 4.1.14 Variety Stores**
- 4.1.15 Distribution Centers and Fulfillment Centers**

ARTICLE 5. DEVELOPMENT STANDARDS 5-1

5.1 Off-Street Parking and Loading Requirements 5-1

- 5.1.1 Purpose 5-1
- 5.1.2 Residential Districts – Special Off-Street Parking Provisions 5-1
- 5.1.3 Nonresidential and MF Districts – Special Off-Street Parking Provisions 5-1
- 5.1.4 Off-Street Loading Space - All Districts 5-3
- 5.1.5 Parking Access From a Public Street - All Districts 5-5
- 5.1.6 Schedule of Parking Space Requirements 5-5
- 5.1.7 Rules for Computing Number of Parking Spaces 5-6
- 5.1.8 Location of Parking Spaces 5-7
- 5.1.9 Use of Required Parking Spaces, Nonresidential Districts 5-7
- 5.1.10 Fire Lanes 5-8

5.2 Landscape Requirements 5-9

- 5.2.1 Purpose 5-9
- 5.2.2 General Provisions 5-9
- 5.2.3 Utilization of Existing Plants 5-10
- 5.2.4 Nonresidential and Multiple-Family Uses 5-10
- 5.2.5 Residential Uses 5-12
- 5.2.6 Maintenance 5-13

5.3 Fencing, Walls and Screening Requirements 5-14

- 5.3.1 Purpose 5-14
- 5.3.2 Land Uses 5-14
- 5.3.3 Outdoor Storage 5-14
- 5.3.4 Refuse Storage Areas 5-15
- 5.3.5 Loading Docks, Service Areas 5-16
- 5.3.6 Garage Bays 5-17
- 5.3.7 Ground and wall-mounted mechanical equipment 5-17
- 5.3.8 Fencing on property when screening is not required 5-17

5.4 Supplemental Regulations 5-19

- 5.4.1 Setbacks and Lot Configuration 5-19

5.4.2	Front Yard	5-19
5.4.3	Side Yards	5-20
5.4.4	Special Height Regulations	5-20
5.4.5.1	Telecommunications Facilities	5-20
5.4.5.2	Broadcast Towers and Antennas	5-23
5.4.6	Regulations Applicable to All Towers and Antenna	5-25
5.4.7	Sight Visibility	5-28
5.4.8	Nonresidential Uses in Residential Zoning Districts	5-29
5.4.9	Certain Large Domestic Animals Allowed within Specific Districts	5-29
5.4.10	Veterinarian Use with Non-Residential Districts	5-29
5.5	Performance Standards	5-30
5.5.1	Purpose	5-30
5.5.2	Observation	5-30
5.5.3	Noise	5-30
5.5.4	Smoke and Particulate Matter	5-33
5.5.5	Odorous Matter	5-34
5.5.6	Fire or Explosive Hazard Material	5-34
5.5.7	Toxic and Noxious Matter	5-34
5.5.8	Vibration	5-34
5.6	Lighting and Glare Standards	5-35
5.6.1	Purpose	5-35
5.6.2	Nonresidential Site Lighting and Glare Standards	5-35
5.6.3	Residential Lighting and Glare Standards	5-35
5.6.4	Luminaries	5-36
5.6.5	Special or Temporary Lighting - Low Wattage	5-36
5.7	Building Design Standards	5-37
5.7.1	Purpose	5-37
5.7.2	Applicability	5-37
5.7.3	Exterior Building Materials	5-37
5.7.4	Wall Articulation	5-39
5.7.5	Transparency	5-41
5.7.6	Building Colors	5-41
5.7.7	Architectural Features in the Uptown Overlay	5-41
5.7.8	Roof Line Variations	5-42
5.7.9	Rooftop Equipment	5-42
5.7.10	Accessory Buildings	5-42
5.7.11	Temporary Construction and Storage	5-42
5.7.12	Alternative Exterior Building Materials and Design	5-43
5.8	Definitions	5-44
 ARTICLE 6. PENALTIES AND NONCONFORMITIES		
6.1	Effect of Interpretation	6-1
6.2	Preserving Rights in Pending Litigation and Violations Under Existing	6-1
6.3	Penalty for Violations	6-1
6.4	Validity	6-2

APPENDICES

A	Retained Planned Development Districts	
B	Repealed Planned Development Districts & Planned Development Combining Districts	
C	Repealed Zoning Districts Authorizing Special Uses	
D	High Pointe Overlay and Special Conditions	
E	Approved Plant List	

ILLUSTRATIONS

1	Reserved	I-1
2	Off-Street Maneuvering for Loading Area	I-1
3	Front Yard Where Zoning Changes in a Block	I-1
4	Method of Measuring Carport Setback	I-2
5	Double Frontage Lots	I-2
6	Lot Width	I-3
7	Lot Area and Depth	I-3
8	Yards	I-3
9	Corner Lot	I-4
10	Parking Place Layout	
	A 60° Layout with Two-Way Traffic	I-5
	B 45° Layout with Two-Way Traffic	I-5
	C 60° Layout with One-Way Traffic	I-6
	D 45° Layout with One-Way Traffic	I-6
	E 90° Layout	I-6
11	Waste Container Design	
	A Typical Waste Container Screening Gate	I-7
	B Typical Waste Container Vehicle Approach	I-8
	C Typical Waste Container Pad Design	I-8
12	Fence and Sight Requirements-Side Lots	I-9
13	Landscape Requirements Example	I-10
14	Perimeter Landscape Requirement	I-11

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.1 ENACTING CLAUSE

THAT THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AS PASSED AND APPROVED ON THE 11TH DAY OF JANUARY, 1977, TOGETHER WITH ALL AMENDMENTS THERETO IS HEREBY AMENDED AND REPLACED IN ITS ENTIRETY TO READ AS FOLLOWS:

SECTION 1.2 PURPOSE

The zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare of the City. They have been designed to protect and preserve places and areas of historical, cultural or architectural importance and significance in the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

SECTION 1.3 ZONING DISTRICT MAP

The boundaries of zoning districts set out herein are delineated upon a zoning district map of the city, adopted as part of this ordinance as fully as if the same were set forth herein in detail.

One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as Ordinance number 2001-64. This copy shall be the official Zoning District Map and shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.

A copy of the original Zoning District Map shall be placed in the office of the Planning and Zoning Director. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may be made of the official Zoning District Map or this copy.

SECTION 1.4 ZONING DISTRICT BOUNDARIES

The district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated, as following railroad lines shall be construed to be midway between the right-of-way lines.
- E. Boundaries indicated as following the centerline of all creeks, streams or drainage-ways shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline.
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the official zoning maps shall be determined by the scale of the map.
- G. Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- H. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
- I. Where physical features on the ground are at variance with information shown on the official zoning district map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections A through H, the property shall be considered as classified, "RR" Rural Residential, in the same manner as provided for newly annexed territory.
- J. Zoning changes, which are still valid, made between January 11, 1977 and the dates of passage of this ordinance are indicated in approximate locations on the Zoning District Map. For exact legal descriptions, refer to adopting ordinances for each particular zoning change.

SECTION 1.5 COMPLIANCE REQUIRED

All land, buildings, structures or appurtenances thereon located within the City of Cedar Hill, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as per Section 6.3.1 of this ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise. No building permit will be issued or no occupancy or construction of any project shall commence, until the land area for the building or project is permanently zoned for the intended use(s).

It shall be a violation of this Ordinance to engage in any use of land which is prohibited by State law or which operates in excess of State or National environmental or pollution standards as determined by the U.S. Environmental Protection Agency, Texas Air Control Board, Texas State Department of Health, or The Texas Natural Resource Conservation Commission, as the case may be.

No new uses shall be established on any land parcel unless the property is platted in accordance with the platting and subdivision regulations and standards of the City.

SECTION 1.6 ZONING UPON ANNEXATION

All territory hereinafter annexed to the City of Cedar Hill shall be classified as "RR" Rural Residential (see Section 2.3.10) until other zoning is established as deemed appropriate by the City. The procedure for establishing zoning for annexed territory shall conform to the procedure set forth in Section 2.3 of this Ordinance.

- 1.6.1** Following annexation, the Planning and Zoning Director shall schedule public hearings to zone the recently annexed land.
- 1.6.2** In an area classified as "RR" Rural Residential, no construction or use of land shall commence other than a permit which will allow the construction of a building or use permitted in the "RR" District, unless and until such area has been classified in a zoning district for which the proposed use is permitted, by the City Council in the manner prescribed by Section 2.3.
- 1.6.3** No application for a building permit or approval of a site plan shall be submitted until permanent zoning has been established by the City in accordance with Section 2.3 of this Ordinance.

SECTION 1.7 RESERVED

SECTION 1.8 COMPLETE APPLICATION PROCEDURES

(Ord. No. 05-250, § 1, 08-30-05)

- 1.8.1** *Completeness Determination.* Every application for a zoning permit authorized by this Zoning Ordinance shall be subject to a determination of completeness by the official responsible for processing the application. No application shall be accepted by the responsible official for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this Unified Development Code.
- 1.8.2** *Incompleteness as Grounds for Denial.* The processing of an application by any City official or employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing, and the incompleteness of the application shall be grounds for denial or revocation of the application. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Zoning Ordinance.
- 1.8.3** *Pre-application Conference.* A property owner may request a pre-application conference with the administrator for purposes of identifying requirements that are applicable to a zoning permit. The request shall be made in writing on a form prepared by the administrator and shall state that any proposed development concept discussed at the pre-application conference is not intended as a plan of development or application for zoning permit approval.
- 1.8.4** *Responsible Official.* A determination of completeness shall be made by the official responsible for processing the application in writing not later than the tenth business day after the date the application is submitted to the official. The determination shall specify the documents or other information needed to complete the application and shall state the date the application will expire if the documents or other information is not provided.
- 1.8.5** *When Deemed Complete.* An initial permit application that is filed on or after April 28, 2005, or any subsequent application filed after approval of such initial zoning permit, shall be deemed complete on the 11th business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete.
- 1.8.6** *Time for Completing Application.* If an application is not completed on or before the 45th day after the application is submitted to the official responsible for processing the application in accordance with the official's written notification, the application will be deemed to have expired and it will be returned to the applicant together with any accompanying documents.
- 1.8.7** *Sequence of Applications.* Notwithstanding any other provision of this Zoning Ordinance to the contrary, an application for a zoning permit, or an application to the Board of Adjustment for a variance or special exception, shall not be considered

complete unless accompanied by a copy of the zoning ordinance or other certification verifying that the proposed use for which the application is submitted is authorized by the zoning district in which the property is located. No application for a building permit shall be considered complete unless accompanied by an approved site plan or other zoning permit that applies standards to the property required by this ordinance.

1.8.8 *Vested Rights.* For purposes of determining a vested rights petition pursuant to Section 1.9, no vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete initial application that is subsequently denied.

1.8.9 *Official Filing Date.* The time period established by state law or this Zoning Ordinance for processing or deciding an application shall commence on the date that a complete application has been accepted for filing, which date shall be deemed the official filing date.

(Ord. No. 05-250, § 1, 08-30-05)

1.9 DETERMINATION OF VESTED RIGHTS

(Ord. No. 05-250, § 2, 08-30-05)

1.9.1 *Vested Rights Petition*

- (A) *Purpose.* The purpose of a vested rights petition is to determine whether one or more standards of this Zoning Ordinance should not be applied to a zoning permit application by operation of state law, or whether certain permits are subject to expiration.
- (B) *Definition.* For purposes of this section 1.8, the term “zoning permit” means any of the following types of applications, authorized pursuant to Ordinance No. 2001-64, as amended: conditional use permits and associated site plans; in Planned Development Districts, development plans or site plans, site plans for overlay zoning districts; landscaping plans or site plans; building permits; or certificates of occupancy.
- (C) *Applicability.* A vested rights petition may be filed with an application for a zoning permit. A vested rights petition may not be filed with a request to amend the text of the Zoning Regulations or the zoning map, or with a request for approval of a special use permit.
- (D) *Effect.* Upon granting of a vested rights petition in whole or in part, the zoning permit application shall be decided in accordance with the standards specified in the relief order based on prior ordinance requirements or development standards.

1.9.2 Petition Requirements.

- (A) *Who May Petition.* A vested rights petition may be filed by a property owner or the owner's authorized agents, including the applicant, with any zoning permit application.
- (B) *Form of Petition.* The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the zoning permit application under Texas Local Government Code, Chapter 245 or successor statute, or pursuant to Texas Local Government Code, Section 43.002 or successor statute, that requires the City to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:
 - (1) A narrative description of the grounds for the petition;
 - (2) A copy of each approved or pending zoning permit or other development application which is the basis for the contention that the City may not apply current standards to the zoning permit application which is the subject of the petition;
 - (3) The date of submittal of the application for the permit, or of a development plan pursuant to which the permit was subsequently filed, if different from the official filing date.
 - (4) The date the project for which the application for the zoning permit was submitted was commenced.
 - (5) Identification of all standards otherwise applicable to the zoning permit application from which relief is sought;
- (6) Identification of the standards which the petitioner contends apply to the zoning permit application;
 - (7) Identification of any current standards which petitioner agrees can be applied to the zoning permit application at issue;
 - (8) A narrative description of how the application of current standards affect proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, lot coverage or building size shown on the development application for which the petition is filed;
 - (9) A copy of any prior vested rights determination involving the same land; and
- (C) *Time for Filing Petition.* A vested rights petition shall be filed with a zoning permit application for which a vested right is claimed. Where

more than one zoning permit application is authorized to be filed by this Zoning Ordinance, the petition may be filed simultaneously for each application.

1.9.3 Processing of Petition and Decision

- (A) *Responsible Official.* The official responsible for processing the zoning permit application shall process the vested rights petition. A copy of the petition shall be forwarded to the City Attorney following acceptance.
- (B) *Official's Decision.* If the responsible official is the decision maker on the zoning permit application, the official shall determine whether the relief requested in the vested rights petition should be granted in whole or in part, and shall formulate a written report summarizing the official's reasoning and setting forth the decision on the petition, which shall be delivered to the applicant within ten (10) days of the date the vested rights petition is accepted for filing.
- (C) *Decision by Commission on Petition.* If the zoning permit application is to be decided by the Planning and Zoning Commission, the planning director shall submit a report in the form of a recommendation to the decision maker. The Commission shall render a decision on the vested rights petition in conjunction with its decision on the zoning permit application.
- (D) *Appeal of Decision on Petition.* The petitioner or any interested person may appeal the responsible official's or the Commission's decision on the vested rights petition within ten (10) working days of the date of such decision to the City Council. An appeal under this subsection stays acceptance of filing of any related development applications.
- (E) *Decision by City Council.* Where the City Council is the final decision maker on the zoning permit application, or upon appeal, the City Council shall decide the vested rights petition. The request must be accompanied by a waiver of the time for decision on the application imposed under this Zoning Ordinance pending decision by the Council, which shall stay further proceedings on the application. The Council shall decide the petition, after considering the responsible official's report and any decision by the Planning and Zoning Commission with its decision on the zoning permit application or within thirty (30) calendar days of receipt of the responsible official's report, or the notice of appeal, whichever is later.

1.9.4 Action on Petition and Order

- (A) *Action on the Petition.* The decision-maker on the vested rights petition may take any of the following actions:

- (1) Deny the relief requested in the petition, and direct that the zoning permit application shall be reviewed and decided under currently applicable standards;
 - (2) Grant the relief requested in the petition, and direct that the zoning permit application shall be reviewed and decided in accordance with the standards contained in identified prior regulations; or
 - (3) Grant the relief requested in part, and direct that certain identified current standards shall be applied to the zoning permit application, while standards contained in identified prior regulations also shall be applied; or
 - (4) For petitions filed pursuant to Section 28-13, determine whether the zoning permit(s) should be terminated, or specify the expiration date or the conditions of expiration for such permit(s).
- (B) *Order on Petition.* The responsible official's report and each decision on the vested rights petition shall be memorialized in an order identifying the following:
- (1) The nature of the relief granted, if any;
 - (2) The approved or filed zoning permit or other development application(s) upon which relief is premised under the petition;
 - (3) Current standards which shall apply to the zoning permit application for which relief is sought;
 - (4) Prior standards which shall apply to the zoning permit application for which relief is sought, including any procedural standards;
 - (5) The statutory exception or other grounds upon which relief is denied in whole or in part on the petition.

1.9.5 *Criteria for Approval*

- (A) *Factors.* The decision-maker shall decide the vested rights petition based upon the following factors:
- (1) The nature and extent of prior zoning permit or other development applications filed or approved for the land subject to the petition;
 - (2) Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
 - (3) Whether any prior approved applications for the property have expired or have been terminated in accordance with law;

- (4) Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, lot coverage or building size based upon the proposed development application;
 - (5) Whether any statutory exception applies to the standards in the current Zoning Regulations from which the applicant seeks relief;
 - (6) Whether any prior approved zoning permit or other development applications relied upon by the petitioner have expired;
- (B) *Conditions.* If the claim of vested rights under a petition is based upon a pending zoning or other development application subject to standards that have been superseded by current standards under this Zoning Ordinance, the decision maker may condition any relief granted on the petition on the approval of the application under such prior standards.

1.9.6 *Application Following Relief Order*

Following the City's final decision on the vested rights petition, the property owner shall conform the zoning permit application for which relief is sought to such decision. If the zoning permit application on file is consistent with the relief granted on the vested rights petition, no revisions are necessary. Where proceedings have been stayed on the zoning permit application pending referral of the vested rights petition to the City Council, proceedings on the application shall resume after the Council's decision on the vested rights petition.

1.9.7 *Expiration.* Relief granted on a vested rights petition shall expire on occurrence of one of the following events:

- (A) The petitioner or property owner fails to submit a required revised zoning permit application consistent with the relief granted within thirty (30) days of the final decision on the petition;
- (B) The zoning permit application for which relief was granted on the vested rights petition is denied under the criteria made applicable through the relief granted on the petition; or
- (C) The zoning permit application for which relief was granted on the vested rights petition expires.

(Ord. No. 05-250, § 2, 08-30-05)

ARTICLE 2. ZONING PROCEDURES & ADMINISTRATION

SECTION 2.1 PLANNING AND ZONING COMMISSION (P&Z)

2.1.1 General:

The Planning and Zoning Commission shall function according to Article III Planning and Zoning Commission, Section 16-41—16-43, in the Cedar Hill Code of Ordinances, which establishes membership and operating procedures. The powers and duties of the Planning and Zoning Commission are further defined in Section 2.3 of this ordinance and in Chapter 16 in the City's Code of Ordinances.

2.1.2 Created; Membership; Officers

There is hereby created, in accordance with Subchapter 211.007 of Vernon's Texas Local Government Code and the City Charter, a Planning and Zoning Commission which shall consist of seven (7) citizens from the City of Cedar Hill. Members shall be appointed by the mayor, subject to confirmation by the City Council. The City Council shall select replacements for the Planning and Zoning Commission members whose terms have expired. Vacancies and unexpired terms shall be appointed by the Council for the remainder of the term. Members of the Commission may be removed from office by the City Council after public hearing and for cause set forth in writing. All members shall serve without compensation. All members shall serve in accordance with Article III Planning and Zoning Commission, Section 16-41—16-43, in the Cedar Hill Code of Ordinances pertaining to attendance and tenure requirements. The Planning and Zoning Director shall keep minutes of all meetings held by the Planning and Zoning Commission and full record of all recommendations to be made by the Planning and Zoning Commission to the City Council. A Chairman and Vice-Chairman shall be elected by the Planning and Zoning Commission from its membership.

2.1.3 Quorum; Voting:

Four members of the Planning and Zoning Commission shall constitute a quorum, and all members, including the presiding chairman, shall have the right of one vote each, a quorum being present. All actions by the Planning and Zoning Commission shall be by a majority vote of those members present and an affirmative vote of four (4) members shall be necessary for the passage of any recommendation to the City Council. If any member has a conflict of interest in review of any item on the Commission's agenda, he or she shall remove themselves from the room and refrain from voting only on the item for which a conflict exists.

2.1.4 Meetings:

The Planning and Zoning Commission shall meet at such times in the Council Chambers at the City Hall or other specified locations as may be designated by the Chairman or Vice Chairman in the absence of the Chairman, and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month. But in the case that no agenda item is submitted for the Commission to review no meeting shall be required.

2.1.5 Powers and Duties:

The Planning and Zoning Commission shall be an advisory body to the City Council and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of the plats of subdivisions as may be submitted to it for review and other planning related matters. The Planning and Zoning Commission shall conduct an annual review of the City's Comprehensive Plan and be prepared to make such recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with the needs and uses of the City. The Planning and Zoning Commission shall serve in an advisory capacity on any planning related item(s) in the City.

2.1.6 Procedure On Zoning Hearings:

The procedure and process for zoning changes and/or amendments shall be in accordance with Section 2.3 of this ordinance.

SECTION 2.2 ZONING BOARD OF ADJUSTMENTS (ZBA)

2.2.1 Creation

There is hereby created a Zoning Board of Adjustments to be composed of five (5) members who shall be residents and qualified voters of the City of Cedar Hill and shall serve without compensation.

2.2.2 Members and Terms of Office

The Zoning Board of Adjustments shall consist of five (5) regular members who shall be appointed by the City Council. The members shall serve for a period of two (2) years or until their successors are duly appointed and qualified. The City Council shall provide for the appointment of up to two (2) alternate board members to serve in the absence of the regular members as requested by the City Manager. The Council shall select replacements for the Zoning Board of Adjustment members whose terms have expired. All members will be appointed by a majority vote of the City Council. Members may be removed by a majority vote of the members of the City Council, for cause on a written charge after a public hearing. Board members may be appointed to succeed themselves. An alternate member, as appointed by the City Council, may fill a vacancy for the unexpired term of a member whose term becomes vacant. Any member absent from three (3) regular consecutive meetings shall be deemed to have vacated such office unless such absences were due to sickness of the member or the member's family with leave being first obtained from the Chairman or City Manager.

All meetings of the Board shall be open to the public. Four (4) members of the Board shall constitute a quorum for the conduct of business. All cases to be heard by the Zoning Board of Adjustments will always be heard by a minimum number of four (4) members. The members of the Board shall regularly attend meetings and public hearings of the Board and shall serve without compensation.

2.2.3 Authority of Board

- (a) The Zoning Board of Adjustments shall have the authority, subject to the standards established in Sections 211.008 to 211.011 of the Texas Local Government Code and those established herein, to exercise the following powers and perform the following duties:
 - (1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter;
 - (2) Hear and decide special exceptions as authorized by this Section;
 - (3) Authorize in specific cases a variance to regulations as authorized by this Section if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the regulation would result in unnecessary hardship, and so that the spirit of this Chapter is observed and substantial justice is done;
 - (4) Establish an expiration date for a nonconforming use, reinstate a nonconforming use, authorize the expansion of a nonconforming use or a change from one nonconforming use to another nonconforming use.

- (b) In exercising its authority under this Section, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official.
- (c) The concurring vote of four (4) members of the Board is necessary to:
 - (1) Reverse an order, requirement, decision, or determination of an administrative official;
 - (2) Decide in favor of an applicant on a matter on which the Board is required to review under this zoning ordinance; or
 - (3) Authorize a variance or special exception as permitted by this Section.
- (d) The Board shall have no power to:
 - (1) grant a variance authorizing a use other than those permitted in the district with the exception of a change from one nonconforming use to another nonconforming use;
 - (2) grant or modify conditional use authorizations as described in this Chapter;
 - (3) grant a zoning amendment; or
 - (4) take any action not specifically authorized by this Chapter or state law.

2.2.4 Appeals

- (a) An appeal may be taken from the decision of an administrative official in the enforcement of this Chapter by an applicant for the permit on which the decision is rendered, by any person or persons directly aggrieved by the decision or by any officer, department, board or office of the municipality affected by the decision.
- (b) The appellant must file with the Board and the official against whom the appeal is taken a written notice of appeal specifying the grounds for the appeal within fifteen (15) days after the administrative official's decision has been rendered. The officer to whom the appeal is made shall forthwith transmit to the Board all papers constituting the record of the action that is appealed.
- (c) An appeal shall not authorize the denied activity and stays the appellant from proceeding in furtherance of the appeal unless the official from whom the appeal is taken certified in writing to the Board that facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.
- (d) The appellant party may appear at the appeal hearing in person or by agent or attorney.
- (e) The Board shall hear the appeal within forty-five (45) days after it is filed and continue such hearing from time to time as is reasonably necessary. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order,

requirement, decision or determination from which an appeal is taken, and make the correct order, requirement, decision, or determination.

2.2.5 Special Exceptions

The Zoning Board of Adjustments may grant a special exception to the following development standards subject to the associated criteria enumerated in this Subsection if the Board finds it will not be detrimental to the public health, safety or welfare, or injurious to other property within the area.

- (a) Off-Street parking – Authorization of a reduction in the number of off-street parking spaces required by this Chapter if the Board finds that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. The maximum reduction authorized shall be in accordance with the following land uses:
 - (1) Commercial amusement (indoor) – Seventy-five (75) percent of the required number of parking spaces or provide one space, whichever is greater.
 - (2) Industrial/manufacturing – Seventy-five (75) percent of the required number of parking spaces or provide one space, whichever is greater.
 - (3) Office – Thirty-five (35) percent of the required number of parking spaces or provide one space, whichever is greater.
 - (4) All other uses – Twenty-five (25) percent of the required number of parking spaces or provide one space, whichever is greater.
- (b) Minimum yard requirements for main buildings – Limited to a maximum encroachment of two (2) feet due to a field, survey, or construction error.
- (c) Minimum lot area, lot width and lot depth – Limited to buildable parcels that became nonconforming as a result of zoning, platting, property acquisition, or roadway or utility construction initiated by the city, state, county or federal government:
- (d) Alternative surface to concrete paving – Authorization of an alternative surface to concrete paving subject to the following conditions:
 - (1) If the surface is utilized in areas for required parking or required access for emergency vehicles, then it shall be of a type that can be striped or marked and be structurally designed to support the load of an emergency vehicle.
 - (2) The surface shall be contained in a manner so that it does not create additional drainage runoff of sediments or similar debris.
 - (3) Surfaces that emit heat shall include landscape islands consistent with the requirements for concrete parking lots.
 - (4) A schedule for the maintenance of the surface.
 - (5) Historic utilization of materials compatible with the surrounding area if the property is located within the Old Town District.
- (e) Garage requirements or placement, on property 10 acres or larger, if the primary

structure's adjacency to other uses will not impact vehicle storage on or near right-of-way.

- (f) Accessory buildings – Authorization to exceed the maximum allowed floor area subject to the following conditions:
 - (1) The cumulative floor area of the accessory buildings does not exceed the floor area of the main building(s).
 - (2) The accessory buildings are constructed of the same materials as the main building(s) or are visually obstructed from adjoining property and existing and future rights-of-way.

2.2.6 Variances

- (a) The zoning board of adjustments may grant a variance to the front yard setback, side yard setback, rear yard setback, lot width, lot depth, lot coverage, height, off-street parking or off-street loading, screening of garage bays and mechanical equipment, or landscape regulations.
- (b) In order to grant a variance, the zoning board of adjustments shall find that an unnecessary hardship exists utilizing each of the following criteria:
 - (1) That literal enforcement of the regulation will create practical difficulty in the development of the affected property;
 - (2) That the situation is not self-imposed, self-created, nor based solely on economic gain or loss to the applicant;
 - (3) That the relief sought neither affects all or most property in the same zoning district nor injures the permitted use of adjacent conforming property;
 - (4) That the granting of a variance will be in harmony with the spirit and purpose of this chapter; and
 - (5) That the granting of the variance will not be detrimental to the public health, safety or welfare.
- (c) In order to grant a variance for a structure, the zoning board of adjustments may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure would result in unnecessary hardship:
 - (1) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
 - (2) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 - (3) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - (4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(5) The municipality considers the structure to be a nonconforming structure.

- (d) The applicant bears the burden of proof in establishing the facts justifying the variance.”

2.2.7 Expiration Date for Nonconforming Uses

- (a) The City Council may request that the Zoning Board of Adjustments consider establishing an expiration date for a nonconforming use. Upon receiving such a request, the Board shall hold a public hearing. Based upon the evidence presented at the public hearing, the Board shall consider each of the following factors in determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:

- (1) The character of the surrounding neighborhood.
- (2) The degree of incompatibility of the use with the zoning district in which it is located.
- (3) The manner in which the use is being conducted.
- (4) The hours of operation of the use.
- (5) The extent to which continued operation of the use may threaten public health or safety.
- (6) The environmental impacts of the use’s operation, including but not limited to the impacts of noise, glare, dust, and odor.
- (7) The extent to which public disturbances may be created or perpetuated by continued operation of the use.
- (8) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
- (9) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

- (b) If the Board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner’s actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. The following factors must be considered by the Board in determining a reasonable amortization period:

- (1) The owner’s capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
- (2) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.
- (3) Any return on investment since inception of the use, including net income and depreciation.

- (4) The anticipated annual recovery of investment, including net income and depreciation.

(Ord. No. 2023-777)

2.2.8 Reinstatement of Nonconforming Uses

The Zoning Board of Adjustments may reinstate a nonconforming use that has been abandoned as described in this Chapter if it finds that:

- (a) another use has not been established on the property;
- (b) the owner proves there was no clear intent to abandon the use;
- (c) it does not prolong the life of the nonconforming use; and
- (d) will not have an adverse effect on the surrounding area.

2.2.9 Expansion of Nonconforming Uses

The Board may authorize the expansion of a nonconforming use if it finds that the nonconforming use:

- (a) is limited to a maximum of ten (10) percent of the gross floor area of the interior or exterior to the structure where the nonconforming use is occupied, a maximum of ten (10) percent of the impervious coverage on the property where the nonconforming use is occupied, or a maximum of ten (10) percent of any other area designated for the nonconforming use;
- (b) does not increase the number of residential units as a result of the expansion of a nonconforming use;
- (c) does not prolong the life of the nonconforming use;
- (d) would have been permitted under the zoning regulations that existed when the current use was originally established by right; and
- (e) will not have an adverse effect on the surrounding area.

2.2.10 Changing from a Nonconforming Use to Another Nonconforming Use

The Board may authorize a change from one nonconforming use to another nonconforming use if it finds that the change to a new use:

- (a) does not prolong the life of the nonconforming use;
- (b) would have been permitted under the zoning regulations that existed when the current use was originally established by right;
- (c) is similar in nature to the current use; and
- (d) will not have an adverse effect on the surrounding area.

2.2.11 Procedures

- (a) Application and Fee – An application for consideration by the Board of Adjustment

shall be in writing using forms provided by the City accompanied by a fee.

- (b) Notice and Hearing – The Zoning Board of Adjustment shall hold public hearings on all applications no later than 45 days after the date the application is filed. Notice of public hearings shall be provided to all property owners within two hundred (200) feet of the affected property at least ten (10) days prior to the public hearing and also published in the official local newspaper at least ten (10) days prior to the public hearing.
- (c) Judicial Review – Any person or persons, jointly or severally, aggrieved by a decision of the Board of Adjustment, or any taxpayer, the city, or any officer, department, or Board of the City may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality, as stated in Section 211.011 of the Texas Local Government Code. Such petition must be presented within ten (10) days after the date the decision is filed in the Planning and Zoning office.

SECTION 2.3 CHANGES, AMENDMENTS AND ADMINISTRATION PROCEDURES FOR ALL ZONING ORDINANCES AND DISTRICTS

2.3.1 Declaration of Policy and Review Criteria:

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 error 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.
- E. To make changes in order to implement policies within the Comprehensive Plan.

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

- F. 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.
- G. 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.
- H. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances, which may make a substantial part of such vacant land unavailable for development.
- I. 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.
- J. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- K. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

2.3.2 Authority to Amend Ordinance:

The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided and amend the Zoning Ordinance text, zoning district classifications, or the boundaries of the zoning districts specified on the Zoning Map. Any Ordinance regulations or

Zoning District boundary amendment may be ordered for consideration by the City Council, be initiated by the Planning and Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property.

Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Planning and Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the City records are different, the applicant shall submit proof of ownership.

No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Cedar Hill, 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 shall 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.

2.3.3 Application

Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on an application form available at the City, filed with the City and shall be accompanied by payment of the appropriate fee as established by the City Council. Processing fees charged for the subdivision of land for the City of Cedar Hill, Texas are set in Article 20-5 of the City of Cedar Hill Code of Ordinances, as may be amended. (Ord No 06-276, § 1, 01-10-06)

2.3.4 Processing Fee (Ord No 06-276, § 1, 01-10-06) (Ord. No. 08-345, § 1, 01-08-08)

In order to defray administrative costs, each application made with the City of Cedar Hill requested a change, amendment or variance to the zoning ordinance shall be accompanied by the following mandatory fee:

Zoning change	\$500.00 plus \$5.00 per acre
Appeal of P&Z Zoning Recommendation	\$250.00 plus 2.50 per acre
Planned Development District	\$1000.00 plus \$5.00 per acre
Planned Development Amendment	\$1000.00 plus \$5.00 per acre
Planned Development – Development Plan	\$300.00 plus \$5.00 per acre
Planned Development – Site Plan	\$300.00 plus \$5.00 per acre
Conditional Use Permit	\$500.00 plus \$5.00 per acre
Alcoholic Beverage Site Plan District	\$500.00
Zoning Board of Adjustment	\$125.00 for residential property \$250.00 for non-residential property

Zoning Verification Letter	\$50.00
Site Plan	\$250.00 plus \$10.00 per acre
Public Hearing Signage	\$50.00 refundable upon return of sign

2.3.5 Public Hearing and Notice (Ord No 06-276, § 1, 01-10-06)

- A. For zoning/rezoning requests involving real property, the Planning and Zoning Commission shall hold at least one public hearing on each zoning application, as per applicable State law (Texas Local Government Code Chapter 211, as may be amended). For proposed changes to zoning district boundaries (including rezoning requests), notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing. Written notice of the public hearing to occur before the Planning and Zoning Commission shall also be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States mail.
- B. For requests involving proposed changes to the text of the Zoning Ordinance, notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing. Changes in the Ordinance text which do not change zoning district boundaries, or which do not involve specific real property, do not require written notification to individual property owners.
- C. The City may, at its option, establish additional rules and procedures for public notification of proposed zoning changes or development proposals (such as site plans, plats, developer agreements, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change and/or development by the applicant or its agent(s). Adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

2.3.6 Failure to Appear (Ord No 06-276, § 1, 01-10-06)

Failure of the applicant or his representative to appear before the Planning and Zoning Commission or City Council for more than one hearing without an approved delay by the Planning and Zoning Administrator shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application.

2.3.7 Planning and Zoning Commission Consideration and Report (Ord No 06-276, § 1, 01-10-06)

The Planning and Zoning Commission shall function in accordance with both Chapter 16, Article III of the City of Cedar Hill Code of Ordinances and Section 7 of this ordinance. The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Planning and Zoning Commission may defer its report for not more than ninety (90) days from the time it is posted on the agenda or until it has had an opportunity to consider other proposed changes which may have a direct bearing thereon unless a postponement is requested by the applicant. If the Planning and Zoning Commission has not acted, the request shall be sent to the City Council as a recommendation to deny.

2.3.8 Planning and Zoning Commission Recommendation to Deny (Ord No 06-276, § 1, 01-10-06)

If the Planning and Zoning Commission recommends denial of the zoning change request, it shall offer reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Commission, at its discretion, may recommend to the City Council the zoning change request be denied with prejudice. The Planning and Zoning Chairman shall inform the applicant of the right to receive reasons for the denial.

2.3.9 City Council Consideration (Ord No 06-276, § 1, 01-10-06) (Ord. No. 08-345, § 2, 01-08-08)**A. Applications Forwarded from the Planning and Zoning Commission to the City Council -**

- 1) Every application or proposal which is recommended for approval (or approval with conditions) by the Planning and Zoning Commission shall be automatically forwarded (along with the Commission's favorable recommendation) to the City Council for setting and holding of public hearing thereon. The City Council may then approve the request, approve it with conditions, or disapprove it by a simple majority vote of the Council members present and voting.
- 2) An application which is recommended by the Planning and Zoning Commission for denial shall not be forwarded to the City Council unless the applicant files a written appeal with the City Secretary within ten (10) days after the Commission's decision. And be accompanied by one-half of the original application fee payable to the City. Said appeal will, in that instance, be forwarded to the City Council along with the Commission's reasons for denial of the request. The appeal shall be scheduled for the next possible City Council agenda, following appropriate public notification as prescribed in Section 2.3.5.
- 3) Approval of the request which was recommended for denial by the Planning and Zoning Commission, shall require a three-fourths (3/4) majority vote of the City Council members present and voting. No zoning change, however, shall become effective until after the adoption of an ordinance for same and its publication, as required by law.

B. City Council Action on Zoning/Rezoning or Text Amendment Requests - After a public hearing is held before the City Council regarding the zoning application, the City Council may approve the request in whole or in part, deny the request in whole or in part, table the application to a future meeting, specifically citing the future meeting to which it

is tabled, or it may refer the application back to the Planning and Zoning Commission for further study.

- 1) If the City Council approves the request, then Subsection 2.3.9 E. will apply.
 - 2) If the City Council denies the request, then the same or a similar zoning application may not be filed for any portion of the subject tract of land (or for that portion of the Zoning Ordinance, in the case of a text amendment request submitted by a property owner or citizen) for a waiting period of one (1) year following the denial. A different zoning change request can be filed at any time. In the instance that the request was initiated by the City and involved a proposed amendment to the text of the Zoning Ordinance, then there is no waiting period before the request can be reconsidered.
 - 3) The City Council may, at its option, waive the one-year waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.
- C. **City Council Hearing and Notice for Zoning Changes** – Notice of the City Council public hearing for zoning/rezoning and for Zoning Ordinance text amendment requests shall be given by publishing the purpose, time and place of such hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing.
- D. **Protests** - A favorable vote of three fourths (3/4) of all members of the City Council shall be required to approve any proposed change in a zoning regulation or zoning district boundary when written objections are received from twenty percent (20%) or more of the land area covered by the proposed change, or the land area within 200 feet of the subject property, in compliance with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the “twenty percent rule”). If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the land included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') therefrom, such amendments shall not become effective except by a three-fourths (3/4) vote of the City Council.
- E. **Final Approval and Ordinance Adoption** - Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the City for the preparation of the amending ordinance. A metes and bounds description of all property and appropriate exhibits must be submitted with the zoning change request application. The amending ordinance will not be approved until a correct description has been prepared. The zoning request shall be approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions.

2.3.10 Joint Public Hearings (Ord No 06-276, § 1, 01-10-06) (Ord. No. 08-345, § 3, 01-08-08)

As authorized in Section 211.007 of the Texas Local Government Code, the City Council may, by a two-thirds (2/3) vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and Planning and Zoning Commission. If the notice provisions are different than Section 2.3.5 above, then the provisions of Section 2.3.5 do not apply.

2.3.11 Procedure For Newly Annexed Land (Ord No 06-276, § 1, 01-10-06)

As soon as reasonable after an annexation ordinance is approved by the City Council, the City Manager or designated city official shall prepare an application for zoning the newly annexed property to "RR" Rural Residential unless the property owner, City Council or Planning and Zoning Commission determines another zoning district is more appropriate. The application shall be placed on the Planning and Zoning Commission's agenda. All procedures as set forth in this section shall apply.

2.3.12 Overlay Zoning District Procedures (Ord No 06-276, § 1, 01-10-06)

- a. **Purpose and Applicability** – From time to time, the City Council may establish overlay zoning districts. An overlay zoning district is a zoning district that establishes regulations that combine with the regulations of the underlying (base) zoning district. The overlay district may prohibit uses otherwise allowed in the base district, or establish additional or different standards and conditions for all or some of such uses allowed in the base district. Adoption of the overlay district does not effect repeal of the base zoning district and all regulations contained in the base zoning district shall remain applicable to the uses allowed in the overlay district, except as expressly stated in the regulations of the overlay zoning district.
- b. **Text Amendments to Create Overlay Zoning Districts** – The City Council, upon recommendation from the Planning and Zoning Commission, may amend the text of the Comprehensive Zoning Ordinance from time to time to provide for new overlay zoning districts, in accordance with the procedures of this Section. The Council shall specify for each text amendment the following information for the overlay zoning district:
 1. The intent and purpose of the district;
 2. The types of districts with which the overlay zoning district may be combined;
 3. Minimum standards applicable within the district;
 4. Uses otherwise permitted within the base district, which are prohibited, limited or restricted within the overlay zoning district, and the standards and conditions constituting such limitations or restrictions.

C. Procedures for Overlay Zoning District Map Amendments:

1. Overlay zoning districts initially shall be established on the Zoning Map by the City Council, upon recommendation of the Planning and Zoning Commission, in accordance with the procedures for zoning amendments in this Section. The boundaries of the overlay zoning district shall be designated with particularity in relation to the base district or districts upon which the district is overlaid.
2. The Zoning Map may be amended to extend or contract the boundaries of an overlay zoning district in accordance with the procedures for zoning amendments in this Section.

SECTION 2.4 CERTIFICATES OF OCCUPANCY AND COMPLIANCE

2.4.1 Certificates of Occupancy shall be required for any of the following:

- A. Occupancy and use of a building hereafter erected or structurally altered
- B. Change in use of an existing building to a use of a different classification
- C. Change in the use of land to a use of a different classification
- D. Change in occupant or business within a building

No such use, or change of use, shall take place until such time as, the Building Official issues a Certificate of Occupancy. A fee shall be established by separate ordinance.

2.4.2 Procedure for New or Altered Buildings:

Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building. Said Certificate shall be issued after the Building Official orders the building or structure inspected and finds no violations of the provisions of this ordinance or other regulations, which are enforced by the Building Official. The Building Official or his agent, shall issue the said Certificate after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

2.4.3 Procedure for Vacant Land or a Change in Building Use:

Written application for a Certificate of Occupancy for the use of vacant land, a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the said Building Official or his agent. If the proposed use is a conforming use, as herein provided, written application shall be made to the said Building Official. If the proposed use is found to be in conformity with the provisions of this Ordinance, including parking requirements, (Ord No 04-201, § 2, 04-13-04), the Certificate of Occupancy shall be issued after the application for same has been made and all required inspections are completed and approved by the Building Official. If parking requirements are not found in conformity, the applicant shall submit a site plan showing all parking in conformance with use and pavement type requirements. (Ord No 04-201, § 2, 04-13-04)

2.4.4 Contents:

Every Certificate of Occupancy shall contain the following: 1) building permit number, 2) the address of the building, 3) the name and address of the owner, 4) a description of that portion of the building for which the Certificate is issued, 5) a statement that the described portion of the building has been inspected for compliance with the requirements of the Uniform Building Code, group and division of occupancy, 6) the name of the Building Official, 7) use (uses) allowed, and 8) issue date of Certificate of Occupancy.

2.4.5 *Reserved.***2.4.6 Posting:**

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official or his authorized agent.

2.4.7 Revocation:

The Building Official may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this ordinance whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this ordinance or the building code and other codes adopted by the City, and any amendments thereto. Appeal of the Building Official's decision shall be to the Board of Adjustment.

SECTION 2.5 NONCONFORMING USES AND STRUCTURES

2.5.1 Intent Of Provisions:

- A. Within the districts established by this ordinance or amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this ordinance to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections are met.
- B. It is further the intent of this ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, and not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

2.5.2 Nonconforming Status:

- A. Any use, platted lot or structure which does not conform with the regulations of this zoning ordinance on the effective date hereof or any amendment hereto, except as expressly provided in subsection C. below, shall be deemed a non-conforming use, lot or structure provided that:
 - 1. Such use, platted lot or structure was in existence under and in compliance with the provisions of the immediately prior zoning ordinance; or
 - 2. Such use, platted lot or structure was a lawful, non-conforming use, lot or structure under the immediately prior zoning ordinance; or
 - 3. Such use, platted lot or structure was in existence at the time of annexation to the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.
- B. Any other use, platted lot, or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this ordinance or any amendment thereto, and except as provided in subsection C. below, shall be deemed to be in violation of this ordinance, and the City shall be entitled to enforce fully the terms of this ordinance with respect to such use, platted lot, or structure.
- C. The following types of platted lots shall be deemed in conformance with the provisions of this ordinance, notwithstanding the fact that such lot does not meet the standards of this ordinance in the district in which it is located:
 - 1. Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or

2. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.

D. A lot of record that is nonconforming may be occupied by a single-family dwelling.

2.5.3 Continuing Lawful Use Of Land And Structures:

- A. A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.
- B. A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

2.5.4 Abandonment of Nonconforming Uses:

- A. If a nonconforming use is abandoned, any future use of the premises shall be in conformity with the provisions of this Ordinance, as amended.
- B. A nonconforming use shall be deemed abandoned in the following circumstances:
 1. The use ceases to operate for a continuous period of six (6) months;
 2. Where the use occupies a structure, the structure remains vacant for a continuous period of six (6) months; or
 3. In the case of a temporary use, the use is moved from the premises.

2.5.5 Changing Nonconforming Uses:

- A. A nonconforming use shall not be changed to another nonconforming use.
- B. A nonconforming use may be changed to a conforming use; provided that, once such change is made, the use shall not be changed back to a nonconforming use.
- C. A conforming use located in a non-conforming structure may be changed to another conforming use.

2.5.6 Expansion of Nonconforming Uses

- (a) A nonconforming use shall not be expanded unless authorized by the Zoning Board of Adjustments pursuant to the provisions enumerated in this Chapter.
- (b) If the nonconforming use is residential, the number of dwelling units shall not exceed the number of dwelling units existing at the time the use became nonconforming.

2.5.7 Expansion of Nonconforming Structures

No alteration shall be made to a nonconforming structure that increases the degree of nonconformity, except those required by law to preserve the integrity of the structure or those permitted by right in other sections of this chapter.

2.5.8 Restoration of Nonconforming Structure

- (a) If more than sixty (60) percent of the total appraised value of a nonconforming structure, as determined from the records of the Dallas County Central Appraisal

District, has been destroyed (total destruction), it may be rebuilt only in conformity with the standards of this ordinance.

- (b) If less than sixty (60) percent of the total appraised value of a nonconforming structure is destroyed (partial destruction), it may be reconstructed to its original dimensions.
- (c) If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use, the nonconforming use may be re-established subject to the limitations on expansion set forth in Section 2.5.6.

2.5.9 Right to Proceed Preserved

Nothing contained in this Section 11 is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Section 43.002, or Sections 245.001 to 245.006.

SECTION 2.6 SITE PLAN REVIEW

2.6.1 Site Plan Review:

- A. **Purpose** - This Section establishes a site plan review process for proposed nonresidential and multi-family residential developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.
- B. **Applicability** - Site plan review and approval shall be required for the following:
1. Any nonresidential development
 2. Any multi-family development or manufactured/mobile home park
 3. Any development with two (2) or more buildings per platted lot
 4. Any development in a Planned Development District or subject to a Conditional Use Permit (public hearings may also be required, see Sections 3.19 and 3.20).
 5. Any change in use from a residential use to a non-residential use.
(Ord. No. 01-71, § 1, 07-21-01)
 6. Any modification to a site that involves increased parking requirements or a change in the front or side wall footprint.
(Ord. No. 01-71, § 1, 07-21-01)

No site plan application shall be considered complete unless the application is accompanied by verification that a final plat for the lot has been recorded and the zoning for the property has been approved. No application for a building permit shall be considered complete for any of the above developments unless the application is accompanied by an approved site plan and all required engineering/construction plans that have been approved by the City. No building shall be occupied until all construction and development conforms to the site plan and engineering/construction plans, as approved by the City. A public hearing on a site plan is not required unless a site plan is prepared in conjunction with a zoning request for a Planned Development or a CUP. (Ord. No. 05-250 § 3, 08-30-05)

- C. **Exemptions and exceptions** - Site plan review shall not be required for State parks or single-family (attached or detached) except as provided in (B.4.) above, unless the proposed subdivision will include a private amenity/facility comprised of one or more buildings (e.g., a private recreation/swimming facility, etc.) or a golf course, or unless the proposed subdivision will have private (i.e., not public) streets. In these instances, site plan submission and approval (in accordance with this Section) will be required for the private amenity/facility, the golf course clubhouse/hospitality area, and the gated (i.e., restricted access) entrances.

- D. **Site plan submission requirements** - The site plan submission shall be comprised of the following (all required items/information must be received by the Planning and Zoning Administrator, or his designee, in order for a site plan/development review submission to be considered complete -- incomplete submissions will not be reviewed until all deficient items/information has been received):
1. **Application form** (to be provided by the City) signed by the owner or his designated representative (if the applicant is not the owner of the subject property, then he shall submit verification in the form of a notarized statement that he is acting as an authorized agent for the property owner).
 2. **Filing fee** (as established within Appendix A-6 of this Ordinance).
 3. **Verification** that all taxes and assessments on the subject property have been paid (see Subsection E below).
 4. **Copies of the site plan** (on 24" x 36" sheet, and drawn to a known engineering scale that is large enough to be clearly legible), the quantity of which shall be determined by the Planning and Zoning Administrator, or designee.
 5. **Complete sets of engineering/construction plans** (including the site plan and plat) for all site work and for all required public improvements (e.g., water, wastewater, grading/storm drainage, streets, alleys, fire lanes and hydrants, etc.), the quantity of which shall be determined by the Planning and Zoning Administrator, or designee.
 6. **Final plat/replat submission** (as per the Subdivision Ordinance), if the property has not yet been platted, or if additional easements or rights-of-way will need to be established for the proposed development.
 7. **Landscaping and irrigation plans**, the quantity of which shall be determined by the Planning and Zoning Administrator, or designee.
 8. **Building facade** (i.e., elevation) plans, the quantity of which shall be determined by the Planning and Zoning Administrator, or designee.
 9. Any **additional information/materials** (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the Planning and Zoning Administrator, or designee, in order to ensure that the request is understood.
- E. **Taxes** - No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Cedar Hill, and which are directly attributable to a piece of property shall be allowed to submit an application for site plan/development review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully paid, 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.
- F. **Site plan details** - The site plan and accompanying engineering/construction plans shall contain sufficient information relative to site design and construction to clearly show the extent of the proposed development/ construction, and shall include but not be limited to the following:

1. A site inventory analysis including major existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any flood prone areas.
2. Any existing and proposed public/private streets and alleys; building sites or lots; any areas reserved as parks, parkways, playgrounds, utility easements or school sites; any proposed street widening and street changes (i.e., median cuts and turn lanes); the points of ingress and egress from existing/proposed streets; location and description of existing and proposed utility services, including size of water and sewer mains and laterals, and storm drainage structures (including grading); the location and width for all driveway openings; topography at no more than two-foot (2') contours; and existing development on all abutting sites and the zoning classification thereof.
3. Placement of all buildings on the site, showing the building footprints and setback lines, and all property lines, street curb lines, alley lines, easements, screening walls, signage, any service/delivery areas for trucks, fire lanes, and parking areas (including parking space counts and a schedule of parking ratios used for the various proposed uses).
4. A landscape plan showing turf areas, screening walls, ornamental plantings, any existing wooded areas and trees to be planted.
5. Building facade (i.e., elevation) plans showing elevations with any attached (i.e., wall-mounted) signage to be used, as determined appropriate by the Planning and Zoning Administrator, or designee.

Provision of the above items shall conform to the principles and standards of this Ordinance. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the Planning and Zoning Administrator (or designee) shall have the authority to update such requirements for site plan/development review applications.

- G. **Supplemental requirements** - The City's staff may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data, environmental information, traffic impact analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a site plan may establish conditions for construction based upon such information.
- H. **Principles and standards for site plan review and evaluation** - The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the City of Cedar Hill, and to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.

The Planning and Zoning Administrator, or designee, shall review the site plan for compliance with all applicable City ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Cedar Hill; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.

Site plan review and evaluation by the Planning and Zoning Administrator, or designee, shall be performed with respect to the following:

1. The site plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City of Cedar Hill including but not limited to off-street parking and loading, lighting, open space, and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration, or heat.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values, and any possible negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
7. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City of Cedar Hill.
8. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
10. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of watercourses and areas subject to flooding.
13. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

2.6.2 APPROVAL PROCESS:

- A. The Planning and Zoning Administrator (or designee) shall review and evaluate all site plan submissions, and shall make a recommendation to the Planning and Zoning Commission to approve the site plan, to approve the site plan with conditions or stipulations, or to deny the site plan for certain reasons. The Planning and Zoning Administrator, or designee, may prepare a written report/evaluation of the site

plan/development application, which may include background information on the subject property, its zoning history, development and zoning patterns surrounding the site, discussion of any issues or concerns, and a staff recommendation as described above. The staff report/evaluation should be made available to members of the Planning and Zoning Commission prior to the meeting date on which the application will be considered in order to allow time for review and for site visitation, if necessary.

B. Site Plan Consideration –

1. Planning and Zoning Commission: (Ord. No. 09-377, § 1, 01-13-09)

- a. The Planning and Zoning Administrator, or designee, shall schedule consideration of the site plan on the regular agenda of the Planning and Zoning Commission within thirty (30) days after the submission is received (or, in the case of an incomplete submission, after the submission is deemed complete).
- b. By a simple majority of all members present and voting, the Planning and Zoning Commission shall either recommend approval of the site plan, recommend approval of the site plan with conditions or stipulations, or recommend denial of the site plan.
- c. If the site plan is denied by the Planning and Zoning Commission, that denial is final and the site plan will not be forwarded to the City Council unless the applicant wishes to appeal to the City Council.
 - i. All requests for appeal must be made in writing to the Planning and Zoning Administrator within thirty (30) calendar days following the Commission's action. After the appeal is received, the Planning and Zoning Administrator shall schedule the appeal on the City Council's agenda within sixty (60) days following submission of the appeal.

2. City Council: (Ord. No. 09-377, § 1, 01-13-09)

- a. An application which is recommended by the Planning & Zoning Commission for approval or approval with conditions will be forwarded to the City Council at its next available meeting. City Council will take into consideration the recommendation of the Planning & Zoning Commission in making its decision.
- b. It shall take a minimum of four votes to approve a site plan. The City Council shall have final approval authority over the site plan and shall either approve the site plan, approve the site plan with conditions or stipulations, or deny the site plan. All denials made by the City Council are final.

C. Lapse of Site Plan Approval – Except as provided in Section 3.19.10 (Planned Development Site Plan), if a building permit for a use subject to a site plan has not been issued within one (1) year of the date of final approval of the site plan by the Planning and Zoning Commission (or the City Council, if applicable), the site plan shall expire. Thereafter, a new site plan must be approved prior to development of the use under standards then in effect.

2.6.3 Revisions To The Approved Site Plan:

- A. **Minor Revisions/Amendment** - It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the Planning and Zoning Administrator, or his designee, shall have the authority to approve minor modifications to an approved site plan (which shall be submitted as an “amended site plan” which substantially conforms to the previously approved site plan), provided that such modifications do not materially change traffic circulation, building location(s) on the site, proximity of building(s) to nearby residential areas, the size or height (i.e., enlarge) of building(s), or any other conditions specifically attached as part of the Planning and Zoning Commission’s or City Council’s approval of the site plan. Submission materials and requirements for approval of an amended site plan shall be as determined by the Planning and Zoning Administrator, or his designee.
- B. **Major revisions** – In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a “revised site plan” must be resubmitted, reviewed by the Planning and Zoning Administrator (or his designee), and reconsidered by the Planning and Zoning Commission or City Council in accordance with the procedures set forth in this Section.

ARTICLE 3. ZONING DISTRICTS

SECTION 3.1 ZONING DISTRICTS ESTABLISHED

The City of Cedar Hill, Texas is hereby divided into the following zoning districts. The use, height and area regulations as set out herein apply to each district. The districts established herein shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
<u>RR</u>	Rural Residential
<u>SF-E</u>	Single-Family Residential-Estate – 43,560 square-foot lots
<u>SF-22</u>	Single-Family Residential – 22,000 square-foot lots
<u>SF-15</u>	Single-Family Residential – 15,000 square-foot lots
<u>SF-10</u>	Single-Family Residential – 10,000 square-foot lots
<u>SF-8.5</u>	Single-Family Residential – 8,500 square-foot lots
<u>SF-7</u>	Single-Family Residential – 7,000 square-foot lots
<u>TH</u>	Single-Family Attached Residential (Townhomes)
<u>MF</u>	Multiple-Family Dwelling District
<u>NS</u>	Neighborhood Service District
<u>LR</u>	Local Retail District
<u>OT</u>	Old Town District
<u>UT</u>	Uptown Overlay District
<u>C</u>	Commercial District
<u>CC</u>	Corporate Campus District
<u>IP</u>	Industrial Park District
<u>I</u>	Industrial District
<u>PD</u>	Planned Development
<u>CUP</u>	Conditional Use Permit
<u>HP</u>	High Pointe Overlay District

A summary of the area regulations of the following zoning districts is included in the Appendix.

Certain terms and definitions used this Ordinance can be found in Section 5.8.

All development standards as contained in Article 5 of this Ordinance are intended to apply to all zoning districts unless specifically stated otherwise.

SECTION 3.2 RR – RURAL RESIDENTIAL DISTRICT

3.2.1 Purpose:

“RR”, Rural Residential District is designed to preserve open spaces in the city by permitting the use of land for propagation and cultivation of crops and similar low intensity / density uses. Large lot single family use may be appropriate for this district. It is anticipated that all annexed areas will be initially zoned “RR” and later may be changed to other suitable zoning classifications in accordance to the comprehensive plan.

3.2.2 Authorized Uses:

- A. Those uses listed for the RR – Rural Residential district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.2.3 District Development Standards:**A. Lot Dimension Requirements**

Minimum Lot Area	—2 acres
Minimum Lot Width	—200 feet
Minimum Lot Depth	—200 feet

B. Yard Requirements

Minimum Front Yard	—50 feet
Minimum Side Yard (interior)	—20 feet
Minimum Side Yard (street side)	—30 feet
Minimum Rear Yard	—50 feet

C. Structure Standards

Maximum Lot Coverage	—30% main and accessory buildings (Ord. No. 2009-377, §, 01-13-09)
Maximum Height	—35 feet
Minimum Living Area	—2,500 feet
Minimum Exterior Building Materials	—100% of the front wall surface area and 80% of each additional wall surface area shall be finished with a primary building material, concrete panel construction or stucco; for additional standards, see Section 5.7.

D. Minimum Off-Street Parking

—2 enclosed parking spaces or carport; for additional standards, see Section 5.1. (Ord. No. 2009-377, §, 01-13-09)

E. Landscaping Requirements

—See Section 5.2

F. Screening Requirements

—See Section 5.3

G. Supplemental Requirements

—See Sections 5.4 through 5.7

H. Site Plan Requirements

—None, except for non-residential uses allowed

within residential districts; see Section 2.6

(Ord. No. 09-377, § 2, 01-13-09)

I. Special Requirements

—None

(Ord. No. 09-377, § 2, 01-13-09)

SECTION 3.3 SF-E – SINGLE-FAMILY RESIDENTIAL DISTRICT -- ESTATE

3.3.1 Purpose:

The “SF-E”, Estate District is designed to create areas of low density, contemporary detached single family housing to be located on large lots – not less than one acre, with large setbacks, which are protected from excessive noise, illumination, odors, visual clutter and other influences that are generally objectionable or not conducive to family living. This purpose should be achieved through curvilinear, well- landscaped and unified street-scaped streets. The intent of this district is to provide high quality larger single- family housing while maintaining the natural environment and open space in the City.

3.3.2 Authorized Uses

- A. Those uses listed for the SF-E – Single-Family Residential—Estate district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.3.3 District Development Standards**A. Lot Dimension Requirements**

Minimum Lot Area	—1 acre (43,560 square feet)
Minimum Lot Width	—125 feet
Minimum Lot Depth	—150 feet

B. Yard Requirements

Minimum Front Yard	—30 feet
Minimum Side Yard (interior)	—20 feet
Minimum Side Yard (street side)	—30 feet
Minimum Rear Yard	—30 feet

C. Structure Standards

Maximum Lot Coverage	—40% main and accessory buildings
Maximum Height	—35 feet
Minimum Living Area	—2,500 square feet
Minimum Exterior Building Materials	—100% of the front wall surface area and 80% of each additional wall surface area shall be finished with a primary building material, concrete panel construction or stucco; for additional standards see Section 5.7. (Ord. No. 2018-655)

D. Minimum Off-Street Parking

—2 enclosed parking spaces; for additional standards see Section 5.1 (Ord. No. 09-377, § 2, 01-13-09)

E. Landscaping Requirements

—See Section 5.2 (Ord. No. 09-377, § 2, 01-13-09)

F. Screening Requirements

—See Section 5.3 (Ord. No. 09-377, § 2, 01-13-09)

G. Supplemental Regulations

—See Sections 5.4 through 5.7 (Ord. No. 09-377, § 2, 01-13-09)

H. Site Plan Requirements

—None, except for non-residential uses allowed within residential districts; see Section 2.6. (Ord.

No. 09-377, § 2, 01-13-09)

I. Special Requirements

— None (Ord. No. 09-377, § 2, 01-13-09)

SECTION 3.4 SF-22 SINGLE-FAMILY RESIDENTIAL DISTRICT – 22,000

3.4.1 Purpose (Ord. No. 01-71 § 18, 07-21-01)

The “SF – 22”, Single family residential district is intended to provide for development of contemporary detached single family housing of highest quality with large dwelling unit sizes and lot areas of not less than 22,000 square feet and generous widths. Its purpose is to provide a peaceful, low density setting for quality housing in the city, which is protected from excessive noise, illumination, odors, visual clutter and other influences that are generally objectionable or not conducive to family living.

3.4.2 Authorized Uses

- A. Those uses listed for the SF-22 – Single-Family Residential—22,000 district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.4.3 District Development Standards**A. Lot Dimension Requirements**

Minimum Lot Area	—22,000 square feet
Minimum Lot Width	—90 feet
Minimum Lot Depth	—120 feet

B. Yard Requirements

Minimum Front Yard	—30 feet
Minimum Side Yard (interior)	—10 feet
Minimum Side Yard (street side)	—15 feet
Minimum Rear Yard	—30 feet

C. Structure Standards

Maximum Lot Coverage	—40% main and accessory buildings
Maximum Height	—35 feet
Minimum Living Area	—2,200 square feet
Minimum Exterior Building Materials	—100% of the front wall surface area and 80% of each additional wall surface area shall be finished with a primary building material, concrete panel construction or stucco; for additional standards see Section 5.7. (Ord. No. 01-71, Ord. No. 2018-655)

D. Minimum Off-Street Parking

—2 enclosed parking spaces; for additional standards see Section 5.1 (Ord. No. 09-377, § 2, 01-13-09)

E. Landscaping Requirements

—See Section 5.2 (Ord. No. 09-377, § 2, 01-13-09)

F. Screening Requirements

—See Section 5.3 (Ord. No. 09-377, § 2, 01-13-09)

G. Supplemental Regulations

—See Sections 5.4 through 5.7 (Ord. No. 09-377, § 2, 01-13-09)

H. Site Plan Requirements

—None, except for non-residential uses allowed within residential districts; see Section 2.6. (Ord.

No. 09-377, § 2, 01-13-09)

I. Special Requirements

— None (Ord. No. 09-377, § 2, 01-13-09)

SECTION 3.5 SF-15 – SINGLE-FAMILY RESIDENTIAL DISTRICT – 15,000

3.5.1 Purpose:

The “SF – 15”, Single family residential district is intended to provide for development of contemporary detached single family housing with lot areas of not less than 15,000 square feet, average sized lot widths and dwelling units. Its purpose is to provide lower density housing protected from excessive noise, illumination, odors, visual clutter and other influences that are generally objectionable or not conducive to family living.

3.5.2 Authorized Uses:

- A. Those uses listed for the SF-15 – Single-Family Residential—15,000 district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.5.3 District Development Standards:**A. Lot Dimension Requirements —**

Minimum Lot Area	—15,000 square feet
Minimum Lot Width	—85 feet
Minimum Lot Depth	—110 feet

B. Yard Requirements —

Minimum Front yard	—30 feet
Minimum Side Yard (interior)	—10 feet
Minimum Side Yard (street side)	—15 feet
Minimum Rear Yard	—30 feet

C. Structure Standards —

Maximum Lot Coverage	—45% main and accessory buildings
Maximum Height	—35 feet
Minimum Living Area	—2,200 square feet.
Minimum Exterior Building Materials	—100% of the front wall surface area and 80% of each additional wall surface area shall be finished with a primary building material, concrete panel construction or stucco; for additional standards see Section 5.7. (Ord. No. 01-71; Ord. No. 2018-655)

D. Minimum Off-Street Parking

—2 enclosed parking spaces; for additional standards see Section 5.1

(Ord. No. 09-377, § 2, 01-13-09)

E. Landscaping Requirements

—See Section 5.2 (Ord. No. 2018-655)

(Ord. No. 09-377, § 2, 01-13-09)

F. Screening Requirements

—See Section 5.3

(Ord. No. 09-377, § 2, 01-13-09)

G. Other Requirements

—See Sections 5.4 through 5.7

(Ord. No. 09-377, § 2, 01-13-09)

H. Site Plan Requirements

—None, except for non-residential uses allowed within residential districts; see Section 2.6

(Ord. No. 09-377, § 2, 01-13-09)

I. Special Requirements

—None

(Ord. No. 09-377, § 2, 01-13-09)

SECTION 3.6 SF-10 – SINGLE-FAMILY RESIDENTIAL DISTRICT—10,000

3.6.1 Purpose:

The “SF – 10”, Single family residential district is intended to provide for development of contemporary detached single family housing with lot areas not less than 10,000 square feet, average sized lot widths and dwelling units. Its purpose is to provide lower density housing protected from excessive noise, illumination, odors, visual clutter and other influences that are generally objectionable or not conducive to family living.

3.6.2 Authorized Uses:

- A. Those uses listed for the SF-10 – Single-Family Residential—10,000 district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.6.3 District Development Standards:**A. Lot Dimension Requirements —**

Minimum Lot Area	—10,000 square feet
Minimum Lot Width	—80 feet
Minimum Lot Depth	—100 feet

B. Yard Requirements —

Minimum Front Yard	—30 feet
Minimum Side Yard (interior)	—5 feet
Minimum Side Yard (street side)	—15 feet
Minimum Rear Yard	—25 feet

C. Structure Standards —

Maximum Lot Coverage	—50% main and accessory buildings
Maximum Height	—35 feet
Minimum Living Area	—1,900 square feet.
Minimum Exterior Building Materials	—100% of the front wall surface area and 80% of each additional wall surface area shall be finished with a primary building material, concrete panel construction or stucco; for additional standards see Section 5.7. (Ord. No. 01-71; Ord. No. 2018-655)

D. Minimum Off-Street Parking

—2 enclosed parking spaces; for additional standards see Section 5.1.

(Ord. No. 09-377, § 2, 01-13-09)

E. Landscaping Requirements

—See Section 5.2 (Ord. No. 09-377; Ord. No. 2018-655)

F. Screening Requirements

—See Section 5.3

(Ord. No. 09-377, § 2, 01-13-09)

G. Supplemental Requirements

—See Sections 5.4 through 5.7

(Ord. No. 09-377, § 2, 01-13-09)

H. Site Plan Requirements

—None, except for non-residential uses allowed within residential districts; see Section 2.6

(Ord. No. 09-377, § 2, 01-13-09)

I. Special Requirements

—None

(Ord. No. 09-377, § 2, 01-13-09)

SECTION 3.7 SF-8.5 – SINGLE-FAMILY RESIDENTIAL DISTRICT—8,500

3.7.1 Purpose:

The “SF - 8.5”, Single family residential district is intended to provide for development of medium density, urban detached single family housing with moderate sized dwelling units, on lot areas not less than 8,500 square feet . Its purpose is to provide quality housing that will serve as a move up from single or starter homes in areas protected from excessive noise, illumination, odors, visual clutter, and other influences that are generally objectionable or not conducive to family living.

3.7.2 Authorized Uses:

- A. Those uses listed for the SF-8.5 – Single-Family Residential—8,500 district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.7.3 District Development Standards:**A. Lot Dimension Requirements**

Minimum Lot Area	—8,500 square feet
Minimum Lot Width	—70 feet
Minimum Lot Depth	—100 feet

B. Yard Requirements

Minimum Front Yard	—25 feet
Minimum Side Yard (interior)	—5 feet
Minimum Side Yard (street side)	—15 feet
Minimum Rear Yard	—20 feet

C. Structure Standards

Maximum Lot Coverage	—50% main and accessory buildings
Maximum Height	—35 feet
Minimum Living Area	—1,700 square feet
Minimum Exterior Building Materials	—100% of the front wall surface area and 80% of each additional wall surface area shall be finished with a primary building material, concrete panel construction or stucco; for additional standards see Section 5.7. (Ord. No. 01-71; Ord. No. 2018-655)

D. Minimum Off-Street Parking

—2 enclosed parking spaces; for additional standards see Section 5.1 (Ord. No. 09-377, § 2, 01-13-09)

E. Landscaping Requirements

—See Section 5.2 (Ord. No. 09-377; Ord. No. 2018-655)

F. Screening Requirements

—See Section 5.3 (Ord. No. 09-377, § 2, 01-13-09)

G. Supplemental Regulations

—See Sections 5.4 through 5.7 (Ord. No. 09-377, § 2, 01-13-09)

H. Site Plan Requirements

—None, except for non-residential uses allowed within residential districts; see Section 2.6. (Ord.

No. 09-377, § 2, 01-13-09)

I. Special Requirements

— None (Ord. No. 09-377, § 2, 01-13-09)

SECTION 3.8 SF-7 – SINGLE-FAMILY RESIDENTIAL DISTRICT—7,000

3.8.1 Purpose:

The “SF – 7”, Single family residential district is intended to provide for development of medium density detached single family housing with lot sizes not less than 7,000 square feet. Its purpose is to provide for development of quality medium density housing, for starter homes, move downs, empty nesters and singles in an area protected from excessive noise, illumination, odors, visual clutter and other influences that are generally objectionable or not conducive to family living. This district can also act as a transition between medium and high-density detached housing for small families and singles in the city.

3.8.2 Authorized Uses:

- A. Those uses listed for the SF-7 – Single-Family Residential—7,000 district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.8.3 District Development Standards:**A. Lot Dimension Requirements —**

Minimum Lot Area	—7,000 square feet
Minimum Lot Width	—60 feet
Minimum Lot Depth	—100 feet

B. Yard Requirements —

Minimum Front Yard	—20 feet
Minimum Side Yard (interior)	—5 feet
Minimum Side Yard (street side)	—15 feet
Minimum Rear Yard	—20 feet

C. Structure Standards —

Maximum Lot Coverage	—50% main and accessory buildings
Maximum Height	—35 feet
Minimum Living Area	—1,500 square feet.
Minimum Exterior Building Materials	—100% of the front wall surface area and 80% of each additional wall surface area shall be finished with a primary building material, concrete panel construction or stucco; for additional standards see Section 5.7. (Ord. No. 01-71; Ord. No. 2018-655)

D. Minimum Off-Street Parking

—2 enclosed parking spaces; for additional standards see Section 5.1

(Ord. No. 09-377, § 2, 01-13-09)

E. Landscaping Requirements

—See Section 5.2

(Ord. No. 09-377; Ord. No. 2018-655)

- | | |
|-------------------------------------|---|
| F. Screening Requirements | —See Section 5.3
(Ord. No. 09-377, § 2, 01-13-09) |
| G. Supplemental Requirements | —See Section 5.4 through 5.7
(Ord. No. 09-377, § 2, 01-13-09) |
| H. Site Plan Requirements | —None, except for non-residential uses
allowed within residential districts; see
Section 2.6 (Ord. No. 09-377, § 2, 01-13-09) |
| I. Special Requirements | —None
(Ord. No. 09-377, § 2, 01-13-09) |

SECTION 3.9 TH–SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT

3.9.1 Purpose

The “TH”, Single Family Attached Residential or Townhouse District is intended to promote stable, quality attached occupancy residential development on individually platted lots at slightly increased densities. Individual ownership of each lot should be encouraged and this district may be used to provide a "buffer" or a transition between lower density residential areas, multi-family or non-residential areas along major thoroughfares and in and around the old town area.

3.9.2 Authorized Uses

- A. Those uses listed for the TH – Single-Family Attached Residential district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.9.3 District Development Standards**A. Lot Dimension Requirements**

Maximum Density	—14 units / acre
Minimum Lot Area	—3,000 square feet
Minimum Lot Width	—25 feet
Minimum Lot Depth	—100 feet

B. Yard Requirements

Minimum Front Yard	—25 feet
Minimum Side Yard (interior)	—None required (0 feet)
Minimum Side Yard (street side)	—10 feet; the ends of two adjacent buildings shall be at least ten feet (10’) apart
Minimum Rear Yard	—15 feet

C. Structure Standards

Maximum Building Length	—A structure shall have minimum three attached units and shall not exceed 300 feet or width of twelve (12) attached dwelling units whichever is less
Maximum Height	—35 feet
Minimum Living Area	—1,250 square feet
Minimum Exterior Building Materials	—100% of each wall surface area shall be finished with a primary building material, concrete panel construction, or stucco; for additional standards see Section 5.7. (Ord. No. 2018-655)

D. Minimum Off-Street Parking

—2 enclosed parking spaces; carports are prohibited; for additional standards see Section 5.1

E. Landscaping Requirements

—See Section 5.2 (Ord. No. 2018-655)

F. Screening Requirements

—See Section 5.3

G. Supplemental Regulations

—See Sections 5.4 through 5.7 (Ord. No. 09-377, § 2, 01-13-09)

H. Site Plan Requirements

— See Section 2.6 (Ord. No. 09-377, § 2, 01-13-09)

I. Special Requirements

1. All developments shall provide open space at the same ratio as specified in Section 3.10.4.3.I
2. All utilities shall be provided separately to each lot in the TH district so that each unit is individually metered.
3. Single family attached dwellings constructed in this district shall conform to the standards set forth in SF-7 district.
4. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

(Ord. No. 09-377, § 2, 01-13-09)

SECTION 3.10 MF–MULTIPLE-FAMILY RESIDENTIAL DISTRICT

3.10.1 Purpose:

The "MF", Multi family residential district is intended to provide for development of high density attached residential structures. Its intent is to provide a transitional buffer between low/medium density housing and intensive non-residential uses in the city. This purpose would be achieved by requiring these districts to be located adjacent to major thoroughfare or collector streets with direct access and/or frontage onto them and avoiding any principal access onto residential streets.

3.10.2 Authorized Uses:

- A. Those uses listed for the MF – Multiple-Family Residential district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.10.3 District Development Standards:**A. Lot Dimension Requirements —**

Maximum Density	—18 dwelling units per acre (calculated on platted lot acreage)
Minimum Lot Area	—1,800 square feet per dwelling unit
Minimum Lot Width	—80 feet
Minimum Lot Depth	—120 feet

B. Yard Requirements —

Minimum Front Yard	—25 feet (all areas adjacent to the street shall be deemed as front yards)
Minimum Side Yard	—25 feet
Minimum Rear Yard	—25 feet, or —150 feet when building is in excess of one story and adjacent to single-family zoning district
Minimum Building Separation	—30 feet apart at the closest point (Ord. No. 09-377, § 2, 01-13-09)

C. Structure Standards —

Maximum Building Length	—180 feet
Maximum Height	—3 stories, except 1 story for any building that is within 150 feet of a single-family zoning district
Minimum Living Area	—800 square feet for one bedroom, with an additional 150 square feet for each additional bedroom

- | | |
|--|---|
| Living Unit Mix | —Not more than 20% of the living units within a complex may be efficiency-type units, and not more than 30 % of the living units within a complex may have 3 or more bedrooms |
| Exterior Building Materials and Architectural Design | —See Section 5.7 (Ord. No. 2018-655) |
| Living Unit Mix | —Not more than 20% of the living units within a complex may be efficiency-type units, and not more than 30% of the living units within a complex may have 3 or more bedrooms |
- D. Minimum Off-Street Parking** —2 spaces per dwelling unit; of which 30% must be enclosed parking spaces; for additional standards see Section 5.1 (Ord. No. 09-377 § 2, 01-13-09)
- E. Landscaping Requirements** —See Section 5.2 (Ord. No. 09-377; Ord. No. 2018-655)
- F. Screening Requirements** —See Section 5.3 (Ord. No. 09-377 § 2, 01-13-09)
- G. Supplemental Requirements** —Single-family detached uses in this district shall conform to the standards set forth in the SF-7 district. For additional standards, see Section 5.4 through 5.7 (Ord. No. 09-377 § 2, 01-13-09)
- H. Site Plan Requirements** —See Section 2.6 (Ord. No. 09-377 § 2, 01-13-09)
- I. Special Requirements**
(Ord. No. 09-377 § 2, 01-13-09)
- 1. Open Space**
(Ord. No. 09-377 § 2, 01-13-09)
- a) Each lot or parcel of land, which is used for multiple-family residences, shall provide on the same lot or parcel of land, open space (as defined below) in accordance with the following requirements:
- | <u>Number of
Sleeping Rooms</u> | <u>Amount of Open Space
per Sleeping Room</u> |
|--|---|
| Efficiency and One Bedroom Units: | 600 square feet |
| Each Additional Bedroom Over One: | 300 additional square feet per room |
- b) An area of common open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten (10) feet, and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains. Open space shall not include rooftops; accessory buildings; parking areas; driveways; turnaround areas; or the right-of-way or

easement for streets or alleys.

- c) At the time of site plan approval, the Planning and Zoning Commission may recommend and the City Council may approve credit for open use requirements under the following conditions:
 - (1) Up to three (3) square feet for each one (1) square foot of area provided for the following recreational facilities:
 - (a) Swimming pools, tennis courts, racquetball courts, or similar facilities
 - (b) Decks, patios or lounge areas adjacent to or within ten (10) feet of swimming pools
 - (c) Children's play areas developed with play equipment
 - (d) Usable portions of recreational buildings
- d) Partial or full credit may be given for on-site open space that exceeds the minimum slope (as defined in "a" above), if it is determined that such areas are environmentally or aesthetically significant and their preservation would enhance the development and community. In determining environmental and aesthetic significance, the Planning and Zoning Commission and City Council will consider:
 - (1) Preservation of significant trees or other natural vegetation
 - (2) Contribution to on-site retention of storm water or natural control of drainage
 - (3) Preservation of vistas and other qualities.
 - (4) Buffer or transition between the multi-family use and other uses
- e) Available off-site open space may be credited for up to one third (1/3) of the open space requirement if:
 - (1) Fifteen percent (15%) or more of the site's boundary is adjacent to park land.
 - (2) There are defined pedestrian connections between the multi-family development and park land.
 - (3) Permanent open space is within one hundred feet (100') of the development that is available for use by the general public.
 - (4) The design of the development provides a significant visual and pedestrian connection to public park land.
- f) The combined credit for areas calculated at a three-to-one basis and off-site parks or open space shall not exceed fifty percent (50%) of the total open space requirement for each multi-family development.

SECTION 3.11 NS–NEIGHBORHOOD SERVICE DISTRICT

3.11.1 Purpose:

The “NS”, Neighborhood Service District is intended to provide limited or day-to-day retail, office and personal service needs to residents of nearby neighborhood areas. Establishments in this district could include small, free standing, single story retail structures and neighborhood oriented personal service establishments and should have architecture elements as well as hours of operation that are compatible with single family residential uses. Sites zoned for the NS district should generally utilize small corner parcels within a logical neighborhood area, typically located at the entry of neighborhoods serving as a buffer between the neighborhood and arterial roadways. The district should require fully landscaped front yards and with low profile/ monument signs. This district should not allow any outside sales, storage or display, drive through, or any auto-related uses.

3.11.2 Authorized Uses:

- A. Those uses listed for the NS–Neighborhood Service district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.
- B. No outside sales, storage or display is permitted.
- C. No servicing of any vehicles (e.g., automobiles, trucks, trailers, etc.) is permitted.

3.11.3 District Development Standards:**A Lot Dimension**

Minimum Lot Area	—7,000 square feet (Ord. No 04-201, § 3, 04-13-04)
Minimum Lot Width	—60 feet
Minimum Lot Depth	—100 feet

B. Yard Requirements —

Minimum Front Yard	—20 feet
Minimum Side Yard	—10 feet, except when adjacent to land zoned residential, then 20 feet is required
Minimum Rear Yard	—20 feet

C. Structure Standards

Maximum Height	—15 feet, one- or single-story with no restrictions on roof height; for buildings located at least 150 feet from a single-family residential zoning district, building height of up to 2 stories is permitted.
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Maximum Building Size	—10,000 square feet (gross occupiable square footage per building). Larger square footage totals may be approved through CUP procedures. (Ord. No. 04-201, 04-13-04)
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|---|--|
| Exterior Building Materials
and Architectural Design | — See Section 5.7 (Ord. No. 2018-655) |
| D. Minimum Off-Street Parking | —Parking shall be on the side or rear of structures;
for additional standards see Section 5.1. (Ord. No 04-
201 § 5, 04-13-04) |
| E. Landscaping Requirements | —See Section 5.2
(Ord. No. 2018-655) |
| F. Screening Requirements | —See Section 5.3 (Ord. No. 09-377, § 2, 01-13-09) |
| G. Supplemental Requirements | —See Sections 5.4 through 5.7 (Ord. No. 09-377, § 2, 01-
13-09) |
| H. Site Plan Requirements | —See Section 2.6 (Ord. No. 09-377, § 2, 01-13-09) |
| I. Special Requirements | — 1) Architectural style should be compatible
to the neighborhood.
2) Hours of operation shall be limited to
between 6:00 a.m. and 10:00 p.m. (Ord. No. 09-377, §
2, 01-13-09) |

SECTION 3.12 LR–LOCAL RETAIL DISTRICT

3.12.1 Purpose:

The “LR” district is intended to provide areas for neighborhood, and / or local shopping facilities for retail sales of goods and services, including convenience stores, shopping centers and regional malls, serving the entire community, but does not include wholesaling or warehousing. This district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes and should utilize landscaping and buffering requirements. Structures should be limited in height and mass to be compatible with area residential structures and masonry walls should be required adjacent to residentially zoned property.

3.12.2 Authorized Uses:

- A. Those uses listed for the LR–Local Retail district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.12.3 District Development Standards:**A. Lot Dimension Requirements —**

Minimum Lot Area	—None
Minimum Lot Width	—None
Minimum Lot Depth	—None

B. Yard Requirements —

Minimum Front Yard	—20 feet
Minimum Side Yard	—None, except when adjacent to a residential zoning district boundary line, then 20 feet is required. (Ord. No. 09-377, §2, 01-13-09)
Minimum Rear Yard	—20 feet.

C. Structure Standards —

Maximum Height	—Six (6) stories. When adjacent to Residential Districts; 3:1 foot ratio setback after the first 2 stories. See Section 5.4.4.B. (Ord. No. 04-208, § 1, 06-22-04)
Exterior Building Materials and Architectural Design	—See Section 5.7 (Ord. No. 2018-655)

D. Minimum Off-Street Parking —See Section 5.1**E. Landscaping Requirements —See Section 5.2 (Ord. No. 2018-655)****F. Screening Requirements —See Section 5.3**

G. Site Plan Requirements

—See Section 2.6

(Ord. No. 04-201, § 6, 04-13-04)

H. Supplemental Requirements

—See Section 5.4 through 5.7

(Ord. No. 09-377, § 2, 01-13-09)

I. Special Requirements

—None

(Ord. No. 04-201, § 6, 04-13-04)

SECTION 3.13 OT–OLD TOWN DISTRICT

3.13.1 Purpose:

The “OT”, Old Town District is intended to create a zoning district that would be divided into three (3) sub-districts (see Section 3.13.3). Each sub-district would have a distinct purpose and have a special criteria to achieve the desired land use pattern which would facilitate enhancement and revitalization of the original old town area’s turn-of-the century architecture and the Texas small town character. The purpose of this district will be to serve as the focal point of the community and the city, while providing for a blending of mixed land uses to create a defined area. This district may accommodate greater development intensity (than allowed elsewhere in the city) as a result of coordinated review requirements and special development standards. The district is also established to encourage and emphasize pedestrian-oriented activities and uses such as outdoor malls, festival marketplaces and similar activities, to create a truly vital environment, such that the district reflects the center of social, economic and political functions in the city.

3.13.2 Authorized Uses:

- A. Uses listed in Section 4.1.2 (Use Charts) in conjunction with a site plan review.
- B. Such uses as may be permitted under Conditional Use Permits, Section 3.20.
- C. Municipally owned facilities and uses (no open storage or repair).
- D. Accessory buildings to the main use (Section 4.1.3).

3.13.3 Sub-Districts Created:

Development proposed within the Old Town District is required to be consistent with sub-districts created for the purpose of facilitating the implementation of the Old Town Plan. The sub-districts correspond to the "Old Town Concept" discussed in the City of Cedar Hill's Comprehensive Plan. Boundaries for the sub-districts are identified in this section as a part of this ordinance and recorded on the City's official zoning map. The following sub-districts are established:

- 1. Old Town Square Sub-District
- 2. Old Town Corridor Sub-District
- 3. Old Town Residential Sub-District

3.13.4 Criteria For Approval:

- A. Other than single family located within the OT-Residential sub-district, site plan review and recommendation by the Downtown Architectural Review Committee, as may be established by the City Council, is required for all developments within the Old Town District. (Ord. No. 15-576, §1, 12-8-15)
- B. The Downtown Architectural Review Committee shall make a recommendation to approve the site plan, to approve it with conditions, or to deny the site plan. The Committee’s recommendation shall be forwarded to the Planning and Zoning Commission and to City Council.

3.13.5 District Development Standards: (all sub-districts)**A. General Site Orientation and Layout— (nonresidential uses)**

1. Parking areas shall be located at the side or rear of buildings to improve the overall appearance from the street.
2. Site layouts on individual lots shall be developed in such a manner that pedestrian connections between buildings both on that lot and between lots within the overall Old Town District Plan can be achieved.
3. Trails designed for pedestrian or bicycle only travel should be provided in accordance with the Parks Master Plan.

B. Parking—

1. Shared parking within a sub-district will be considered on a case by case basis to reduce the overall amount of parking required. A reduction for shared parking shall be based on the following factors, and in no case shall exceed a reduction of over forty percent (40%) of the otherwise required parking:
 - a. The uses clearly have mutually exclusive hours of operations; or
 - b. A secondary use drawing patrons from a primary use and not from the public at large (e.g., a shop selling sundries within a hotel); and
 - c. The reductions in parking and the hours of operation are made part of the certificate of occupancy record for that use.
2. Also see Section 5.1.

C. Street Furnishings and Lighting—

Private developments within the Old Town District shall coordinate the selection and installation of street furniture and lighting with the standards selected by the City for the public areas adjacent to streets in order to maintain design continuity.

D. Paving Design—

1. In pedestrian areas, colored or textured concrete, modular paving units or other durable, visually interesting paving materials shall be used.
2. Pedestrian paving design shall be consistent between separate developments within the Old Town area to ensure design continuity.

3.13.6 Old Town Square Sub-District

- (a) Purpose – A primarily retail/office district with the opportunity for second-story residential, that is primarily for the development of the core of the Old Town District "Retail Core Concept." Development within this sub-district should have a site orientation, which creates a focal point within the Old Town District, and should take advantage of environmental amenities, encourage pedestrian traffic and connection between uses. The boundaries of this sub-district shall be established on the Zoning Map consistent with the Comprehensive Plan.

- (b) Authorized Uses

- (1) Uses listed in Section 4.1.2 (Use Charts) in conjunction with a site plan review.

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- (2) Residential uses may be permitted on the second floor of new or existing structures when approved as part of the site plan. No more than four residential dwelling units per building shall be permitted. (Ord No 06-276, § 3, 01-10-06)

(c) General Site Orientation and Layout

- (1) New development sites within Old Town Square Sub-District shall not be permitted unless integrated with other buildings within the area to maintain the functional and visual appearance of a focal point development for the Old Town.
 - (2) Buildings within Old Town Square Sub-District shall be oriented toward streets and pedestrian traffic in order to create a cohesive, pedestrian oriented development plan.
 - (3) Parking areas shall be located at the side or rear of buildings to improve the overall appearance from the street.
 - (4) Building fronts and sidewalks shall be maintained for outdoor uses such as café's, restaurant seating, street side seating etc.
- (d) Pedestrian Circulation Requirements – Each lot within the Old Town Square area shall provide on-site pedestrian facilities or public plazas or spaces that encourage pedestrian traffic on and to adjacent properties. Where the concept plan shows connections to other properties, adequate provisions should be made for creating a coordinated system of pedestrian ways throughout the district. Also, see Subsection (e) entitled “Parking Requirements” for additional requirements related to sidewalks.

(e) Parking Requirements

- (1) The design and layout of parking within the Old Town Square Sub-District shall conform to the following standards to the maximum extent possible.
 - a. Parking lots shall be located at the side or rear of the building.
 - b. Parking areas shall be screened or landscaped and shall be designed to maintain and facilitate continuity of the street façade.
 - c. Unloading/drop-off areas shall be provided.
 - d. Changes in pavement or grade should be used to indicate pedestrian crossings.
 - e. All primary parking shall be constructed of either reinforced concrete or concrete pavers.
 - f. Use of traffic islands or turnabouts is encouraged to add visual interest and directional guidance to parking lots.
- (2) Developments in the Old Town Square Sub-District will be permitted to share parking with the Old Town Corridor Sub-District for the purpose of reducing parking areas within the Old Town Square area but shall be considered on a case-by-case basis. A reduction for Old Town Square parking shall be based on the following factors:
 - a. The uses clearly have mutually exclusive hours of operations (a restaurant and an office building); or
 - b. A secondary use which is clearly compatible with and draws a larger number of its

patrons from a primary use (e.g., an art school and stationary shop); and

- c. The reductions in parking and the hours of operation are made part of the certificate of occupancy record for that use.
- (3) Off-street parking shall only be required for residential uses and shared occupancies of residential and non-residential uses at a ratio of 1 parking space per dwelling unit.
- (4) New development on vacant property and the expansion of floor area or use by more than 50 percent shall be required to install on-street parking, sidewalks, drainage improvements and/or landscaping within dedicated right-of-way or within a public easement adjoining an existing or future street. The design of these public improvements shall be consistent with adopted plans within the vicinity. These public improvements shall not be required where they already sufficiently exist as determined by Planning Director and the Public Works Director.
- (5) The city may require the dedication of right-of-way or a public easement for on-street parking, sidewalks, drainage improvements, and/or landscaping on property adjoining an existing or future street for the following: new occupancies in existing buildings; expansions of existing buildings and uses up to 50 percent; and conversions of residential buildings into non-residential or mixed-use buildings. The dimensions of the dedication or easement shall be sufficient for future construction and maintenance of the public improvements and consistent with adopted plans within the vicinity.
- (f) Area Requirements (Ord. No. 03-143, § 3, 02-25-03)

Maximum Density	None
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Yard Requirements	Setbacks shall match those of the existing adjacent structures on the same block.
	Where no buildings exist, setbacks shall be established on the site plan.
	When located adjacent to existing residential uses then the yard requirements for the Old Town Residential Sub-District shall apply.
Maximum Building Height	Shall not vary more than 12 feet from structures on the same block.

- (g) Architectural Style Requirements

New Construction	Shall be compatible with turn of the century (late nineteenth or early twentieth century) architectural style that currently exists around the City Hall.
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Renovations	Renovations to existing structures shall maintain the original facade and elevation elements of the structures / or other façade that is in keeping with the desired Old Town Square architectural theme.
Minimum Exterior Masonry	100% brick exterior, unless certain variation is required for a building to be compatible with structures in the immediate area; in such cases, the exterior masonry requirement may be adjusted by the architectural review committee.
Exterior Color	Muted, earth colors
Building Façade or Elevation	Shall reflect the rhythm of existing buildings in the area by maintaining similar building widths and exterior façade treatments to the extent possible.
	Shall maintain a thickness such that it allows construction of recessed windows overlooking the street fronts.
Openings	Reflective glass shall not be allowed in this district.
	All windows overlooking the street front shall be recessed and allow for store display areas.
Awnings	Approved through design review.

- (h) Landscaping Requirements – Approved through design review. Also see Section 5.2. Also, see Subsection (e) entitled “Parking Requirements” for additional requirements related to landscaping.
- (i) Screening Requirements – Screening of building fronts and street sides shall be prohibited in this sub-district.

3.13.7 Old Town Corridor Sub-District:

3.13.7a Purpose:

A retail/office sub-district that is primarily for retail and office uses that meets the convenience needs of the community. The boundaries of this sub-district shall be established through the Zoning Map. (Ord. No. 03-143, § 4, 02-25-03) (Ord. No. 15-576, §1, 12-8-15)

3.13.7b Authorized Uses:

1. Uses listed in Section 4.1.2 (Use Charts) in conjunction with a site plan review.
2. In case of new or unlisted uses, a determination of appropriate classification of the form of land use shall be made by the Planning and Zoning Commission by considering the nature and described performance of the proposed use and its compatibility with the uses permitted in the sub-district and the Old Town District in general.

3.13.7c Old Town Corridor Sub-District Development Standards:

General Site Orientation and Layout—

1. Buildings within Old Town Corridor Sub-District shall be oriented toward streets and pedestrian traffic in order to create a cohesive, pedestrian oriented development plan.
2. Any existing residential use shall be allowed to continue in this Sub-District as a conforming use until it ceases to be used in that manner and then it shall not be allowed to reestablish. No additional totally residential development shall be newly erected or established within or relocated into the Corridor Sub-District unless the use is an upper-story use established in compliance with this section. (Ord No 06-276, § 4, 01-10-06)
3. Upper story residential development may be established above any non-residential ground level use in this district through Site Plan approval. (Ord No 06-276, § 4, 01-10-06)
4. Parking areas shall be located at the side or rear of buildings to improve the overall appearance from the street.
5. Wherever possible, parking for residential units shall be accessed from an alley or rear drive. (Ord No 06-276, § 4, 01-10-06)
6. Mixed residential and commercial uses may be established with both residential and business use in a live/work arrangement in this district only through the Site Plan approval process. (Ord No 06-276, § 4, 01-10-06)
7. Pad sites within Old Town Corridor Sub-District shall be limited to the following:
 - a. Pad sites shall occupy no more than two corners of any street intersection and shall be two acres or less.

Area Requirements —

Maximum Density	—None
Minimum Lot Area	—5,000 square feet
Minimum Lot Width	—50-feet
Minimum Lot Depth	—None

Yard Requirements—

Minimum Front Yard	—20-feet
Minimum Side Yard	—5-feet when adjacent to non-residential uses; (Ord. No. 01-71 § 2, 07-21-01) —15-feet when adjacent to residential structures;
Minimum Rear Yard	—None, except when adjacent to residential structures, then 20-feet.
Minimum Exterior Masonry (new structure)	—100% exterior masonry, unless certain variation is required for it to be compatible with structures in immediate area, in such cases exterior masonry requirement may be adjusted by the architectural review committee.
Minimum Exterior Masonry (existing structure)	—If the existing structures are wood, then wood may be retained if approved on the site plan.
Maximum Building Height	—2-stories or a height such that it maintains a variation of 7-feet from structures around it, whichever is greater.

Architectural Style Requirements —

Exterior Color	—Exposed masonry color or earth colors
Building Materials	—Approved through design review
Building Façade or Elevation	—Shall reflect the early twentieth century architectural style or be compatible with such style.
Openings	—Reflective glass shall not be allowed in this district.
Awnings	—Approved through design review.
Landscaping Requirements	—5-foot landscaped strip along the street in front yards; for additional standards see Section 5.2.
Screening Requirements	<p>—Decorative masonry or living screening walls, maximum 4-feet in height shall be allowed on the front and side of the structures.</p> <p>—Parking lot screening walls shall be 3-feet maximum in height.</p> <p>—Masonry or living screening walls are required. Other materials may be approved only through a design review process on the site plan.</p>
Sign Requirements	<p>—Only signs attached to the building, post and panel and monument signs shall be permitted. (Ord. 2002-110 § 9 06-11-02)</p> <p>—Festive and banner signs shall only be allowed as authorized by the Cedar Hill Sign Ordinance. (Ord. 2002-110 § 9 06-11-02)</p>

3.13.8 Old Town Residential Sub-District:

3.13.8a Purpose:

This sub-district is intended primarily for residential uses that provide a buffer between the nonresidential uses of the Old Town District and lower density residential uses around it. Certain nonresidential uses that are compatible to the residential uses may be allowed in this sub-district through an approved Conditional Use Permit. The boundaries of this sub-district shall be established through the Zoning Map.

(Ord. No. 08-345, § 4, 01-08-08)

3.13.8b Authorized Uses:

1. Those uses listed for the OT-Old Town District in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses; however, any non-residential use within the OT-R – Old Town-Residential sub-district shall first obtain a Conditional Use Permit as set forth in Section 3.20.
2. In case of new or unlisted uses, a determination of appropriate classification of the form of land use shall be made by the Planning and Zoning Commission by considering the nature and described performance of the proposed use and its compatibility with the uses permitted in the sub-district and the Old Town District in general.
3. Existing buildings shall be allowed to be established with both residential and business uses in a live/work arrangement in this district only through the Conditional Use Permit approval process unless authorized as a Home-Based Business in accordance with Section

3.13.8c Old Town Residential Sub-District Development Standards:**General Site Orientation and Layout—**

1. Buildings in Old Town Residential Sub-District shall provide sidewalks or other pedestrian oriented environments.

Area Requirements—

Maximum Density	—14 units per acre
Minimum Lot Area	—3,000 square feet
Minimum Lot Width	—25-feet
Minimum Lot Depth	—100-feet

Yard Requirements— (Ord No 06-276, § 6, 01-10-06)

- a) Townhouses —None required (0')
- b) Townhouse Building Separation — 10-feet
- c) All other buildings — 5-feet

Minimum Front Yard —20-feet

Minimum Side Yard (interior) —None required (0') for townhouses;

Minimum Side Yard (street side) (Ord No 06-276, § 6, 01-10-06)

- a) Townhouses —10-feet;
- b) All other buildings —15-feet

Minimum Rear Yard —15-feet

Minimum Exterior Masonry —Approved through design review

Maximum Building Height —2-stories

Architectural Style Requirements—

Exterior Color —Approved through design review

Building Materials —Approved through design review

Building Façade or Elevation —Shall reflect the rhythm of existing historical structures in the area by maintaining similar building widths and exterior façade treatments to the extent possible.

Openings —Reflective glass shall not be allowed in this district.

Awnings —Approved through design review

Landscaping Requirements

—See requirements for residential developments in Section 5.2.

SECTION 3.14 UT - UPTOWN OVERLAY DISTRICT

3.14.1 Purpose

This is an overlay district intended to guide the development of the Uptown area to create a thriving mixed-use area that builds on, and enhances, Cedar Hill's unique character as a friendly and family-oriented Texas town. The district regulations seek to extend the character of the historic downtown into the Uptown area by providing an extension of pedestrian corridor(s) and vehicular circulation with the historic downtown core, and to establish harmony between mixed uses similar to the historic downtown. The regulations are intended to accommodate contemporary development needs for retail and commercial uses.

3.14.2 Authorized Uses and Applicability

- (a) This section shall apply to new construction and visible site improvements.
- (b) Development standards that are not addressed in this Section are subject to the regulations of the applicable base zoning district. Those uses allowed in the base zoning district are authorized.

(Ord. No. 2018-655)

3.14.3 General Building and Site Orientation

- (a) All primary structures shall be oriented directly to a corner of intersecting public streets, or to the internal roadway(s) in the district.
- (b) Primary parking areas shall be placed at the side or rear of buildings to improve the overall appearance of from the streets in the District. (Ord. No. 03-143, § 5, 02-25-03)
- (c) Buildings should be located as close as possible to the front property line to improve the overall appearance from adjacent streets and provide a strong building wall on either side of streets environs in the district.
- (d) Site layouts on individual lots shall be developed in such a manner that pedestrian connections between buildings both on that lot and between lots within the overall Uptown District can be achieved.

(Ord. No. 2018-655)

3.14.4 Yard Requirements

- (a) Minimum Front Yard
 - (1) Along streets with a right-of-way width of 65 feet or less – 10 feet.
 - (2) Porches, arcades or other architectural features with a minimum overhang height of ten (10) feet may extend to the adjacent right -of-way line.
- (b) Minimum Side Yard
 - (1) There shall be no requirement for buildings along public streets that have a floor area of 10,000 square feet or less.
 - (2) Buildings adjacent to residential uses – 50 feet

(c) Minimum Rear Yard

- (1) For buildings with a floor area of 10,000 square feet or less when adjacent to residential uses, residential districts or streets – 20 feet. Otherwise, there shall be no requirement.
- (2) For buildings with a floor area over 10,000 square feet when adjacent to residential uses, residential districts or streets – 50 feet. Otherwise, the requirement shall be 20 feet.

(Ord. No. 2018-655)

3.14.5 Parking Lot Location and Screening Requirements

- (a) All parking or drive areas shall be located at least thirty (30) feet from right of way lines along public streets or park areas.
- (b) The thirty (30) foot strip shall be screened and heavily landscaped and shall contain at least one tree for every 450 square feet within the strip. Such trees shall comply with the landscape standards for the City of Cedar Hill and may be used to meet the Cedar Hill landscape street yard requirements.

(Ord. No. 01-71; Ord. No. 2018-655)

3.14.6 Lighting Standards

- (a) Screening of Light Fixtures
 - (1) In order to preserve the night sky and to reduce glare on roadways, pedestrian areas and adjacent development, light sources (e.g. light bulbs) shall be oriented toward the center of the site or shielded so as to not be visible from the nearest property line. This applies to refractory lenses that extend beyond the lighting fixture and are designed to redirect the lighting source horizontally. This does not apply to neon or internally lit signs, or to decorative lighting with 15 watts or less per bulb.
 - (2) Historic or antique-style pedestrian light fixtures approved by the city are excluded from this standard.
- (b) Decorative Pedestrian Level Lighting – To accent entry areas and to enhance pedestrian safety, decorative pedestrian level pole or façade mounted lighting fixtures shall be used at entrances to the building and along major internal pedestrian routes.

3.14.7 Street and parking area fixtures

Street and pedestrian level lighting fixtures, signage and street furnishings that are compatible with the character of the Old Town Historic District shall be used.

3.14.8 Signs (Ord. 2002-110 § 6 06-11-02)

All provisions of Article XII, Signs Ordinance of the City of Cedar Hill shall apply to development within the district. In general, to establish and enhance the unique character of the Uptown Overlay District, signs shall be limited to monument and building signs that blend with the design, color and material used on the primary building. Though monument signs are preferred along U.S. Highway 67 between Clark Road on the north Beltline Road pole signs may be permitted. (Ord. 2002-110 § 6 06 11-02)

Pole-mounted signs are not permitted within the district, except within fifty feet (50') from the nearest Right of Way line for U.S. Highway 67 between Clark Road on the north and Beltline Road on the

south end of the District. However, to establish the unique character of the Uptown Overlay District, ground mounted signs are preferred adjacent to U.S. Highway 67.

- (a) All other signs for new development or expansion of existing buildings within the District shall be ground mounted monument signs or wall mounted signs.
- (b) Maximum area of any sign within the District shall be as permitted by the Cedar Hill Sign Ordinance.
- (c) Ground mounted monument signs shall have a distinctive base, middle and top.
- (d) Monument signs shall be no taller than eight feet (8'). Along U.S. Highway 67, monument signs may be twenty feet (20') in height, but with no increase in the permitted sign area.
- (e) Monument signs must be spaced a minimum of eighty feet (80') apart.
- (f) The structure of monument signs shall be constructed of materials and colors utilized on the building's primary façade.
- (g) Landscaping around the base of monument signs is encouraged to blend the sign with other landscaped areas around the sign.

3.14.9 Flood Plain (Ord. 2002-110 § 7, 06-11-02)

- (a) Any areas within the 100-year floodplain within the limits of the District shall be left in a natural state.
- (b) Drainage areas flowing to the floodplain may be contoured to accommodate storm water detention, which shall be provided in a naturalistic manner.

3.14.10 Utilities (Ord. 2002-110 § 8 06-11-02)

In order to keep visual clutter within the Uptown Overlay District to a minimum; especially at the district's entries and along Uptown Boulevard, all new utilities shall be placed below ground, except for major high voltage transmission lines. Use of existing overhead utilities is permitted; however, new service lines shall be placed underground.

SECTION 3.15 CC–CAMPUS COMMERCIAL DISTRICT

3.15.1 Purpose:

The “CC”, Corporate Campus District is intended to provide a low intensity, campus or open setting for research and development laboratories, corporate offices and headquarters, science and high technology firms and related office and support uses. The sites for such uses should typically be large in size, with significant amounts of land used for open space, large setbacks and heavy landscaping. Buildings may be multi-story and should be set back away from the streets. No residential uses are allowed within the CC - Corporate Campus District other than incidental security quarters.

3.15.2 Authorized Uses:

- A. Those uses listed for the CC–Campus Commercial district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.15.3 District Development Standards:**A. Lot Dimension Requirements —**

Minimum Lot Area	—10,000 square feet
Minimum Lot Width	—none
Minimum Lot Depth	—150 feet

B. Yard Requirements —

Minimum Front Yard	—30 feet
Minimum Side Yard	—None except when adjacent to street or residential then 25 feet.
Minimum Rear Yard	—25 feet.

C. Structure Standards —

Maximum Lot Coverage	—40% main & accessory buildings
Maximum Height	—None (except when adjacent to residential, then an additional 2-foot setback is required for each additional 1 foot in height over 2 stories.)
Exterior Building Materials and Architectural Design	—See Section 5.7 (Ord. No. 2018-655)

D. Minimum Off-Street Parking —See Section 5.1**E. Landscaping Requirements —See Section 5.2 (Ord. No. 2018-655)**

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| F. Screening Requirements | —See Section 5.3 |
| G. Supplemental Requirements | —See Section 5.4 through 5.7
(Ord. No. 09-377, § 2, 01-13-09) |
| H. Site Plan Requirements | —See Section 2.6 |
| I. Special Requirements | —None
(Ord. No. 09-377, § 2, 01-13-09) |

SECTION 3.16 C–COMMERCIAL DISTRICT

3.16.1 Purpose:

The “C”, Commercial district is intended to accommodate development of all retail and wholesale activities, such as commercial sales and service uses, other contracting services, storage and warehouse services, automotive and transportation related services and activities dealing with services to other businesses and vehicular related activities. Developments of this type are generally incompatible with residential development due to heavy traffic generation, hours of operation, noise emissions, or other incompatible features and should be generally located along freeways, highways, and other designated high volume thoroughfares and should utilize established high level of landscaping and buffering.

3.16.2 Authorized Uses:

- A. Those uses listed for the C–Commercial district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.16.3 District Development Standards:**A. Lot Dimension Requirements**

Minimum Lot Area	—None
Minimum Lot Width	—None
Minimum Lot Depth	—None

B. Yard Requirements

Minimum Front Yard	—20 feet
Minimum Side Yard	—20 feet
Minimum Rear Yard	—None, except 20 feet when adjacent to street or residential

C. Structural Standards

Maximum Height	—None, except when adjacent to residential zoning district in which case the maximum height shall be limited to 35 feet plus 1 foot of additional height for each one foot of setback the structure is from the applicable minimum yard requirements set forth in Section 3.17.3 above. (Ord. 2014-542 §, 07-22-14)
Exterior Building Materials and Architectural Design	—See Section 5.7 (Ord. No. 2018-655)

D. Minimum Off-Street Parking —See Section 5.1**E. Landscaping Requirements** —See Section 5.2 (Ord. No. 2018-655)

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| F. Screening Requirements | —See Section 5.3 |
| G. Supplemental Requirements | —See Section 5.4 through 5.7
(Ord. No. 09-377, § 2, 01-13-09) |
| H. Site Plan Requirements | —See Section 2.6 |
| I. Special Requirements | —None
(Ord. No. 09-377, § 2, 01-13-09) |

SECTION 3.17 IP–INDUSTRIAL PARK DISTRICT

3.17.1 Purpose:

The “IP”, Industrial Park district is intended to provide for development of low intensity industries and light manufacturing plants involved in assembling, fabrication, warehousing, wholesaling and some administrative operations, conducted wholly within enclosed buildings and conforming to an exceptionally high developmental, operational and environmental standards. The district shall be characterized by off street parking and loading facility requirement, generous setbacks, abundant open space and aesthetically landscaped site planning. This district will require accessibility to major thoroughfares, major highways, or other means of transportation.

3.17.2 Authorized Uses:

- A. Those uses listed for the IP—Industrial Park district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.17.3 District Development Standards:**A. Lot Dimension Requirements —**

Minimum Lot Area	—None
Minimum Lot Width	—None
Minimum Lot Depth	—None

B. Yard Requirements —

Minimum Front Yard	—30 feet
Minimum Side Yard	
1) When abutting “P” district	—None
2) When abutting “IP” district	—30 feet
3) When abutting “C” district	—10 feet
4) When abutting “NS” or “LR” district	—20 feet
5) When abutting a residential district	—30 feet
6) When abutting more than	—More restrictive district standards shall apply
Minimum Rear Yard	—30 feet

C. Structure Standards —

Maximum Lot Coverage	—None
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Maximum Height	—35 feet; except when adjacent to single family districts; then an additional setback of 1 foot for each 2 feet in height above 35 feet is required.
Exterior Building Materials and Architectural Design	—See Section 5.7 (Ord. No. 2018-655)
D. Minimum Off-Street Parking	—Loading docks are to be oriented away or screened from the collectors and arterial streets; for additional standards, see Section 5.1
E. Landscaping Requirements	—See Section 5.2 (Ord. No. 2018-655)
F. Screening Requirements	—See Section 5.3
G. Special Requirements	—See Sections 5.4 through 5.7 (Ord. No. 09-377, § 2, 01-13-09)
H. Site Plan Requirements	—See Section 2.6 (Ord. No. 09-377, § 2, 01-13-09)
I. Special Requirements	—None (Ord. No. 09-377, § 2, 01-13-09)

SECTION 3.18 I–INDUSTRIAL DISTRICT

3.18.1 Purpose:

The “I”, Industrial District is intended to provide for light industrial and light manufacturing uses that are somewhat limited in nature and function of permissive uses, such as assembling and fabrication, warehousing, wholesaling and service operations that do not depend upon frequent customer or client visits. The developments in this district should be in accordance to established performance standards and shall be characterized by large setbacks, minimal building coverage, off street parking and loading facilities, and landscaping and buffering requirements. This district should also require accessibility to major thoroughfares, major highways, or other means of transportation.

3.18.2 Authorized Uses:

- A. Those uses listed for the I—Industrial district in Section 4.1.2 (Use Charts) as “P” or “C” are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 3.20.

3.18.3 District Development Standards:**A. Lot Dimension Requirements —**

Minimum Lot Area —None

Minimum Lot Width —None

Minimum Lot Depth —None

B. Yard Requirements —

Minimum Front Yard —25 feet

Minimum Side Yard (interior) —None

(Ord. No. 09-377, § 2, 01-13-09)

Minimum Side Yard (corner) —25 feet

(Ord. No. 09-377, § 2, 01-13-09)

Minimum Rear Yard —None, except 40 feet when adjacent to single family residential district

C. Structure Standards —

Maximum Lot Coverage —None

Maximum Height —None

Exterior Building Materials and Architectural Design —See Section 5.7 (Ord. No. 2018-655)

D. **Minimum Off-Street Parking** —See Section 5.1

E. **Landscaping Requirements** —See Section 5.2

- | | |
|-------------------------------------|---|
| F. Screening Requirements | —See Section 5.3 |
| G. Supplemental Requirements | —See Sections 5.4 through 5.7
(Ord. No. 09-377, § 2, 01-13-09) |
| H. Site Plan Requirements | —See Section 2.6
(Ord. No. 09-377, § 2, 01-13-09) |
| I. Special Requirements | —None
(Ord. No. 09-377, § 2, 01-13-09) |

SECTION 3.19 PD-PLANNED DEVELOPMENT DISTRICT

3.19.1 Purpose:

The purpose of a planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD Districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- A. To provide for a superior design of lots or buildings;
- B. To provide for increased recreation and/or open space opportunities for public use;
- C. To provide rural amenities or features that would be of special benefit to the property users or community;
- D. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and viewscapes;
- E. To protect or preserve existing historical buildings, structures, features or places; or
- F. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

3.19.2 Nature of District and Minimum Standards.

Each PD District shall be a free-standing zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses. Minimum standards for residential and non-residential uses proposed for the PD District must be incorporated within an ordinance adopted by the Council (the "adopting ordinance"). In the adopting ordinance, the City Council may incorporate minimum standards by making reference to a standard zoning district

A. Land Use.

1. **Uses.** Unless otherwise provided by the PD Ordinance, only those uses authorized in Section 4.1.2 of this ordinance are permitted in a PD District.
2. **Location.** The location of all authorized uses shall be consistent with the PD Concept Plan and PD Site Plan.
3. **Residential Density.** Unless otherwise provided by the PD Ordinance on the basis of exceptional design and provision of enhanced open space, residential density shall not exceed four (4) units per gross acre for single-family residential use and eighteen (18) units per gross acre for multi-family use.

4. **Non-Residential Uses.** Unless otherwise provided by the PD Ordinance, the following standards shall apply to all non-residential uses within a PD District:
- a. **Height.** No structure shall exceed the lower of three (3) stories or forty-five (45) feet above natural grade.
 - b. **Drainage.** Drainage features shall be integrated into the design of the development and shall be contained within ponds and streams with a natural appearance wherever possible.
 - c. **F.A.R.** Floor to area ratio shall not exceed one-to-one (1:1); however, the Council may authorize higher intensities of use if supported by traffic impact analysis and site-specific open space analysis.

B. Open Space Standards.

1. **Public and Private Open Space.** Unless otherwise provided by the PD Ordinance, a minimum of twenty percent (20%) of the gross land area within the entire PD District shall be devoted to open space, consistent with the open space requirements of the City's Comprehensive Plan. Open space for PD Districts may be satisfied by either public or by a combination of public and private open space. Open space requirements specified in this Subsection are in addition to requirements for site landscaping and buffering. Public open space shall be dedicated to the City.
2. **Preservation of Natural Features.** Unless otherwise provided by the PD Ordinance or PD Concept Plan:
 - a. Floodplain areas shall be preserved and maintained as open space; and
 - b. Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration.
3. **Open Space Amenities.** An applicant for a PD District may propose open space amenities in order to intensify the uses of the land within the district.
4. **Open Space Allocation.** Open space requirements shall be satisfied for each phase of a multi-phased residential development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the City that such open space will be provided. The City may require that all open space within the district must be provided prior to completion of development within the district.

- C. **Dimensional and Area Standards.** Unless otherwise provided by the PD Ordinance, dimensional and area standards for uses shall be the most restrictive standards authorized by the City's zoning regulations for the same or similar uses.

3.19.3 Plans Required.

There are three types of plans that may be required as part of the development process within a PD District. The general purpose and use of each plan is described as follows:

- A. **PD Concept Plan.** The PD Concept Plan is mandatory, and is intended to be used as the first step in the PD development process. It establishes the most general guidelines for the PD

District by identifying the land uses and intensities, thoroughfare locations, and open space boundaries (including public trail systems). It also illustrates the integration of these elements into a master plan for the whole PD District. The PD Concept Plan, as incorporated in the PD ordinance and together with the text of the ordinance, establishes the development standards for the PD district. The PD Concept Plan shall identify any areas that have different standards than established for the same or similar uses.

- B. PD Development Plan.** A PD Development Plan is optional and is intended to be used, where necessary, as the second step of the PD development process. A PD Development Plan may be used where the developer requests or the Council requires certain standards for the PD District to be specified after initial establishment of the PD District, and constitutes an amendment to the approved PD Concept Plan and PD Ordinance. A PD Development Plan includes more detailed information as to the specific land uses and their boundaries. The purposes of a PD Development Plan are to allow flexibility in the development process by deferring specification of all development standards at the time of PD District creation and to enable developers to satisfy conditions imposed on creation of the District prior to submittal of a PD Site Plan.
- C. PD Site Plan.** A PD Site Plan is mandatory and is the final step of the PD development process. The purposes of a PD Site Plan are to assure that the development of individual building lots, parcels, or tracts within the PD District are consistent with the approved Concept Plan and Development Plan, if any, and to assure that the standards applicable within the PD District are met for each such lot, parcel or tract. If a PD Site Plan terminates, development of the land covered by the terminated plan cannot occur until a new PD Site Plan has been approved for the land as provided by this section.

3.19.4 Pre-Application Conference.

An application for a PD Development Plan or PD Site Plan may request a pre-application conference with the Planning Director prior to formal application. The procedures in section 1.8 shall apply. (Ord. No. 05-250 § 4, 08-30-05)

3.19.5 Compliance with Approved Plans.

Except as otherwise provided by the City's subdivision regulations, no building permit shall be issued and no construction shall commence for any land within a PD District until a PD Site Plan that is consistent with the PD Concept Plan and any applicable PD Development Plan has been approved. Each PD District shall be developed, used, and maintained in compliance with the approved PD Site Plans for the district. Compliance with the PD Ordinance shall be construed as a condition precedent to granting of Certificates of Occupancy.

3.19.6 Establishment of District and Concept Plan.

- A. Zoning Amendment.** An application for the establishment of a PD District shall be made to the Commission. The application shall include: (1) a PD Concept Plan; (2) a list of proposed PD District development standards; (3) identification of a zoning district, if any, which shall apply to the extent not otherwise provided by the PD Concept Plan or by the proposed PD District development standards; (4) an informational statement, and (5) traffic impact analysis, unless waived by the Council. Except to the extent provided by the PD Concept Plan and the PD Ordinance, development within the PD District shall be governed by all of the ordinances, rules, and regulations of the City in effect at the time of such development (including the standards of the zoning district identified in the application). In the event of any conflict

between the PD Concept Plan and the PD Ordinance and the then-current ordinances, rules, and regulations of the City, the terms, provisions, and intent of the PD Concept Plan and PD Ordinance shall control.

- B. **PD Concept Plan.** A PD Concept Plan (or, at the applicant's option, a PD Development Plan) shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, the PD Concept Plan (or PD Development Plan) shall be incorporated as part of the PD Ordinance. The graphic depictions contained on a PD Concept Plan shall be considered as regulatory standards. Each PD Concept Plan shall be prepared on one or more standard sheets of sizes of 30" x 42" or 24" x 36" and at an engineering scale of 1"=100' (or other scale necessary to clearly convey the appropriate information). If multiple sheets are required, an overall plan shall be submitted as well (which may be to any scale). Unless waived by the Planning Director, each PD Concept Plan shall graphically depict the following:
1. A diagram or drawing of the boundaries of the proposed PD District;
 2. Proposed and existing land uses by category (including, if applicable, proposed and existing land uses by category for any sub-areas to be developed within the PD District);
 3. Proposed density by type of residential uses, including the maximum numbers of dwelling units for residential uses other than single-family detached and lot sizes for single-family detached;
 4. Proposed estimated total floor area and floor area ratios by category of non-residential uses, together with residential view analysis, if any;
 5. Proposed configuration of public and private open space serving the development, showing the relationship to the City's Comprehensive Plan, including trail system and access points to the trail system, estimated dimensions and approximate area, and areas to be dedicated to the public or to a private maintenance organization, if known;
 6. Proposed and existing thoroughfares, boulevards and large streets;
 7. To the extent known for adjoining land, existing land uses (by zoning district), existing thoroughfares; and existing open space for such adjoining land;
 8. Any amenities proposed for purposes of achieving density or intensity bonuses; and
 9. A general plan for circulation of traffic and pedestrians within and external to the development, including designated points of access.
- C. **Proposed PD Development Standards.** Proposed PD District development standards shall be processed simultaneously with the zoning amendment application, and if the zoning amendment application is approved, such standards shall be incorporated as part of the PD Ordinance. Such proposed development standards may include (but shall not be limited to) uses; density; lot size; lot dimensions; setbacks; coverage; height; landscaping; lighting, fencing, parking and loading; signage; open space; drainage; and utility and street standards. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD Ordinance, shall be considered as regulatory standards.

- D. Concept Plan Informational Statement.** A PD Concept Plan shall be accompanied by an narrative statement containing the information set forth below. If the zoning amendment application is approved, the informational statement shall not be binding on the applicant or the land owner and shall not be considered part of the PD Concept Plan or the PD Ordinance. Informational statements shall be updated concurrently with any amendment to the PD Concept Plan and with each PD Development Plan, if any. Each statement shall include the following:
1. A general statement setting forth how the proposed PD District will relate to the City's Comprehensive Plan;
 2. The total acreage within the proposed PD District;
 3. If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and
 4. An aerial photograph with the boundaries of the PD Concept Plan clearly delineated.
- E. Traffic Impact Analysis.** The applicant shall submit to the City engineer a traffic impact analysis for the proposed PD District unless waived by the City Council, after it receives the advise of the City Engineer. The analysis must be approved or waived by the Council prior to, or concurrently with, the Council's approval of the PD district. The traffic impact analysis shall not be considered part of the PD concept plan or the PD Ordinance, but may be used to condition the density of uses or the timing of development with the District based upon the existence of a supporting roadway network adjacent to accommodate the expected traffic generation. The traffic impact analysis shall be updated with each PD Site Plan. (Ord. No. 01-71 § 8, 07-21-01)
- F. Complete Application.** No application for the establishment of a PD District shall be deemed to be filed with the City until the Planning Director has determined that the PD Concept Plan is complete, that the proposed PD District development standards have been identified, that a traffic impact analysis has been submitted (unless waived), and that the informational statement is complete. A sufficient number of copies of the application, as determined by the Planning Director, shall be submitted to allow review by City Staff and appropriate Boards. (Ord. No. 01-71 § 9, 07-21-01)
- G. Commission Recommendation.** The Commission, after notice and public hearing in accordance with the City's zoning procedures, shall formulate its recommendation with respect to establishment of a PD District. The recommendation of the Commission shall be forwarded to the Council for decision.
- H. Council Decision.** Following receipt of the Commission's recommendation, the Council, after notice and public hearing in accordance with the City's zoning procedures, shall conduct a public hearing and shall approve, approve with conditions, or deny the application for establishment of the PD District.
- I. Approval Criteria.** Based upon the PD Concept Plan, the Commission, in making its recommendations to the Council, and the Council, in determining whether the PD District should be established, shall consider whether the following criteria have been met:

1. The plan of development is generally consistent with the City's Comprehensive Plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 2. Proposed uses and the configuration of uses are compatible with existing and planned adjoining uses;
 3. The general arrangement of streets conforms to the City's Thoroughfare Plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 4. Proposed uses, development densities and intensities, and development regulations are generally consistent with this Section;
 5. The configuration of the proposed open space serving the development is consistent with the City's Comprehensive Plan (as such plan may be amended prior to or concurrently with approval of the PD District);
 6. The amenities proposed justify proposed densities or intensities;
 7. The proposed plan of development furthers the public health, safety and general welfare of the community; and
 8. The traffic impact analysis demonstrates that the capacity of the proposed roadways shown on the proposed PD Concept Plan, together with any roadways within related PD Districts and the supporting roadway network, are adequate to accommodate the traffic expected to be generated by the uses, densities and intensities of use shown on the PD Concept Plan in and authorized in the PD Ordinance in a timely and efficient manner.
- J. **Conditions.** The Commission may recommend, and the Council may require, such conditions to the establishment of a PD District and to the approval of a PD Concept Plan as are reasonably necessary to assure that the purposes of the District and the approval criteria for the PD Concept Plan are met. Such conditions may include the requirement of a PD Development Plan.
- K. **Adopting Ordinance.** The PD Ordinance shall include and incorporate the PD Concept Plan an integral part of the regulations and shall include the following:
1. A statement of the purpose and intent of the PD District;
 2. A metes and bounds description of the land within the PD District;
 3. A list of the specific land uses permitted within the PD District, together with a description of the sub-areas, if any, in which such uses are allowed;
 4. The maximum density or intensity of each permitted land use;
 5. A list of all the PD District development standards, together with necessary graphic illustrations;
 6. Identification of the City's then-current zoning district standards that shall apply to the extent not otherwise provided by the PD Concept Plan or PD Ordinance;

7. Identification of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City), that may be deferred for specification until approval of a PD Development Plan or that may be varied by the Council as part of the approval process for a PD Site Plan.
8. Unless otherwise identified on the PD Concept Plan, the general location and size of open space serving the development; including any proposed dedication of open space to the public or to a maintenance organization.
9. Provisions governing amenities, if any, to justify densities or intensities.
10. Such additional conditions as are established by the Council to assure that the PD District and PD Concept Plan are consistent with the purposes of the District and the approval criteria for the Concept Plan.

3.19.7 Development Plans.

If the Council requires as a condition of establishing the PD District and approving a PD Concept Plan that PD Development Plans be submitted prior to submittal of a PD Site Plan, a PD Development Plan may be prepared and submitted for the entire development at one time or for individual phases of development. The applicant also may elect to submit a Development Plan in accordance with this section. Each plan shall be submitted to the City Planning Director. Each PD Development Plan shall be accompanied by (i) a development plan informational statement and (ii) a preliminary drainage study for the area covered by the proposed plan. If deemed necessary by the City Engineer or Planning Director, the applicant for a PD Development Plan shall also submit an updated traffic impact analysis prior to Commission action. (Ord. No. 01-71 § 10, 07-21-01)

A. Submittal Requirements for PD Development Plans.

1. Approximations of the following: site boundaries and dimensions, lot lines, site acreage and square footage, and distances to the nearest cross streets;
2. Location map, north arrow, title block and site data summary table;
3. Existing land uses and zoning classifications on adjacent properties;
4. Any features omitted from the PD Concept Plan upon Council authorization; and
5. Such additional features as are necessary to assure compliance with conditions established by the Council to be satisfied by the Development Plan.

B. PD Development Standards. Development standards that were not specified in the PD Ordinance, as authorized by the Council, shall be submitted and approved as an amendment to the PD Ordinance and incorporated therein, in conjunction with approval of the PD Development Plan.

C. Development Plan Informational Statement. Each PD Development Plan shall be accompanied by an informational statement containing the information hereinafter set forth. The informational statement shall not be binding on the applicant or the land owner and shall not be considered part of the PD Development Plan or PD Ordinance. Informational

statements shall be updated concurrently with any amendment to a PD Development Plan and with each PD Site Plan. Each informational statement shall include the following:

1. Name and address of landowner and date of preparation of the PD Development Plan;
2. Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the PD Development Plan;
3. A table listing the specific permitted uses proposed for the property, and, if appropriate, the boundaries of the different land uses and the boundary dimensions;
4. Development standards for each proposed land use, as follows:
 - a. Minimum lot area;
 - b. Minimum lot width and depth;
 - c. Minimum front, side, and rear yard areas;
 - d. Maximum height of building; and
 - e. Maximum building coverage.
5. A list of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City that apply to development within the PD District), for which the applicant is seeking amendment by the Council as part of the PD Development Plan approval process.
6. If Council approval of any height increase is being requested, a view analysis of the impact of such requested waiver on adjacent residential areas of the City.
7. Preliminary and approximate building locations and building footprints;
8. Preliminary elevations and perspectives to show the relationship of building heights to surrounding topography;
9. Location of parking areas and structures for multi-family and non-residential uses, including areas for off-street parking;
10. A detailed description of how open space serving the development will be satisfied for the phase of development represented by the PD Development Plan, including any proposed dedications of open space to the public or to a private maintenance organization;
11. If the PD Development Plan is a phase of the project (as described in the applicant's original informational statement submitted with the PD Concept Plan), depiction of the area subject to the development in relation to the then-current phasing plan, together with any updates of the then-current phasing plan that was submitted as part of the applicant's original informational statement;
12. Preliminary tree survey;

13. A list detailing each condition imposed by the PD Ordinance that is to be satisfied through approval of the PD Development Plan; and
14. A list identifying each proposed addition or amendment to the PD ordinance.

- D. Preliminary Drainage Study.** Each PD Development Plan shall be accompanied by a preliminary drainage study for the area covered by the study. The study shall be prepared by a professional engineer who is licensed in the State of Texas and who is experienced in the study of drainage issues. The preliminary drainage study shall (i) contain a topographical map of the area proposed for development to a scale not smaller than 1 inch = 200 feet; (ii) generally describe how the proposed development will comply with the drainage design policies set forth below; (iii) include all information deemed necessary by the preparing engineer to support his or her determination that the proposed development will comply with the drainage design policies; and (iv) include all information reasonably requested by the City Engineer to support his or her review of the preliminary drainage study. The purposes of the drainage design policies are to prevent flooding of adjacent properties, owned by third parties and to regulate water surface elevations and peak discharges. Development within the PD District shall not produce any increase in the water surface elevation (either upstream or downstream) due to a 5-year, 10-year, 50-year, or 100-year storm. If the discharge from the area proposed for development would increase the water surface elevation above predevelopment conditions on any property owned by third parties due to any of such storms, then such peak discharge must be regulated to the extent necessary to eliminate the increased water surface elevation. The regulation of discharges to eliminate such increases may be achieved using either on-site or off-site storm water management facilities (such as detention areas, retention areas, and infiltration and sedimentation ponds).
- E. Updated Traffic Impact Analysis.** If deemed necessary by the City's transportation engineer or if required by the PD Ordinance, the applicant for a proposed PD Development Plan shall submit an updated traffic impact analysis prior to action by the Commission. The purpose of the updated analysis is to determine whether the traffic estimated to be generated by the development shown on the proposed PD Development Plan will necessitate specific on-site or adjacent traffic improvements (e.g., turn lanes, stacking lanes, signalization, etc.) and to determine whether conditions attached to the Concept Plan based on the original traffic impact analysis have been met.
- F. Commission Recommendation.** The Commission, after notice and public hearing in accordance with the City's zoning procedures, shall recommend to the Council whether to approve, approve with conditions, or disapprove each PD Development Plan, together with each proposed amendments to the PD Ordinance.
- G. Council Decision.** Upon receipt of the Commission's recommendation, the Council, after notice and public hearing in accordance with the City's zoning procedures, shall approve, approve with conditions, or disapprove each PD Development Plan and each proposed addition or amendment to the PD Ordinance.
- H. Approval Criteria.** The Commission, in making its recommendation to the Council, and the Council, in acting upon each PD Development Plan and proposed addition or amendment to the PD Ordinance, shall determine whether the proposed PD Development Plan and ordinance addition or amendment meets the following criteria:
1. The plan generally is consistent with the approved PD Concept Plan (including open space, trails, and thoroughfares);

2. The plan generally is consistent with the development standards set forth in the PD Ordinance;
 3. The plan satisfies any conditions established by the Council in the PD Ordinance relating to Development Plan approval;
 4. The plan is generally consistent with the standards and conditions of the zoning regulations and of other ordinances, rules and regulations of the City (to the extent that such standards and conditions are applicable to development within the PD District);
 5. The traffic estimated to be generated by the plan is generally consistent with the original, Council approved traffic impact analysis and any conditions to be satisfied at the time of the Development Plan approval have been met;
 6. The plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.); and
 7. The preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a natural manner.
- I. **Conditions.** The Commission may recommend, and the Council may require, such conditions to the approval of a PD Development Plan as are reasonably necessary to assure that the approval criteria are met.
- J. **Approving Ordinance.** The Development Plan shall be incorporated within an ordinance amending the PD Ordinance and the Concept Plan. The amending ordinance shall set forth all standards necessary for development of the land subject to the Development Plan that were not included in the PD Ordinance. The amending ordinance also shall repeal or amend any conditions that were attached to the PD Ordinance that have been satisfied as a result of approving the Development Plan and associated amendments. All PD's shall be shown on the City's Zoning Map.

3.19.8 PD Site Plans.

- A. **Delegation to Commission.** The Planning and Zoning Commission hereby is delegated the authority to approve, conditionally approve, or deny PD Site Plans and all amendments thereto, subject to appeal to the Council. Any PD Site Plan that is subject to a request for waivers or other modifications and that are reserved for the Council by these PD regulations shall be decided by the Council, upon recommendation of the Commission.
- B. **Submittal Requirements.** The following requirements apply to each application for PD Site Plan approval:
1. **Size.** PD Site Plans shall be prepared on one or more standard sheets of sizes of 30" x 42" or 24" x 36" and at an engineering scale of 1"=100' or larger. If multiple sheets are required, an overall plan shall be submitted as well (which may be to any scale). PD Site Plans shall be prepared by a registered engineer, architect, or landscape architect.

2. General Information:

- a. North Arrow;
- b. Total site acreage;
- c. Submission date;
- d. Scale (written and graphic);
- e. Vicinity map;
- f. Names, addresses, and telephone numbers of designer, engineer, developer, and owner;
- g. A boundary survey of the site with the location of proposed land uses;
- h. Adjacent subdivision names and property lines; and
- i. Adjacent land uses and structures.

3. Structures:

- a. Location, dimensions, and use of all existing facilities and proposed building sites;
- b. Setback and separation distances between building sites;
- c. Proposed construction type and facade materials for all multi-family and non-residential buildings (the Commission may require elevations and perspective drawings);
- d. Proposed density of each use; and
- e. Proposed location of screening along public roadways shown on the PD Concept

Streets and Sidewalks:

- a. Location and width of all rights-of-way and easements;
- b. Location and dimensions of all pavement and curbing;
- c. Location and width of all sidewalks;
- d. Location and width of all ingress/egress points;
- e. Location and width of all medians and median breaks; and
- f. Location of any special traffic regulation facilities.

5. Off-Street Parking and Loading Areas:

- a. Number, location, and dimension of spaces;

- b. Type of surface material of parking facility;
- c. Dimension of aisles, driveways, maneuvering areas, and curb return radii;
- d. Distance between spaces and adjacent rights-of-way;
- e. Location of all existing and proposed fire lanes and hydrants; and
- f. Proposed lighting diagram.

6. Landscaping:

- a. Location and size of major tree groupings and existing hardwood trees of 6" caliper or greater, noting whether they are to be removed or retained;
- b. Location and size of proposed plant materials, including paving, together with type and species of plants;
- c. Number and type of each landscape element;
- d. Height and type of all fencing or buffering;
- e. Height of all planters, sculptures, and decorative screens;
- f. Location and type of trash receptacle screening;
- g. Location and type of lighting for streets, signage, and parking areas; and
- h. Location of visibility triangles where required.

7. Drainage:

- a. Direction of water flow;
- b. Quantity of on and off-site water generation;
- c. Topographic contours at a minimum of 5 foot intervals;
- d. Points of concentrated water discharge;
- e. Areas where special design and construction may be necessary due to slope or soil conditions; and
- f. Location and design of all water detention and drainage areas;
- g. Drainage ways, creeks, and limits of the 100 year floodplain and floodway as shown on current FEMA mapping or the City's master drainage plan, including location and acreage, together with a general plan for accommodating flood waters and drainage.

8. Preliminary Utility Service Plan:
 - a. A preliminary drainage plan of the area showing the size and location of each existing and proposed drainage way and retention or detention area; (Ord. No. 01-71 § 7, 07-21-01)
 - b. If no Development Plan has been required and approved by the Council, the drainage plan shall incorporate the requirements of the preliminary drainage study as specified in Section 3.19.7.D. ; (Ord. No. 01-71 § 7, 07-21-01)
 - c. If no Development Plan has been required and approved by the Council, an updated traffic impact analysis as required by section 3.19.7.E. ; (Ord. No. 01-71 § 7, 07-21-01)
 - d. The proposed method of providing water and sewer service; ; (Ord. No. 01-71 § 7, 07-21-01)
 9. A list of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the City that apply to development within the PD District), for which the applicant is seeking a waiver by the Council as part of the PD Site Plan approval process; and
 10. If Council approval of any height increase is being requested, the applicant shall prepare (at the request of the Planning Director) a view analysis of the impact of such requested waiver on adjacent residential areas of the City.
- C. **Commission Decision.** The Commission, after notice and public hearing in accordance with the City's zoning procedures, shall approve, approve subject to conditions, or deny each PD Site Plan.
- D. **Approval Criteria.** The Commission, in approving, conditionally approving, or denying a PD Site Plan, shall consider the following criteria:
1. The plan complies with the applicable PD Concept Plan or Development Plan, if any, and with the PD Ordinance, including expressly conditions attached to the Concept Plan, Development Plan or PD Ordinance.
 2. The plan complies with the standards and conditions of the zoning regulations and of other ordinances, rules and regulations of the City (to the extent that such standards and conditions are applicable to development within the PD District);
 3. If no Development Plan was required and approved by the Council, the traffic estimated to be generated by the plan is generally consistent with the original, Council approved traffic impact analysis;
 4. If no Development Plan was required and approved by the Council, the plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.); and
 5. If no Development Plan was required and approved by the Council, the preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a manner approved by the Council.

- E. **Conditions.** The Commission, or the Council on appeal, may establish such conditions to the approval of a PD Site Plan as are reasonably necessary to assure that the approval criteria are met.
- F. **Appeal from Commission Action.** If the Commission approves a PD Site Plan with conditions or if it disapproves a PD Site Plan, the applicant may appeal the decision to the Council by filing a written request with the City Secretary within ten (10) days after the Commission's decision.
- G. **Waivers.** If the applicant requests a waiver from PD Ordinance standards or other ordinance requirements, the waiver request will be forwarded to the Council with the Commission's recommendation for decision.

3.19.9 Amendment of Plans.

- A. **PD Concept Plans.** PD Concept Plans (excluding informational statements) are considered part of the PD Ordinance. Any amendment to a PD Concept Plan shall be considered a zoning change, and the provisions of Chapter 211 of the Texas Local Government Code relating to notices, public hearings, and written protests for changes in zoning districts or regulations shall apply. If a PD District is established subject to approval of PD Development Plans, the provisions of this subsection shall apply to such PD Development Plan.
- B. **PD Site Plans.** PD Site Plans are not considered part of a PD Ordinance. Except as otherwise provided in this subsection, any amendment to an approved PD Site Plan must be approved by the Commission. Notwithstanding the foregoing, however, "minor modifications" to any PD Site Plan may be approved by the Planning Director. If the Planning Director believes that a request for minor modification entails a significant change in the Site Plan, he may refer the request to the Commission for determination. A "minor modification" to a PD Site Plan is defined as any modification that does not:
 - 1. Alter the basic relationship of proposed development to adjacent property;
 - 2. Change the uses permitted;
 - 3. Increase the maximum density, floor area, or height;
 - 4. Decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements; or
 - 5. Reduce the minimum yards or setbacks.

3.19.10 Lapse of Approval in PD Districts.

- A. **Lapse of Plans.** In a PD district, progress toward development of an approved project shall occur within the following time periods:
 - 1. Failure to submit development plan. A development plan, where required, shall be submitted for approval within two (2) years of the date of establishment of the PD District, unless otherwise provided in the adopting ordinance. If a development plan for all or a portion of the project is not submitted within such period, or if the application for the development plan subsequently is denied, the authority to submit such development plan and all subsequent plans shall expire. (Ord. No. 05-250 § 5, 08-30-05)

2. Failure to submit subsequent development plan. If the project is to be developed in phases, a subsequent development plan shall be submitted within two (2) years from the date of approval of a development plan for the preceding phase, continuing at such intervals until a development plan has been approved for all phases of the PD. If a subsequent development plan is not submitted the applicable period or if the application for the subsequent development plan is denied, authorization to submit such development plan for that portion of the property or other subsequent development plans for the property shall expire. (Ord. No. 05-250 § 5, 08-30-05)
 3. Failure to submit site plan. A site plan shall be submitted for approval within one (1) year from approval of the applicable development plan, or, if no development plan is required, within two (2) years of the date of establishment of the PD District. If a site plan is not submitted within such period, and following any extensions that may be granted, or if the site plan application subsequently is denied or expires, authorization to submit a site plan shall expire. If no development plan is required and the project is to be developed in phases, then subsequent site plans shall be submitted in accordance with the provisions for submittal of development plans and subject to suspension of authorization to submit further site plans, in accordance with subsection (2). (Ord. No. 05-250 § 5, 08-30-05)
 4. Lapse of site plan and extension. If a building permit for an authorized use has not been obtained within one (1) year from the date of approval of a site plan, the site plan shall lapse and no application for a site plan or building permit shall be accepted for filing thereafter. The property owner, however, may submit a request for extension of the site plan at least sixty (60) days prior to expiration of such plan, setting forth the reasons why an extension should be granted. The Planning and Zoning Commission thereafter shall schedule a public hearing to consider such request and shall determine whether to extend the site plan, subject to a right of appeal to the City Council. In no case shall the site plan be extended for a period in excess of two (2) years.
 5. Stay of procedures. Upon expiration of any of the time limits for any step in the planned development process set forth in this section, an application for the development plan or site plan, as the case may be, shall not be accepted for filing or further processed, pending the outcome of the procedures set forth in subsections B through D.
- B. Planning & Zoning Commission Recommendation.** Following expiration of the right to submit a development plan or site plan, the Planning and Zoning Commission shall consider whether the undeveloped land within PD District should be changed to another classification. Notice and conduct of the hearing shall be in accordance with procedures for a zoning amendment pursuant to Section 2.3. The Commission thereafter shall recommend to the City Council whether the right to submit a development plan or site plan should be reinstated, or whether the property should be zoned to another classification.
- C. Council Consideration.** The Commission's recommendation shall be referred to the City Council for consideration in accordance with procedures applicable to zoning amendments in Section 2.3. The Council shall determine whether the right to submit the development plan or site plan should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the Council shall consider, at a minimum, the following factors:
1. Whether the PD district remains consistent with the Comprehensive Plan;

2. Whether the uses authorized in the PD district are compatible with existing and planned land uses adjacent to the site;
3. Whether there are extenuating circumstances justifying the failure to submit a development plan or site plan during the applicable time period; and
4. Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.

D. Council Action. The City Council may take the following actions:

1. Reinstate the right to submit the applicable development plan or site plan within a time certain, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of the project;
2. Modify the PD district regulations applicable to the property; or
3. Repeal the PD district for the affected portions of the property and zone such property to another zoning district classification.

3.19.11 Effect on Prior PD Districts.

This Ordinance amends any PD district established under Article XI-C, Ordinance No. 85-777, or any predecessor ordinance, as follows:

- A. PD District Provisions to Remain in Effect.** The provisions of the PD districts established by the ordinances appearing in Appendix A, which is incorporated herein by reference, together with Sections 3 and 4 of Article XI-C, Ordinance No. 85-777 as amended, shall remain in effect, except as may be expressly superseded by regulations in Subsection B, for the following purposes:
1. To govern solely enforcement of development standards or conditions pertaining to any lot or tract within the PD district for which a use has been established and which standards or conditions are made applicable to such use by the ordinance establishing the PD district or valid amendment thereto;
 2. To govern solely the re-establishment of such use following destruction;
 3. To govern standards for approval of any plats accepted for filing after June 22, 1999, and the establishment of uses subject to and consistent with such approved plats, provided that the project associated with such plats has not terminated by operation of law.
 4. For purposes of this section a use authorized under a prior approved PD District shall be deemed established if an application for a building permit has been accepted for filing prior to the effective date of these zoning district regulations, the application is subsequently approved and construction is completed consistent with the approved building permit.

B. Rules Applicable to All Existing PD Districts. Notwithstanding Section 3.19.11(A) above, development authorized within a PD district existing on the effective date of these zoning regulations shall conform to the following standards:

1. Landscaping and screening requirements as set forth in Sections 5.2 and 5.3;
2. Supplemental regulations as set forth in Section 5.4;
3. Performance standards and standards governing lighting and glare, as set forth in Sections 5.5 and 5.6; and
4. Exterior construction requirements as set forth in Section 5.7.

3.19.12 Planned Development Combining District.

A. Purpose. The purpose of the Planned Development Combining (PDC) District is to assure the consistency of the official zoning map with the Future Land Use Map of the adopted comprehensive plan, while providing for the development of land formerly classified as a Planned Development District under Ordinance No. 85-777, as amended, or a predecessor ordinance, in accordance with some or all of the standards and conditions contained within the ordinance establishing such prior district, in the event that development under base district regulations is determined by the City Council to be confiscatory or inequitable.

B. Repealed PD Ordinances. For any PD District or portion thereof that has been reclassified as a Planned Development Combining District on the Zoning District Map for these zoning regulations, the ordinance establishing the PD District with respect to such land hereby is repealed, and shall have no further force and effect, except to the extent that such provisions are incorporated within the Planned Development Combining District pursuant to this section 3.19.12. All development within such former PD District or portion thereof as may occur thereafter shall be governed by the regulations for such Planned Development Combining District, until such classification shall be changed in accordance with procedures for zoning map amendments. A list of ordinances creating PD Districts which are repealed in whole or in part appears as Appendix B to these zoning regulations and is incorporated herein by reference.

C. Nature of District and Uses Authorized.

1. The Planned Development Combining (PDC) District is an overlay district that combines with one or more base districts established by these zoning regulations. The PDC District incorporates the uses, standards and conditions established under a Planned Development District created pursuant to Ord. No. 85-777, as amended, or a predecessor ordinance. The boundaries of each PDC district shall be mapped on the City's official zoning map, which shall show the base district(s) and the number of the ordinance creating the PD district.
2. A list of the ordinances establishing former PD districts which have been reclassified in whole or in part as a Planned Development Combining District appears as Appendix B to this ordinance and is incorporated herein by reference. When more than one PDC district has been mapped for a single PD district, such districts are designated in Appendix B by a suffix following the PD district number.
3. The authorization to develop land within a PDC district in accordance with prior use regulations and development standards in contravention of base district regulations arises

only upon approval of a vested rights petition by the City Council in accordance with the procedures and standards in Section 3.19.12.D. In all other circumstances, the uses authorized and the standards for development shall be those of the base district.

4. In the event that a PDC district is deemed void by order of any court, it is the intent of this section that the land shall remain classified as the base district(s) on the City's zoning map and that the uses authorized and the standards for development for the land subject to the overlay district shall be those solely of the base district with which it was combined.

D. Procedures.

1. Vested rights petition required. Except for uses authorized and consistent with the development standards in the base district, no application for site plans or plat approval shall be accepted for filing for development within a Planned Development Combining District until a petition for a determination of vested rights has been filed in accordance with this section.
2. Application for vested rights determination. An owner of land within a Planned Development Combining District may petition the City Council for a vested rights determination and other relief under this subsection D. The petition must be filed either in conjunction with the submission of a complete application for approval of a preliminary plat, final plat, or any other permit for development of all or a portion of the land within the district, or in conjunction with the filing of a development plan prepared in accordance with section 3.19.7, depicting development of the remaining undeveloped land within the district. The plat or development plan shall be consistent with the approved land uses, standards and conditions set forth in the ordinance and associated land use plan establishing the prior PD district listed in Appendix B.
3. Time for petition. In either event, the petition for the vested rights determination and accompanying plats or plans must be filed with the Planning Director in writing within six (6) months of the effective date of these 2000 zoning regulations. The petition for a vested rights determination shall be accompanied by an unconditional waiver of any claim that the plat application or other application has not been processed in accordance with any time limits established by law. Applications that are inconsistent with the approved land use plan for the prior PD District shall be returned to the applicant as incomplete.
4. Consideration by Council.
 - a. The petition for a vested rights determination shall be considered by the City Council within a reasonable time after the petition is received. The City Council shall not authorize development in accordance with the prior PD district regulations unless the applicant first presents credible evidence from which the City Council can reasonably conclude that the application of all or a part of the standards in the base district will deprive the applicant of a vested right or of the economically viable use of his land.
 - b. The City Council also may consider any proposal by the petitioner to rezone the land subject to the Planned Development Combining District, provided that such application is processed as an amendment to the zoning map in accordance with the procedures in section 2.3.
5. Criteria. In deciding whether to grant relief to the applicant, the City Council shall take into consideration any evidence presented on the following factors:

- a. The nature and extent of prior applications filed or approved within the prior PD District;
 - b. Whether any prior vested rights determinations have been made with respect to the property subject to the application or the property within the prior PD District;
 - c. Whether any prior approvals of applications granted by the City within the prior PD District have been terminated in accordance with law;
 - d. Whether specific standards to be applied under base district regulations affect lot size, lot dimensions, lot coverage or building size.
 - e. The nature and intensity of the uses allowed under the base district;
 - f. Whether such provisions allow an economically viable use of the land;
 - g. The degree to which the property owner may be damaged by the application of the standards contained in the base district;
 - h. The total expenditures made in connection with the proposed development in reasonable reliance on prior PD regulations;
 - i. Any fees reasonably paid in connection with the proposed development;
 - j. Any representations made by the City concerning the project and reasonably relied upon to the detriment of the applicant;
 - k. The extent to which the owner of the property had actual or constructive notice of proposed changes to the zoning regulations.
6. Action by City Council. The City Council may take the following actions:
- a. Deny the request for relief, and direct that development of the land within the district included in the petition thereafter be in accordance with the uses and the standards authorized in the base district;
 - b. Grant the relief requested, and direct that the application be processed and evaluated in accordance with the regulations contained in the prior PD district as incorporated by the PDC district;
 - c. Grant the relief requested in part, and direct that some of the land within the district included in the petition thereafter be developed in accordance with the uses and standards authorized in the base district, and that the remainder of such land be developed in accordance with the regulations contained in the prior PD district as incorporated by the PDC district.
7. Waiver.

- a. A vested rights determination granted under this section shall expire, and all claims pertaining to vested rights or loss of economically viable use shall be deemed waived, forfeited and void, if any of the following conditions should occur:
 - (1) A complete application for approval of a plat or other permit, consistent with the City Council's determination, is not filed within thirty days (30) of the date of such determination; or
 - (2) The application subsequently is denied for failure to comply with regulations governing the plat or permit; or
 - (3) Approval of the application has expired.
 - a. Following waiver of a vested rights determination, the only uses authorized and the only standards governing development within the Combining District thereafter shall be those of the base district and any other standards imposed generally by these zoning regulations.
- E. **Effect of Action on Petition.** If the City Council grants the relief requested in the petition for a vested rights determination in whole or in part, development within the Planned Development Combining District shall thereafter be consistent with the uses authorized and the standards and conditions made applicable to the proposed project for the land subject to the petition. Relief granted pursuant to this section shall not be deemed approval of the plat, development plan or other application submitted, but as authorization to submit such plan for approval in accordance with procedures applicable to the type of application submitted. If relief is denied, uses authorized and standards governing development within the district for such land shall be solely those of the base district and any other standards imposed generally by these zoning regulations.
- F. **Effect of Failure to Petition.** If a property owner within a Planned Development Combining District fails to petition for a vested rights determination within the time prescribed by subsection D, the right to submit such petition expires and the only uses authorized and the only standards governing development within the Combining District thereafter shall be those of the base district and any other standards imposed generally by these zoning regulations.
- G. **Removal of Overlay District.**

The City Council or the Planning and Zoning Commission on its own initiative may seek to remove the Planned Development Combining District from the zoning map in accordance with the procedures for zoning amendments in section 2.3 on occurrence of any of the following events:

- 1. The property owner within the Planned Development Combining District fails to petition for a vested rights determination within the time prescribed by subsection D; or
- 2. The relief sought upon petition of the property owner pursuant to this section is denied by the City Council; or
- 3. A vested rights determination is waived by the property owner in the manner provided in subsection D.

SECTION 3.20 CUP – CONDITIONAL USE PERMIT

3.20.1 Purpose:

- A. **Nature of Conditional Use** - A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving Conditional Use Permit (CUP) applications.
- B. **Permit Required** - No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within a zoning district until a conditional use permit is issued in accordance with the provisions of this Section. An application for a conditional use permit shall be accompanied by a site plan prepared in the manner described in Section 2.6. The site plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in Section 3.20.5.

3.20.2 Status of Conditionally Permitted Uses:

The following general rules apply to all conditional uses:

- A. The designation of a use in a zoning district (see Section 4.1.2) as a conditional use does not constitute an authorization or assurance that such use will be approved.
- B. Approval of a conditional use permit shall authorize only the particular use for which the CUP is issued.
- C. No use authorized by a conditional use permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new conditional use permit in accordance with the procedures set forth in this Section.
- D. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City's Code of Ordinances, or any permits required by regional, State and Federal agencies.

3.20.3 Application for Conditional Use Permit:

- A. **Application Requirements** - An application for a conditional use permit may be submitted by the property owner or by the property owner's designated representative to the City. The application shall be accompanied by a site plan prepared in accordance with the requirements of Section 2.6. If a zoning amendment is required to authorize the use or as application is pending, the application for a conditional use permit shall not be considered complete unless accompanied by a copy of the approved zoning ordinance or amendment. (Ord. No. 05-250 § 6, 08-30-05)
- B. **Subdivision Approval** - If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a conditional use permit. Approval of the conditional use permit shall not become effective until final approval of the subdivision application; provided that if the land is to be divided in phases, the

approval of the conditional use permit shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.

3.20.4 Procedures for Conditional Use Permits:

- A. **Planning & Zoning Commission Recommendation** - Upon receipt of the recommendation from the Planning Director, the Planning and Zoning Commission shall conduct a public hearing in order to formulate its recommendations to the City Council on the conditional use permit application. Following the public hearing, the Planning and Zoning Commission shall recommend approval, approval subject to modification, or denial of the proposal to the City Council in accordance with Section 2.3. If the appropriateness of the use cannot be assured at the location, the Planning and Zoning Commission shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.
- B. **City Council Action** - The City Council shall be the final decision-maker on applications for conditional use permits. Following a public hearing and in consideration of the Planning and Zoning Commission's recommendations, the City Council shall approve, modify or deny the proposal for a conditional use permit in accordance with Section 2.3. If the appropriateness of the use cannot be assured at the location, the application for conditional use permit shall be denied as being incompatible with existing uses or with other uses permitted by right in the district.

3.20.5 Standards:

- A. **Factors for Consideration** - When considering applications for a conditional use permit, the Planning and Zoning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning and Zoning Commission and the City Council shall specifically consider the extent to which:
 - 1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
 - 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 - 3. The proposed use meets all supplemental standards specifically applicable to the use as established in the Development Standards, Sections 5.1 through 5.7;
 - 4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - b. Off-street parking areas, loading areas, and pavement type;

- c. Refuse and service areas;
 - d. Utilities with reference to location, availability, and compatibility;
 - e. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - g. Required yards and open space;
 - h. Height and bulk of structures;
 - i. Hours of operation;
 - j. Exterior construction material, building design, and building facade treatment;
 - k. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets;
 - l. Provision for pedestrian access/amenities/areas;
 - m. Impervious coverage percentage; and
 - n. Concentration of, or distance from, similar uses. (Ordinance No. 2020-699)
5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
- B. **Conditions** - In approving the application, the Commission may recommend and the City Council shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this Section, in accordance with the procedures in Section 2.3. Any conditions imposed shall be set forth in the action approving the conditional use and shall be incorporated into or noted on the site plan for final approval. The Director shall verify that the plan incorporates all conditions, and shall sign the plan to indicate final approval. The City shall maintain a record of such approved conditional uses and the site plans and conditions attached thereto.
- 4) **Prohibition on Waivers and Variances** – (Ord. No. 08-345 § 6, 01-08-08)
- a. The foregoing standards of development shall not be subject to variances that otherwise could be granted by the Zoning Board of Adjustments (ZBA), nor may conditions imposed by the City Council subsequently be waived or varied by the ZBA. In conformity with the authority of the City Council to authorize conditional uses, the City Council may waive or modify specific standards otherwise made applicable to the use by this Ordinance, to secure the general objectives of this Section; provided, however, that the City Council shall not waive or modify any approval factor set forth in Subsection A of this Section.
 - b. The Conditional Use Permit application shall conform to the base district in which the use is located, including any variance that may have been granted by the Zoning Board

3.20.6 Expiration and Termination of Conditional Use Permits:

- (a) If a certificate of occupancy has not been issued within one (1) year of the approval of a conditional use permit, then the conditional use permit shall expire. The planning director may extend the expiration time up to an additional one (1) year if a building permit has been issued for new construction on the premises. Thereafter, a new conditional use permit must be approved prior to development of the use under standards then in effect.
- (b) If a use approved by conditional use permit is abandoned for a period of one (1) year, then the conditional use permit and all associated site plans shall be deemed to have expired. Thereafter, a new conditional use permit must be approved prior to development of the use under standards then in effect.
- (c) If a use approved by conditional use permit exceeds the standards and conditions established under the permit, the City may enforce the terms of the permit in accordance with Article 6, or the City Council may by majority vote revoke the permit following notice to the owner and public hearing in accordance with procedures for appeals to the Board of Adjustment as set forth in Section 2.2.6.

3.20.7 Amendment:

No proposed or existing building, premise or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this Ordinance, and the conditional use permit and approved site plan are amended accordingly.

3.20.8 Other Regulations:

The Zoning Board of Adjustments shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Conditional Use Permit.

3.20.9 Use Regulations:

Uses allowed by CUP are specified in Section 4.1.2 (Use Charts).

3.20.10 Effect on Special Uses:

A. **Intent.** It is the intent of this Section that zoning districts authorizing special uses under Ordinance No. 85-777, as amended, be repealed, and that established special uses be authorized either as permitted, non-conforming or conditional uses under these zoning regulations. It is the further intent of this Section that any standards or conditions attached to such approved special uses remain in effect for purposes of enforcement.

B. Repeal of Zoning Districts Authorizing Special Uses.

1. Any ordinance establishing a zoning district that authorizes a special use pursuant to Ord. No. 85-777, article XIII, as amended, hereby is repealed, and shall have no further force and effect, except that the standards and conditions governing such authorized special use shall remain in effect for such purpose and hereby are incorporated by reference for purposes of enforcement. A list of ordinances creating districts authorizing special uses which are repealed appears as Appendix C to these zoning regulations, and is incorporated

herein by reference.

2. All new development within such former special use zoning district as may occur following repeal shall be governed by these zoning regulations pursuant to the standards for the zoning district in which such proposed development is to be located; provided, however, that established uses for which construction has not been completed shall be governed by the standards and conditions adopted in the ordinance creating the special use district.

C. Authorization as Permitted, Conditional or Nonconforming Use.

1. Authorized permitted use. Whenever an established special use authorized under Ordinance No. 85-777, as amended, is identified either as a permitted use or a conditional use under Section 4.1 of these zoning regulations for the zoning district in which the use is located, the use shall be classified hereafter as a use permitted of right within the district, and shall conform to the regulations of the district, except to the extent that the standards and conditions governing the former special use are in conflict with the district regulations. In such event, such standards and conditions shall take precedence over those for the district with respect to the former special use. To the extent that such standards and conditions render a structure or lot non-conforming, such non-conformity shall be deemed lawful, and the provisions of Section 2.5 of these zoning district regulations shall apply.
2. Lawful non-conforming use. Whenever an established special use authorized under Ordinance No. 85-777, as amended, is identified neither as a permitted nor a conditional use under Section 4.1 of these zoning district regulations for the zoning district in which the use is located, the use shall be deemed hereafter to be a lawful non-conforming use within the district, and shall be subject to the provisions of Section 2.5 of these zoning district regulations. The standards and conditions governing the former special use shall continue to apply to such use, and shall be deemed lawful non-conformities.
3. Established use. For purposes of this Section a special use authorized under a prior approved Special Use Permit (SUP) district shall be deemed established if, on the effective date of these zoning regulations, the special use permit has not expired, as provided in Article XIII, Ord. No. 88-877, as amended. In order to maintain status as an established special use, a building permit subsequently shall be approved and construction shall be completed consistent with such approved building permit. If the special use permit expires pursuant to Article XIII, Ord. No. 88-877, as amended, a building is not obtained, or construction is not completed consistent with the permit, the special use shall be considered abandoned.
4. Termination or modification of use. If the former special use authorized under this Section as a permitted, conditional or lawful nonconforming use is abandoned, lawfully terminated or destroyed, or is otherwise modified in a manner inconsistent with the standards and conditions governing the use under Ordinance No. 85-777, as amended, the provisions of Section 2.5 governing abandonment of nonconforming uses and restoration of nonconforming structures shall apply.

3.20.11 Change in Status of Permitted Use

Whenever a use classified as a permitted use under zoning district regulations in effect immediately prior to the effective date of these zoning regulations is classified as a conditional use under the zoning district regulations in which the property is located on the approved

zoning map, the use shall be treated as a non-conforming use subject to the provisions of Section 2.5, unless the applicant obtains approval of a conditional use permit under this Section 3.20.

SECTION 3.21 HP – HIGH POINTE OVERLAY DISTRICT

3.21.1 Purpose:

There hereby is established a High Pointe (HP) Overlay District. The High Pointe Overlay District is intended to combine with one or more Planned Development Districts or Planned Development Combining Districts established by this comprehensive zoning ordinance. The districts with which the High Pointe Overlay District combines are identified in Appendix D, which is incorporated by reference herein. The purpose of the District is to provide standards for landscaping, screening and buffering of new land uses to be developed within the district.

3.21.2 Uses and Development Standards:

The land uses authorized within the High Pointe Overlay District and the standards applicable to development within the District shall be those of the underlying Planned Development District or Planned Development Combining District, except as provided in Subsection C below.

3.21.3 Additional Landscaping, Screening and Buffering Standards Incorporated:

The additional landscaping, screening and buffering standards which appear in Appendix D of this comprehensive zoning ordinance shall apply to new development of land within the High Pointe Overlay District, as stated and limited by the provisions contained in Appendix D.

SECTION 3.22 *(Reserved)*

SECTION 3.23 *(Reserved)*

SECTION 3.24 *(Reserved)*

SECTION 3.25 *(Reserved)*

ARTICLE 4. USE REGULATIONS

SECTION 4.1 USE REGULATIONS (CHARTS)

4.1.1 Use Regulations (Charts):

- A. The use of land or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. No use permitted in the Use Charts shall permit a sexually oriented land use except for those permitted uses specifically defined as sexually oriented uses under Section 4.1.7 Sexually Oriented Businesses of the Zoning Ordinance. The legend for interpreting the permitted uses in the Use Charts is: (Ord. No. 10-418, § 2, 09-14-10).

P	Designates use permitted in the zoning district indicated.
	Designates use prohibited (i.e., not allowed) in the zoning district indicated.
C	Designates use may be permitted in the zoning district indicated by Conditional Use Permit (also see Section 3.20).
E	Designates nonconforming uses which may be replaced if destroyed.
NA	Means “not applicable”, and that there is no parking requirement.

See Definitions in Section 5.8 of the Zoning Ordinance for further description of uses.

- B. If a use is not listed (or blank) in the Use Charts, it is not allowed in any zoning district (see Subsection D below).
- C. **Use Chart Organization** - The following use categories are listed in the Use Charts:

2. Residential Uses
3. Office Uses
4. Personal and Business Service Uses
5. Retail Uses
6. Transportation and Auto Service Uses
7. Amusement and Recreational Service Uses
8. Institutional/Governmental Uses
9. Commercial and Wholesale Trade Uses
10. Manufacturing, Industrial and Construction Uses

D. **Classification of New/Unlisted Uses** - It is recognized that new types of land use will develop, and forms of land use not presently anticipated may seek to locate in the City of Cedar Hill. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts (Section 4.1.2) shall be made as follows:

1. **Initiation:**

- a. A person, City department, the Planning and Zoning Commission, or the City Council may propose zoning amendments to regulate new and previously unlisted uses.
- b. A person requesting the addition of a new or unlisted use (in writing) shall submit to the Planning Director or his/her designee, all information necessary for the classification of the use, including but not limited to:
 - (1) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (2) The type of product sold or produced under the use;
 - (3) Whether the use has enclosed or open storage and the amount and nature of the storage;
 - (4) Anticipated employment typically anticipated with the use;
 - (5) Transportation requirements;
 - (6) The nature and time of occupancy and operation of the premises;
 - (7) The off-street parking and loading requirements;
 - (8) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated

- (9) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required ; and
 - (10) Impervious coverage percentage.
- 2. The Planning Director, or his/her designee, shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in subsection "b" above. An amendment to this Ordinance shall be required as prescribed by Section 9.
 - 3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.
 - 4. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to Section 9 (i.e., following notification and public hearing, etc.).
 - 5. Standards for new and unlisted uses may be interpreted by the Planning Director, or his/her designee, as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined above ("b") shall be followed for determination of the appropriate district. The decision of the Planning Director, or his/her designee, may be appealed according to the process outlined in subsections "2" through "4" above.

E. Temporary Uses

The following uses shall be authorized in any district as temporary uses, upon issuance of a temporary use permit by the Building Official, subject to the standards contained in this section. The duration of the permit shall not exceed thirty (30) days. In the event the applicant seeks to establish a temporary use for a longer period, he shall make application to the City Council, which, upon recommendation of the Building Official and in accordance with the standards of this section, may authorize the use for a period of not to exceed six (6) months. In granting the permit, the Council may impose such reasonable conditions, including conditions related to the factors enumerated in Section 3.20.5.A.4 (Conditional Use Permit Standards) as necessary to assure compatibility of the temporary use with adjacent uses and the character of the neighborhood.

- 1. The following uses are authorized as temporary uses:
 - a. Carnivals,
 - b. Circus,
 - c. Fairgrounds,
 - d. Religious assemblies,
 - e. Sports events,
 - f. Political rallies,

- g. Concrete mixing or batching plant used temporarily by contractors during construction of public improvements or buildings, and in such cases, the period of time provided in the contract for completion of such improvement for building,
- h. Armed forces displays,
- i. Educational display, and
- j. Temporary sales of merchandise by non-profit organizations and existing businesses.

2. The following standards and regulations apply to temporary uses:

- a. A temporary use shall not be permitted nearer than (100) one hundred-feet to a developed lot zoned for residential use.
- b. A permit for the temporary use of any property for the above listed uses shall be secured from the code enforcement department prior to such use.
- c. Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than thirty (30) days except of concrete mixing or batching plants, during any one year shall constitute a permanent use and such parcel of property shall automatically again be subject to the district regulations of the zoning district in which such parcel of property is located.
- d. Upon application being made therefore, the council may, by conditional use permit, approve the use of any property for the foregoing temporary uses or any other use not to exceed six (6) months, under such conditions and restrictions as the City Council shall determine.
- e. Temporary Buildings, when they are to be used only by a church or school, shall be permitted by the Building Official for a time period of not more than one (1) year. After the initial one year lapses, application of extension shall be submitted to the City Council. Temporary buildings for churches or schools are exempt from any zoning district masonry requirement.

E. **Parking Group** – The Parking Group number on the Use Charts (Section 4.1.2) are reference numbers which correspond to Section 5.1.6 (Schedule of Parking Space Requirements). Refer to the applicable parking group number in Section 5.1.6 to determine the required number of parking spaces for a particular land use. Two Parking Group reference numbers mean that both are required.

F. **Supplemental Regulations** – The Supplemental Regulations column on the Use Chart (Section 4.1.2) gives reference to additional portions of the Zoning Ordinance which are applicable to that particular use. The sectional citations in this column are intended for reference and convenience purposes only, and are not intended to be exhaustive in listing every Zoning Ordinance section which applies to the use category. It is the applicant's responsibility to be familiar with, and to comply with, all portions of the Zoning Ordinance which apply to his intended land use or development regardless of whether or not such applicable regulations are cited in the Use Chart.

ARTICLE 4. USE REGULATIONS - SECTION 4.1.2 USE CHARTS

P – Designates Use is Permitted within District
– Designates use prohibited in District indicated.
C – Designates use may be approved as Conditional Use Permit.
** – See Section – for definition*

E – Designates nonconforming uses which may be replaced if destroyed.
N/A - Means “not applicable”, no parking requirement .

Authorized Uses	Residential Districts										Nonresidential Districts							Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section	
AGRICULTURE																			
Bulk Grain and/or Feed Storage	P													P		P	15		
Farms, General (Crops)*	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	NA		
Farms, General (Livestock/Ranch)*	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	NA		
Forestry & Tree Harvesting * (Ord. No. 09-377, § 3, 01-13-09)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	NA		
Greenhouse (Non-Retail/Hobby)	P	P	P	P	P	P	P	P						P	P	P	NA		
Hay, Grain, and/or Feed Sales	C													P		P	10		
Livestock Sales	P															P	10		
Orchard/Crop Propagation	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	NA		
Plant Nursery (Ord. 16-580, § 2, 03-8-16)											C			P	P	P	15		
Stables (As A Business)	C													P		P	15		
Stables (Private, Accessory Use)*	P	P															NA		
Stables (Private, Principal Use)*	P																NA		
RESIDENTIAL																			
Accessory Building/Structure (Residential)*	P	P	P	P	P	P	P	P	P								NA	4.1.3	
Accessory Building/Structure (Non-residential)										P	P	P	P	P	P	P	NA		
Caretaker's/Guard's Residence*	P	P	P	C	C	C	C	C	C				C	C	C	C	2		
College Dormitory (On Campus)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1		
Community Home*	P	P	P	P	P	P	P	P	P								1		
Family Home Adult Care		P	P	P	P	P	P	P	P								27		
Fraternity/Sorority House								C	P	C							1		
Four Family (Quadrplex)									P								3		
Garage Accessory Dwelling*							C	C									2		
Home Based Business/Home Occupation*	P	P	P	P	P	P	P	P	P			P					26	4.1.5	

ARTICLE 4. USE REGULATIONS - SECTION 4.1.2 USE CHARTS

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Authorized Uses	Residential Districts										Nonresidential Districts						Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section
Multi-Family (Apartments)									P			C					3	
Rooming/Boarding House*								C	P			C					25	
Single Family Detached*	P	P	P	P	P	P	P	P	P			P					4	
Single Family HUD Code-Manufactured Home*																C	3	
Single Family Industrialized Home*	P	P	P	P	P	P	P	P	P								3	
Single Family Townhouse (Attached)*								P	P			C					5	
Single Family Zero Lot Line (Patio Home)*												C					5	
Solar Panel System (Accessory Use) *(Ord. 15-557, § 3, 04-28-15)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		4.1.10
Solar Panel System Primary Use) *(Ord. 15-557, § 3, 04-28-15)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		4.1.10
Swimming Pool (Private)* (Ord. No. 03-143 § 11, 02-25-03)	P	P	P	P	P	P	P	P	P			P					NA	
Three Family (Triplex)									P			C					3	
Travel Trailer/RV Park/MH Subdivision*																C	1	
Two- Family (Duplex)*							E	E									5	
Retail/Residential*												C					26	

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Authorized Uses	Residential Districts										Nonresidential Districts							Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section	
OFFICE																			
Armed Services Recruiting Center										P	P	P		P	P	P	10		
Insurance Agency Offices										P	P	P	P	P	P	P	10		
Offices (Brokerage Services)										P	P	P	P	P	P	P	10		
Offices (Counseling Services)										P	P	P		P			8		
Offices (Health Services)										P	P	P	P				8		
Offices (Legal Services)										P	P	P	P	P	P	P	10		
Offices (Medical Office)										P	P	P	P				8		
Offices (Professional) (Ord. 03-143, § 13, 02-25-03)										P	P	P	P	P	P	P	10		
Offices (Parole-Probation)*																			
Real Estate Offices (Ord. 03-143, § 13, 02-25-03)										P	P	P	P	P			10		
Telemarketing or E-Commerce Agency											C		P	P	P	P	7		
PERSONAL AND BUSINESS SERVICES																			
Appliance Repair										C	P	C		P	P	P	10		
Artist Studio										P	P	P		P	P	P	10		
Ambulance Service*											P			P	P	P	10 & 35		
Animal Boarding and Kennels (Indoor Only)* (Ord. No. 04-201, § 11, 04-13-04)										C	P	P	P	P	P	P	10	5.4.13.A	
Animal and Kennels (Indoor/Outdoor Kennels/Pens)* (Ord. No. 04-201, § 11, 04-13-04)														P	C	C	10	5.4.13.B	
Auction (Indoors)											P	P		P		P	28		
Audio Recording Studio (Ord. No. 11-461, 10-11-11)										C	P	P	P	P	P	P	7		
Audio Recording Studio Retreat * (Ord. No. 11-461, 10-11-11)	C	C															4 + 7	4.1.8	
Automobile Driving School											P			P	P	P	10 & 35		
Automatic Teller Machines (ATM's) Kiosk*										P	P	C	P	P	P	P	NA	5.1.3.k	
Bank*										C	P	P	P	P	P	P	8	5.1.3.k	

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Authorized Uses	Residential Districts										Nonresidential Districts							Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section	
Barber Shop (Non-College)										P	P	P	P	P	P	P	8		
Beauty Shop (Non-College)										P	P	P	P	P	P	P	8		
Bed & Breakfast Hotel*	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	25		
Communication Equipment (Installation and/or Repair - No outdoor sales or storage)										P	P	P	P	P	P	P	10		
Computer Sales										P	P	P	P	P	P	P	8		
Credit Access Business (Ord. 03-143, § 13, 02-25-03)(Ord. 16-605, 12-13-16)											C		C	C	C	C	10	4.1.11	
Crematoriums* (Ord 15-569 §1, 9-22-15)																C	15		
Dance/Drama/Music Schools (Performing Arts)										P	P	P	P	P	P	P	7		
Extended Stay Hotels / Motels * (Residence hotels)												C	C	P	C	C	25		
Exterminator Service (No outdoor sales or storage)											P			P	P	P	8		
Exterminator Service (Storage)											C			P	P	P	8		
Funeral Home or Mortuary*											C	C		P	C	C	8 & 29		
Hotel/Motel*											C	P	P	P	P	P	25		
Karate School/Studio (Martial Arts)											P	P		P	P	P	28 & 8		
Kiosk (Providing A Service)*											P	P		P	P	P	8		
Laundry/Dry Cleaning (Drop Off / Pick Up)*										P	P	P	P	P	P	P	33	5.1.3.k	
Laundry/Dry Cleaning (Greater than 3000 s.f.)														P	P	P	10	5.1.3.k	
Laundry/Dry Cleaning (Less than 3000 s.f.)*											P	P	P	P	P	P	12	5.1.3.k	

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Authorized Uses	Residential Districts									Nonresidential Districts							Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section
PERSONAL AND BUSINESS SERVICES																		
Laundry/Dry Cleaning (Self-Service) (Ord. No. 03-143 § 12, 02-25-03)										P	P			P	P	P	8	
Lawn - Landscaping Maintenance Service - No Outdoor Storage* (Ord. No. 08-345 § 8, 01-08-08)											C			P	P	P	12	5.1.4.f
Locksmith										P	P	P		P	P	P	8	
Massage Therapy (State Licensed)										P	P	P	P				8	
Mini-Warehouse/Self Storage* (Ord. No. 06-276, §7, 01-10-06)											C			C	C	C	38 & 39	
Photo Studio										P	P	P	P	P	P	P	8	
Photocopying/Duplicating										P	P	P	P	P	P	P	8	
Security Quarters as Associated with a Business (Live-In)*											C		C	C	C	C	1	
Sexually Oriented Business*																P	10	5.4.7
Shoe Repair										P	P	P		P			10	
Studio for Radio or Television (without tower)*											P	P	P	P	P	P	23	
Tailor Shop										P	P	P	P	P			10	
Tattoo and Body Piercing Studio														C			8	
Tool Rental (Indoor Storage)*											C			P	P	P	10	
Tool Rental (Outdoor Storage)*														P		P	10	
Travel Agency											P	P	P	P	P	P	8	
Truck/Heavy Equipment Driving School (Ord. No. 08-345, § 8, 01-08-06)														P	P	P	36	5.1.4.f
RETAIL																		
Animal Humane Society (private)														P			8	
All-Terrain Vehicle (go-carts) Dealer / Sales Only											C				P	C	8	
Aquarium (retail only)											P	P		P	P	P	9	
Art Dealer										P	P	P		P			8	

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Authorized Uses	Residential Districts										Nonresidential Districts							Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section	
Auto, Truck, Trailer Dealer (Primarily New/Used)											C			C		C	12 & 16		
Auto, Truck, Trailer Dealer (Primarily Used)														C		C	12 & 16		
Auto Supply Store for New & Rebuilt Parts*											P			P	P	P	12 & 18		
Bait and Tackle Shop											C	C		P			8		
Bike Sales and/or Repair											P	P		P			12 & 16		
Boat Dealer/Sales Only														C		C	12 & 16		
Cabinet Shop (Manufacturing)														P	P	P	8		
Consignment Shop										P	P	P					8		
Convenience Store (Ord. No. 2020-699)										C	C	C		P	P	P	8		
Drapery Shop											P	C		P			8		
Drug Store (Ord. No. 2020-699)										C	P	P		P			8		
Farmers Market (Ord. No. 2019-669)												P		P	P	P			
Florist Shop*										P	P	P		P			8		

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Authorized Uses	Residential Districts										Nonresidential Districts							Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section	
RETAIL																			
Furniture Sales (Indoor)*											P	P		P	P	P	10		
Garden Shop (Inside Storage)*										P	P	P		P			8		
Gasoline and Fuel Sales										C	C			P	P	P		5.4.2.e	
General Merchandise Store (Ord. No. 2020-699)										P	P	P		P			8		
General Merchandise Store Other Than Listed (Ord. No. 2020-699)										C	C	C		C			8		
Gravestone/Tombstone Sales														P	P	P	8		
Grocery Store (Ord. No. 2020-699)										C	P	P		P			8		
Handicraft Shop										P	P	P		P			8		
Hardware Store										P	P	C		P			10		
Heating/Air Conditioning Sales/Service/ Repair											C			P	P	P			
Heavy Machinery Sales/Display (Inside)																C	8		
Heavy Machinery Sales/Display (Outside)*																C	13		
Home Improvement Center											P	C		P	P	P	11 & 15		
Landscape Material Sales (Ord. 16-580, § 3, 03-8-16)											P			P			17		
Lawnmower Sales and/or Repair (inside only) (Ord. 04-199, 03-09-04)											C	E		P	P	P	10		
Lawnmower Sales and/or Repair (inside/outside)														P	P	P	10		
Liquor Store											C			C	C	C	9	4.1.13	
Mailing Service (Private)										P	P	P		P			8		
Major Appliance Sales (Indoor)											P			P			10		
Manufactured Home Dealer/Sales Only*																C	18		
Motorcycle Dealer*											C			P		C	12 & 16		
Needlework Shop										P	P	P		P			8		
Pawn Shop*											P			P		P	8		
Pet Shop											P	P		P	P		8		
Plant Nursery (Retail Sales / outdoors)										C	C	C		P	P	P	13		

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Authorized Uses	Residential Districts										Nonresidential Districts							Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section	
Portable Building Leasing/Storage																C	11 & 16		
Portable Chemical Toilet Leasing/Storage/Sales														C		C	11 & 16		
Propane and Fuel Sales (Retail - Replacement Tanks)* (Accessory Use)										P	P	P		P	P	P			
Propane and Fuel Sales (Retail - Above Ground Filling Tanks)*											C			C	C	C			
Propane and Fuel Sales (Retail - Below Ground Filling Tanks)* (Accessory Use)											P			P	P	P			
Recreational Vehicle Dealer/Sales Only											C			P		P	11 & 16		
Recycling Kiosk										C	C			P	P	P	NA	5.1.3.k	
Restaurant										C	P	P	P	P	P	P	7		
Restaurant (Carry-Out or Delivery) (Ord. No. 2019-669)										C	P	C	P	P	P	P	7		
Restaurant (Drive-In Service)* (Ord. No. 2019-669)										C	P			P	P	P			
Retail Business, Specialty or Novelty Items																		4.1.6	
Security Systems Installation Company											P	C		P			8		
Sexually Oriented Media Store (Ord. No. 10-418)														P	P		8	4.1.7	
Sexually Oriented Retail Store (Ord. No. 10-418)														P	P		8	4.1.7	
Specialty Food Store (Ord. No. 2020-699)										C	P	P		P			8		
Super Store (Ord. No. 2020-699)											P			P			8		
Temporary Outdoor Retail Sales / Commercial Promotion											C	C		C		C	13	4.1.1.e	
Travel Bureau or Travel Consultant										P	P	C	P	P			8		

ARTICLE 4. USE REGULATIONS - SECTION 4.1.2 USE CHARTS*P – Designates Use is Permitted within District**– Designates use prohibited in District indicated.**C – Designates use may be approved as Conditional Use Permit.*** – See Section – for definition**E – Designates nonconforming uses which may be replaced if destroyed.**N/A - Means “not applicable”, no parking requirement .*

Authorized Uses	Residential Districts									Nonresidential Districts							Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section
RETAIL																		
Upholstery Shop (Non-Auto)											C			P			8	
Used Merchandise; Furniture, Antique Shop, Rummage, Second Hand Store (Includes Outside Sales)														C		C	10 & 13	
Used Merchandise; Flea Market, Furniture, Antique Shop, Rummage, Second Hand Store (Indoor Only)											C	P		P		P	10	
Vacuum Cleaner Sales and Repair											P	P		P			10	
Variety Store (Ord. No. 2020-699)										C	C	C		C			8	4.1.14
Veterinarian (Small domesticated household animals)* (Ord. 04-201, § 11, 04-13-04)	P									C	P	P	P	P	P	P	10	5.4.13.A
Woodworking Shop (Ornamental)												P		P	P	P	8	
TRANSPORTATION AND AUTO SERVICES																		
Auto Auction*																P	12 & 16	
Auto Body Repair											C			P		P	12	
Auto Financing & Leasing (Indoor)											P	C	P	P	P	P	10 & 35	
Auto Glass Repair/Tinting											C			P		P	12	
Auto Impound Yard (Private)														C		C	12 & 16	
Auto Interior Shop											C			P		P	10	
Auto Muffler Shop											C			P		P	10	
Auto Paint Shop											C			P		P	12	
Auto Rental*											C			P	P	P	11 & 35	
Auto Repair (General) Major*											C	E		P		P	12	
Auto Repair as an Associated Use to Retail Sales(Minor)*											P			P		P	12 & 16	
Auto Salvage/Wrecking Yard*																C	12 & 16	
Auto Tire Repair /Sales (Outdoor Sales Storage/Display) (Ord. No. 04-201, § 8, 04-13-04)											C			P		P	10	
Auto Wrecker Service (Ord. 08-345 § 8, 01-08-08)																C	12	5.1.4.f
Boat Repair and/or Storage																P	12	

ARTICLE 4. USE REGULATIONS - SECTION 4.1.2 USE CHARTS

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Authorized Uses	Residential Districts										Nonresidential Districts						Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section
Car Wash (Self Service)											C			P	P	P	24	5.1.3.k
Full Service Car Wash (Detail Shop)											C			P	P	P	8	5.1.3.k
Commercial Parking Lot (Trucks/Heavy Equip.)																C	12	
Inoperable Vehicle Holding Yard (private)																C	12	
Limousine Service											C			P		P	12 & 35	
Motorcycle Repair (General) & Sales											C			P		P	12 & 16	
Public Garage											C			C	C	C		
Quick Lube/Oil Change/Minor Inspection											C			P		P	8	5.1.3.k
Taxi Stand											P			P	P	P	10 & 35	
Tire Sales (No Outdoor Sales / Storage / Display) (Ord. No. 04-201, § 8, 04-13-04)											P			P	P	P	8	
Transfer/Storage Terminal/Moving*															P	P	15	
Truck /Heavy Equipment / Recreational Vehicle Repair - Indoors (Ord. No. 11-435 § 1, 04-12-11)														P	P	P	12	
Truck / Heavy Equipment / Recreational Vehicle Repair - Outdoors																P	12	
Truck Stop (including gas and diesel sales)																C	8 & 17	
Truck/Trailer Rental (Ord. 08-345 §, 8, 01-08-08)														C		C	12	5.1.4.f
Trucking Company/Motor Freight Co. *																P	8 & 12	
Wrecker or Tow Service* (Ord. No. 08-345 § 8, 01-08-08)																C	12	5.1.4.f

ARTICLE 4. USE REGULATIONS - SECTION 4.1.2 USE CHARTS*P – Designates Use is Permitted within District**– Designates use prohibited in District indicated.**C – Designates use may be approved as Conditional Use Permit.*** – See Section – for definition**E – Designates nonconforming uses which may be replaced if destroyed.**N/A - Means “not applicable”, no parking requirement .*

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AMUSEMENT & RECREATION SERVICE																			
Art Gallery											P	P	P	P	P	P	8		
Banquet Facilities (Ord. No. 03-143)										C	C	C	C		C	C	8		
Boat Basing/Floating Boat Storage	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	12		
Boat Launching Ramp	C	C	C	C	C	C	C	C	C	C	C			C	C	C	NA		
Broadcast Station (with Tower)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	23	5.4.5	
Broadcast Station (without Tower)	C										P	P	P	P	P	P	10		
Camping and RV Camp Ground with Office*	C					C	C	C	C	C	C	C	C	C	C	C	1 & 8		
Carnival, Circus or Tent Service (Temporary)*										P	P	P	P	P	P	P	10	4.1.1e	
Commercial Amusement, Other than listed (Indoor)* (Ord. No. 2019-669)											C	C		C	C	C	7	4.1.4	
Commercial Amusement, Other than listed (Outdoor)* (Ord. No. 2019-669)											C	C		C	C	C	8		
Country Club (Private)*	C	P	P	P	P	P	P	P	P	C	C		C	C	C	C	7 & 10		
Covered or Totally Enclosed Boat and/or R.V. Dry Storage Facilities on Land											C			C	P	P	12		
Dance Hall											C	C		C	C	C	7		
Day Camp	C									C	C	C	C	C			16		
Driving Range											C		C	P	P	P	31		
Earth Satellite Dish (Private, less than 3' in diameter)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	5.4.5	
Earth Satellite Dish (3'>10' in diameter))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	5.4.5	
Earth Satellite Dish (Greater than 10' in diameter)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	NA	5.4.5	
Exhibition Hall											P	C	P	P	P	P	7		
Fair Ground											C			P	P	P	10		
Golf Course (Ord. No. 2019-669)	P	P	P								P		P	P	P	P	31		
Health Club (Physical Fitness)										P	P	P	P	P	P	P	8		
Marina											P		P	P	P	P	10		
Membership Sports											P		P	P	P	P	7		
Theater (Indoors) (Ord. No. 2019-669)											P	P		P	P	P	29	4.1.4	

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Theater (Outdoors) (Ord. No. 2019-669)											C	C		P	P	P	7 & 16		
Motion Picture Studio, Commercial Film														P	P	P	14		
Museum/Wax Museum											P	C	P	P	P	P	8		
Nature Center (Private) No. 08-345 § 8, 01-08-08)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Non-Commercial Radio Tower Less Than 35 Feet High	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	5.4.5	
Non-Commercial Radio Tower Between 35-65 Feet High	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	NA	5.4.5	
Non-Commercial Radio Tower Greater Than 65 Feet High	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	NA	5.4.5	
Open Boat and/or R.V. Dry Storage Facilities on Land; Including Boat Rental, Repair and/or Service											C			C		P	12		
Park and/or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10		
Parking Areas for Vehicles/Trailers/R.V.'s											C			C		P	35		
Race Track Operation*																C	10		

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AMUSEMENT & RECREATION SERVICE																			
Recreational Club (members only)	C										P		P	P	P	P	8		
Rodeo grounds	C															P	10		
Sexually Oriented Motion Picture Theatre (Ord. No. 10-418, § 3, 09-14-10)															P	P	29	4.1.7	
Sexually Oriented Cabaret or Nightclub (Ord. No. 10-418, § 3, 09-14-10)															P	P	7	4.1.7	
Skating Rink											C			P	P	P	28 & 8		
Snack Bars and Vending Machines on Land and/or Water	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	NA		
Stadium / Sports Arena											C		C	P	P	P	28		
Swimming Pool (Private)*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	7		
Tennis Court (Private/Lighted)	C	C	C	C	C	C	C	P	P	C	P	C	P	P	P	P	32		
Tennis Court (Private/Not Lighted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	32		
Theater (Non-Motion Picture)*											P	P	P	P	P	P	28		
Video Rental / Sales										P	P	P	P	P	P	P	8		
Zoo*	C										C		C	C	C	P	10		
INSTITUTIONAL / GOVERNMENTAL																			
Adult Day Care* (Ord. No. 06-276, § 9, 01-10-06)										P	P	C		P	P		26		
Animal Pound (Public) Municipal	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A		
Airport or Landing Field*	C													C	C	C	10 & 17		
Alcoholic Care Home													C	P	C	P	27		
Alcoholic Rehabilitation Facility*														P	C	P	27		
Assisted Living Facility*								P	P	C	C	C		P	C	P	27 & 10		
Broadcast Towers/Antennas	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	NA	5.4.5	
Cellular Communications Tower/Antennas*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	NA	5.4.5	
Cemetery and/or Mausoleum*														C	C	P	17		

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	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section
Child Care, Child Day Care (Business) 12 or more* (Ord. No. 09-377, § 3, 01-13-09)										P	P	P	C	P			21	5.4.11
Child Care-Family Home Care (5 or less)*	P	P	P	P	P	P	P	P	P								27	
Child Care-Registered Family Home (6-12 Children)*	P	P	P	C	C	C	C	C	C								27	
Church/Place of Worship (no day/child care in residential areas)* (Ord. No. 09-377 § 2, 01-13-09) (Ord. No. 13-525m § 1, 09-24-13)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	29	5.4.11 5.17.B 5.4.4
Civic Club							P	P	P	P	P	P	P	P	P	P	8	
Clinic*										C	P	P	P	P	P	P	27 & 10	
College and/or University	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	19	
Electrical Generating Plant	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	17	
Electrical Substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	17	5.3.2.g
Electrical or Utility Transmission Line*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	NA	
Emergency Care Clinic										P	P		P	P	P	P	23 & 27	
Franchised Private Utility (not listed)*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	
Fraternal Organization*								P	P	C	P	P		P			8	
Gas Transmission Line (Regulating Station)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	NA	5.3.2.g
Group Day Care Home*								P	P	P				P	P	P	21	
Halfway House * (Ord. No. 06-276, § 12, 01-10-06)																		
Heliport*	C												C	C	C	C	10	
Helistop*	C												C	C	C	C	10	

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INSTITUTIONAL / GOVERNMENTAL																		
Homeless Shelter														P			27	
Hospice (Ord. No. 06-276, § 10, 01-10-06)									P		C		P	P	P	P	26	
Hospital (Acute care)*											C		P	P	P	P	23 & 27	
Hospital (Chronic Care)*											C		P	P	P	P	23 & 27	
Maternity Homes									C		C			C	C	C	23 & 27	
Municipal - Community Center		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A	
Municipal - Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	
Municipal - Governmental Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	
Municipal - Inoperable Vehicle / Impound Lot	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	NA	
Municipal - Library	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	
Municipal - Public Parking Lot * (Ord. No. 09-377 § 2, 01-13-06)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	
Municipal - Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	
Municipal - Recreation Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10	
Municipal - Sanitary Land Fill (Ord. No. 06-276 § 14, 01-10-06)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	NA	
Municipal - Sewage Pumping Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	
Municipal - Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	7	
Municipal - Tennis Court	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	32	
Municipal - Wastewater Treatment Plant	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	
Municipal - Water Supply Facility (Elevated Water Storage)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	
Municipal - Water Treatment Plant	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	
Monastery/Convent									C	P		C		P	P	P	28	
Non-Profit Activities by Church	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10	
Orphanage									C	C		C		P	P	P	27	
Philanthropic organization										P	P	P		P	P	P	23	
Post Office (Governmental)										P	P	P	P	P	P	P	10 & 35	

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Prison																C	17	
Psychiatric Care Home														P	P	P	27	
Psychiatric Hospital														P	P	P	23 & 27	
Rectory/Parsonage									C	P	P	C		P	P		28	
Rehabilitation Care Facility* (Ord. No.06-276, § 11, 01-10-06)																		
Rehabilitation Care Institution* (Ord. No.06-276, § 11, 01-10-06)																		
Retirement Home/Home for the Aged *							C	P	P	C	C	P		P	P	P	2	
School, Driving/Defensive Driving											P			P	P	P	10 & 35	
School, K through 9 (Private)* (Ord. No. 06-276 § 13, 01-10-06)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21	5.1.4.d
School, K through 9 (Public)* (Ord. No. 06-276 § 11, 01-10-06)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21	5.1.4.d
School, Secondary, 10-12 (Private or Public)* (Ord. No. 06-276 § 13, 01-10-06)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	19	5.1.4.e
School, Vocational (Business/ Commercial Trade)*											C		P	P	P	P	36	
Skilled Nursing Facility*									P		C			P	P	P	27 & 10	
Telephone Exchange/Switching Station											C	C	C	P	P	P	7 & 15	
Utility Distribution Line*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	5.3.2.g
Utility Shop and Storage	C	C	C	C	C	C	C	C	C					P	C	P	18	
Water Supply Facility (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NA	

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COMMERCIAL AND WHOLESALE TRADE																			
Apparel, Piece Goods, and Notions-Wholesale														P	P	P	10		
Aquarium (Wholesale)														P	P	P	16		
Automobile Sales - Wholesale														P		P	12 & 16		
Bakery - Wholesale*														P	P	P	16		
Book Binding														P	P	P	16		
Bottling Works															P	P	16 & 23		
Cabinet Shop												C		P	P	P	16 & 23		
Collection Container (Less than 60 Cubic Feet in Size)									P	P	P		P				NA	5.3	
Collection Container (More than 60 Cubic Feet in Size)													P	P	P	P	NA	5.3	
Confectionery Manufacturing														P	P	P	16		
Dyeing or Laundry Plant														P	P	P	23		
Equipment Rental (Heavy)														P	P	P	12		
Equipment Sales (New or Used)														P	P	P	12		
Farm (Food) Products - Wholesale														P	P	P	16		
Feed & Grain Store														P		P	16		
Flea Market (Indoor)														P	P	P	16		
Food Processing Plant															P	P	23		
Furniture Manufacture														P	P	P	23		
Furniture Upholstery Shop														P	P	P	10		
Hazardous Gases/Chemicals Bulk Storage																P	15		
Heating & Air-Conditioning Sales														P	P	P	12		
Heavy Machinery Sales (Wholesale)															P	P	12		
Livestock - Wholesale																P	16		
Lumber Sales - Wholesale																P	16		
Office Showroom*											C			P	P	P	10 & 15		

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Paper and/or Paper Products (Wholesale)														P	P	P	16		
Petroleum and/or Petroleum Products - Bulk Storage																P	16		
Petroleum Sales - Wholesale																P	16		
Portable Building Sales (Outdoor Display)														P		P	13		
Office Warehouse														P	P	P	10 & 15		
Reverse Vending Machine																P			
Scrap/Waste Recycling Collection and/or Storage (Ord. No. 08-345 §, 8, 01-08-08)																			
Taxidermist																P			
Transfer Station (Refuse/Pick-up) (Ord. No. 08-345 § 8, 01-08-08)																			
Truck Sales - Wholesale														P	P	P	12		
Veterinarian (Small and Large Domesticated Household Animals)* (Ord. 04-201, § 11, 04-13-04)														P	P	P	10	5.4.13.B	
Welding Shop														P		P	23		

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MANUFACTURING INDUSTRIAL AND CONSTRUCTION																		
Alcoholic Beverage Manufacturing															P	P	23	
Apparel Manufacturing															P	P	23	
Asphaltic Material Manufacture																C	23	
Batching Plant (Permanent)																C	17	
Batching Plant (Temporary)	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	17	4.1.1.e
Burial Vault Manufacturing															P	P	23	
Chemical and Allied Product Manufacture (Non-Hazardous)																P	23	
Cement Manufacturing (Ord.14-542 §1, 7-22-14)																		
Cement Product Forming / Molding / Casting (indoors only) * (Ord. 14-542 §1, 7-22-14)															P	P	14	
Contractor's Office/Sales, No Outside Storage including Vehicles											P		P	P	P	P	12	
Contractor's Shop with Outdoor Storage (Ord. 16-580)														C	P	P	17	
Contractor's Temporary On-Site Construction Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10	4.1.1.e
Distribution Center (Ord. 2023-777)															C	C	41	4.1.15
Electronic Manufacturing (Ord. 2023-777)															P	P	42	
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair (Ord. No. 11-435)														P	P	P	23	
Food Canning Operation															P	P	23	
Fulfillment Center (Ord. 2023-777)															C	C	41	4.1.15
Hazardous Chemical Manufacture																	15	
Heavy Assembly* (Ord. 2023-777)														C	P	P	42	
Industrial/Chemical/Medical Incineration																		
Iron and/or Steel Foundry																	15	
Laboratory Equipment Manufacturing (Ord. 2023-777)															P	P	42	
Leather Tanning and/or Finishing																	15	
Light Assembly* (Ord. 2023-777)														P	P	P	42	
Light Manufacturing (Ord. 2023-777)														C	P	P	42	

ARTICLE 4. USE REGULATIONS - SECTION 4.1.2 USE CHARTS

P – Designates Use is Permitted within District
– Designates use prohibited in District indicated.
C – Designates use may be approved as Conditional Use Permit.
** – See Section – for definition*

E – Designates nonconforming uses which may be replaced if destroyed.
N/A - Means “not applicable”, no parking requirement .

Authorized Uses	Residential Districts										Nonresidential Districts							Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section	
Machine Shop (Ord. No. 11-435)														P	P	P	23		
Maintenance & Repair service for Buildings														P	P	P	10		
Meat Packing/Slaughterhouse																	15		
Meat Products, Manufacturing															C	P	23		
Metal Forging and/or Heavy Stamping																	15		
Metal Smelting																	15		
Microbrewery (Ord. No. 2019-669)											C	C		C	C	C	23	4.1.4	
Milk Depot, Dairy, Ice-Cream Plant (Ord. 2023-777)															P	P	42		
Mineral Extraction & Mining Operations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	23		
Mobile Home Manufacturing															C	P	23		
Oil and/or Gas Extraction	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	23		
Outside Storage (Ord. No. 03-143)															C	P	13 & 18		
Petroleum Refining																	15		
Plastic Product Manufacturing (Ord. 2011-435; Ord. 2023-777)														P	C	P	42		
Plating Establishment																	15		
Plumbing Shop (Ord. No. 06-308 § 4, 10-24-06)											C			P		P	8		
Poultry Slaughtering/Processing																	15		
Printer (Newspaper, etc.)														P	P	P	23		

ARTICLE 4. USE REGULATIONS - SECTION 4.1.2 USE CHARTS

P – Designates Use is Permitted within District
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C – Designates use may be approved as Conditional Use Permit.
** – See Section – for definition*

E – Designates nonconforming uses which may be replaced if destroyed.
N/A - Means “not applicable”, no parking requirement .

Authorized Uses	Residential Districts										Nonresidential Districts							Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section	
MANUFACTURING INDUSTRIAL AND CONSTRUCTION																			
Refuse Disposal System																C	23		
Research Lab (Hazardous)																C	10		
Research Lab (Non-Hazardous)												C	P		P	P	10		
Rubber Product Manufacturing (Ord. 2011-435; Ord. No. 2023-777)														P	C	P	42		
Salvage and/or Reclamation (Indoors)* (Ord. No. 08-345)																C	15		
Salvage and/or Reclamation (Outdoors)* (Ord. No. 08-345 § 8, 01-08-08)																			
Sand/Gravel Sales (Storage) and/or Extraction														C	C	C	15 & 23		
Sanitary Landfill (not operated by City)																C	23		
Sign Manufacturing (Ord. No. 2023-777)														P	P	P	42		
Stone/Clay/Glass Manufacturing (Ord. No. 2023-777)															P	P	42		
Warehouse (Ord. No. 2023-777)														C	P	P	41		
Wind-Powered Generators totaling 25 kW or less (Personal Use)* (Ord. No. 2011-442)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		4.1.8	
Wind-Powered Generators totaling more than 25 kW (Personal Use)*(Ord. No. 2011-442)									C	C	C	C	C	C	C	C	23	4.1.8	
Winery (Ord. No. 2019-669)											C	C		C	C	C	23	4.1.4	

4.1.3 Accessory Buildings and Accessory Uses

- (a) In a single-family residential district or a portion of a Planned Development District designated for single-family residential uses, an accessory building is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall be located toward the rear portion of the property. The cumulative floor area of all accessory buildings on a single lot shall not exceed fifteen (15) percent of the floor area of the main building.
- (b) In nonresidential and multiple-family districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings shall not be located in front of the main building and should, wherever possible, be located toward the rear portion of the property. The cumulative floor area of all accessory buildings on a single lot shall not exceed fifteen (15) percent of the floor area of the main building(s).
- (c) Accessory dwelling units in the single-family residential zoning districts (including the single-family attached, TH district) shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and meet the following standards:
 - (1) The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.
 - (2) The accessory dwelling unit may be constructed only with the issuance of a Building Permit and shall be constructed out of the same material as the main structure.
 - (3) The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.
 - (4) Setback requirements shall be the same as for the main structure.
 - (5) Accessory dwellings are not permitted without the main or primary structure.
- (d) Accessory dwellings (including garage/accessory dwellings and detached units) may be permitted in residential zoning districts (see regulations for the specific district, and the Use Charts, Section 4.1.2), and shall conform to the height limitations of the main structure. No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district. Accessory dwelling units shall not be limited to the same maximum floor area as accessory buildings. However, they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold.
- (e) Area Regulations For Accessory Buildings in Residential and Multiple-Family Districts
 - (1) Front Yard – Detached accessory buildings shall be prohibited in front of the main

building.

- (2) Side Yard – There shall be a side yard not less than three feet (3') from any side lot line, or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from the side yard shall have a minimum distance of twenty feet (20') from the side lot line, alley line, or alley easement line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required front yard for the main building.
- (3) Rear Yard – There shall be a rear yard not less than three feet (3') from any lot line or alley line, or alley easement line when accessory buildings are constructed ten feet (10') or more from the main building, except that where apartments are permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line; and carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building. If an alley exists, accessory buildings may be located within three feet (3') of a rear lot line if the maximum (e.g., ridge) height of the building is no greater than eight feet (8') and if a solid fence or wall of the same height is built on the rear lot line to screen the building from property located to the rear. Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty feet (20').
- (f) Carports shall be measured from the posts supporting the roof nearest to the street or alley. (See Illustration 4).
- (g) Accessory buildings are not permitted without a main structure.
- (h) Accessory buildings shall not exceed one story in height. Garage/accessory dwelling units are allowed up to twenty feet (20') in height in residential districts. Garage/accessory dwelling units up to two (2) stories may be permitted in certain other districts by CUP if there is no adverse impact upon adjacent properties.
- (i) Accessory outdoor storage
 - (1) Accessory outdoor storage shall not encroach into the street yard, setbacks, right-of-way, fire lane, vehicular drive aisle, or required off-street parking space.
 - (2) Accessory outdoor storage shall not exceed eight (8) feet or the height of required screening.
 - (3) Accessory outdoor storage shall not exceed the following percentages of the gross floor area of the building or business establishment. (Ord. 2004-207 § 4, 08-10-04)

<u>Size of Building/Business (gross sq. ft. of floor area)</u>	<u>Maximum Allowed Area for Outdoor Sales/Storage/Display</u>
0 (zero) to 9,999 sq. ft.	Five percent (5%)
10,000 to 49,999 sq. ft.	Ten percent (10%)
50,000 to 99,999 sq. ft.	Fifteen percent (15%)
100,000 or greater sq. ft.	Twenty percent (20%)

- (4) Additional outdoor storage exceeding the maximum allowed area or maximum allowed height may be authorized with approval of a Conditional Use Permit.

(j) Accessory outdoor display

- (1) Accessory outdoor display on non-residentially zoned property may be located in the front of buildings with a minimum floor area of twenty thousand (20,000) square feet up to a maximum distance of twelve (12) feet forward of the front building face. Such display of merchandise shall not encroach into the fire lane, vehicular drive aisle, on-street parking space or required off-street parking space. The merchandise shall not remain outdoors overnight except for seasonal items such as Christmas trees or pumpkins.
- (2) The minimum floor area requirement shall not apply to buildings on property located within the Uptown Overlay and the Old Town Districts. Additionally, outdoor display on property within the Uptown Overlay and the Old Town Districts may occupy up to thirty (30) percent of a covered sidewalk that is located within twenty (20) feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a five- (5) foot passable distance shall be maintained.
- (3) Additional outdoor display may be authorized with approval of a Conditional Use Permit.

(k) Accessory permanent cosmetics

- (1) Permanent cosmetics is allowed as an accessory use to grooming and hygiene salons; funeral homes; outpatient care clinics/centers; medical and dental offices; and hospitals.
- (2) The hours of operation for grooming and hygiene salons that perform permanent cosmetics shall be limited to the hours of 8:00 a.m. to 9:00 p.m.
- (3) Prior to issuance of a zoning verification letter and certification of occupancy, the operator shall submit written documentation specifying the type of permanent cosmetics that will be performed and a floor plan identifying the area(s) of the building where it will occur.

4.1.4 Alcoholic Beverage Requirements (Ord. No. 2019-669, 03-26-19)

- (a) Notwithstanding any other provision of this Chapter, the storage, possession, sale, serving or consumption of any alcoholic beverages, when permitted by the Laws of the State of Texas shall be regulated and governed by the following use regulations and requirements. For additional regulations pertaining to the sale of alcoholic beverages for off-premise consumption, refer to Chapter 14, Article I of the Code of Ordinances.

- (b) For the purpose of this Section, the following words and phrases shall have the meanings ascribed to them as follows:
- (1) “*Person*” shall include association, trustee, receiver, organization corporations, firms, partnerships, and natural persons.
 - (2) “*Hotel*” means the premises of an establishment (1) where in consideration of payment, travelers are furnished food and lodging; and (2) in which are located at least ten (10) adequately furnished, completely separate rooms with adequate facilities so comfortably disposed that persons usually apply for and receive overnight accommodations in the establishment, either in the course of usual and regular travel or as a residence; and (3) which operates a regular dining room constantly frequented by customers each day.
- (c) The storage, possession, sale, serving or consumption of any alcoholic beverages to be sold or served by the holder of a mixed beverage permit or the holder of a private club permit issued by the State of Texas in bottles or any other container direct to the customer or person for consumption on the premises of the holder of a mixed beverage permit or in a private club shall be permitted only with a conditional use permit as an accessory use to a primary use described in this Subsection subject to the regulations for the primary use provided in this Chapter.
- (1) Hotel – Limited to delivery to individual rooms of the hotel pursuant to Section 28.01(b) of the Alcoholic Beverage Code of the State of Texas and shall hold a license from the TABC to sell alcoholic beverages for on-premise consumption only.
 - (2) Restaurant – The operator shall hold a license from the TABC to sell alcoholic beverages for on-premise consumption only.
 - (3) Commercial amusement, other than listed (indoor) – The minimum floor area shall be 20,000 square feet, be located within the Uptown Overlay, and hold a license from the TABC to sell alcoholic beverages for on-premise consumption only.
 - (4) Microbrewery – On-premise consumption shall be limited to the beer that is produced on the premises and located within the Uptown Overlay.
 - (5) Theater (indoor) – The minimum floor area shall be 20,000 square feet, be located within the Uptown Overlay, and hold a license from the TABC to sell alcoholic beverages for on-premise consumption only.
 - (6) Winery – On-premise consumption shall be limited to the wine that is produced on the premises and located within the Uptown Overlay.
- (d) The gross annual sales in Cedar Hill from products and services excluding the revenue from the sale of alcoholic beverages for on-premise consumption shall represent sixty (60) percent or more of its total sales from all products and services including revenue from the sale of alcoholic beverages for on-premise consumption.
- (e) Hours of operation shall be limited from 11:00 a.m. to 1:00 a.m.
- (f) In addition to the regulations enumerated in this Chapter for a conditional use permit,

the application for a conditional use permit for on-premise consumption of alcoholic beverages shall include the following:

- (1) A signed application affirming that the person(s) will comply with the regulations contained in this Section and all other applicable ordinances and regulations.
 - (2) A site plan that satisfies the requirements applicable to all site plans in this Chapter.
 - (3) Interior design plan including location of all waiting areas, restaurant seating areas reflecting the approximate number of seats; kitchen, storage and serving areas for all alcoholic beverages; and dance floor, gaming devices, and electronic amusement machines.
 - (4) The site plan and interior design plan shall delineate the area of the primary use and where alcoholic beverages will be sold and consumed on the premises. Alcoholic beverages shall only be sold and consumed on the premises of the area delineated on the site plan and interior design plan.
 - (5) An artist's rendering or building elevations for all exterior features.
 - (6) Survey showing that the place of business where alcoholic beverages will be sold for on-premise consumption meets the minimum distance requirements of this Section and the Texas Alcoholic Beverage Commission.
 - (7) Narrative description of the planned activities, which includes projected breakdown of revenues and any use of the premises for dancing, gaming devices and/or electronic amusement games.
 - (8) Copies of all applications and information filed or to be filed with the State of Texas for a mixed beverage or private club permit.
 - (9) Provide a copy of the written notice of the request to the officials of any public or private school whose nearest property line is within one thousand (1,000) feet of the door by which the public may enter the place of business, measured across street lines and directly across intersections, This section does not apply to a permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53 of the Texas Alcoholic Beverage code.
 - (10) A nonrefundable filing fee of five hundred dollars (\$500.00) shall accompany each application for a conditional use permit for the sale of alcoholic beverages for on-premise consumption.
- (g) The person(s) holding a conditional use permit for the sale of alcoholic beverages for on-premise consumption shall on a quarterly basis, no later than on the 21st day of the month following each quarter, file with the city secretary an affidavit on an officially approved form provided by the city that reflects gross sales for the preceding three (3) months and gross sales for the preceding twelve (12) month period, or since the business began its operation, whichever is shorter, distinguishing the revenue from the sale of alcoholic beverages for on-premise consumption from the other products and services. The person holding a conditional use permit for the sale of alcoholic beverages for on-premise consumption shall on a quarterly basis file with the city secretary a copy of the filings supplied to the State of Texas for sales tax and mixed beverage (alcoholic

beverages) tax purposes. The City reserves the right to require an annual audit of the gross sales. All filings including all sales and alcoholic beverage tax filings shall remain confidential. The person(s) shall permit the city to view the books, records and receipts any time after four (4) hours notice. Said records may be introduced in court for the purpose of showing the person(s) holding a conditional use permit for the sale of alcoholic beverages for on-premise consumption is in violation of this ordinance.

(h) Distance Requirements

- (1) Church or public hospital – No conditional use permit for the sale of alcoholic beverages for on-premise consumption shall be granted by the City Council within three hundred (300) feet of any church or public hospital except as authorized within this section. The measurement of the distance between the place of business where alcoholic beverages are sold for on-premise consumption and a church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.
- (2) Public school – No conditional use permit for the sale of alcoholic beverages for on-premise consumption shall be granted by the City Council within three hundred (300) feet of any public school except as authorized within this Section. The measurement of the distance between the place of business where alcoholic beverages are sold for on-premise consumption, and the public school shall be: (1) in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or (2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located. For any permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53 of the Texas Alcoholic Beverage code, the measurement of the distance between the premises and a public school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.
- (3) Private school, day-care center and child-care facility – No conditional use permit for the sale of alcoholic beverages for on-premise consumption shall be granted by the City Council within three hundred (300) feet of any private school, day-care center, or child-care facility except as authorized within this Section. The measurement of the distance between the place of business where alcoholic beverages are sold, and the private school, day-care center, or child-care facility shall be: (1) in a direct line from the property line of the private school, day-care center, or child-care facility to the property line of the place of business, and in a direct line across intersections; or (2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the private school, day-care center, or child-care facility to the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located. This distance requirement does not apply to the holder of a license or permit issued by the Texas Alcoholic Beverage Code who also holds a food and beverage certificate issued by the Texas Alcoholic Beverage Commission covering the premises that is located within three hundred (300) feet of a private school, day-care center, or child-care facility.

- (4) Residential – No conditional use permit for the sale of alcoholic beverages for on-premise consumption shall be granted by the City Council within three hundred (300) feet of any property zoned or classified for any residential zoning district (including all RR, SF, single-family attached-TH, multi-family-MF, and portions of Planned Development Districts for residential uses). The measurements of the distance shall be along the property lines of the street fronts and from front door to front door and in a direct line across intersections.
- (i) The City of Cedar Hill expressly reserves the right to permit variances to the aforementioned distance requirements if the City Council determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason after consideration of the health, safety and welfare of the public and the equities of the situation, determines the best interest of the community.
- (j) Upon a change in ownership of the business for which a Conditional Use Permit has been issued, the new owner or person(s) operating such a restaurant shall within ten (10) days of the change in ownership apply for a new conditional use permit.
- (k) The City Council, after due notice and hearing, may revoke a conditional use permit for failure to comply with any of the terms of this Section and all other applicable ordinances, after receipt of written notice of noncompliance and failure to rectify any such deficiencies within thirty (30) days of receipt of such written notice. In addition to canceling the conditional use permit, the city attorney may inform the Texas Alcoholic Beverage Commission that the location no longer is in compliance with the City of Cedar Hill ordinances as previously certified to by the City Secretary and request that the Texas Alcoholic Beverage Commission take whatever action is available under the Texas Alcoholic Beverage Code. The remedies provided in this subsection are in addition to, and do not exclude, all other civil remedies and criminal penalties the City is entitled to pursue at law, in equity, or under any ordinance of the City of Cedar Hill.

4.1.5 Home Based Business Regulations:

A. **Purpose** – Standards for controlling home business are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

B. Special Provisions for Home Based Businesses:

1. Home based businesses shall be permitted as accessory use in single-family residential zoning districts (including all RR, SF, single-family attached-TH, and residential-PD districts) provided that they comply with all restrictions herein;
2. The business shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the business activity shall not be visible from the street;

3. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home business (in no case shall the combined floor area utilized for a home business exceed 500 square feet);
4. The business shall not employ anyone other than the persons who are members of the household in which the home business occurs;
5. Not more than one (1) patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located;
6. The operation of such business shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities;
7. One commercial vehicle, capacity of one ton or less (according to the manufacturer's classification), may be used or parked on the property in connection with the home business, but said vehicle may not be parked in the street;
8. The business activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
9. There shall be no outside storage, including trailers, or outside display related to the home business use;
10. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with an avocation which is conducted solely for pleasure and not for profit or financial gain;
11. The home business shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district;
12. The business shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;
13. The home business shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means;
14. The business shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made/assembled on-site (e.g., arts and crafts items, handmade clothing, etc.); and
15. The business shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

- C. **Applicability of Other Regulations:** Home based businesses shall also be subject to any and all other provisions of local, State and Federal regulations and laws that govern such uses.
- D. **Uses Allowed as Home Based Businesses:** Subject to the provisions of Subsection B. above, home businesses may include the following uses:
1. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, Realtor, broker, or similar profession;
 2. Author, artist or sculptor;
 3. Dressmaker, seamstress or tailor;
 4. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than one pupil at a time;
 5. Individual tutoring and home schooling;
 6. Millinery;
 7. Office facility of a minister, rabbi, priest or other clergyman;
 8. Home crafts, such as rug weaving, model making, etc.;
 9. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
 10. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;
 11. Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;
 12. Family Homes (see definition in Section 5.8), in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children;
 13. Barber shop/beauty salon or manicure studio provided that no more than one customer is served at a time; and
 14. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time.
- E. **Uses Prohibited as Home Based Businesses:** Home based businesses shall not, in any event, be deemed to include the following uses:
1. Animal hospitals or clinics, commercial stables, or kennels;

2. Schooling or instruction, except swimming/water safety classes and home schooling, with more than one pupil at a time;
 3. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind;
 4. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
 5. Office facility for a doctor, dentist, veterinarian or other medical-related profession;
 6. On-premises retail or wholesale sales of any kind, except for items that are produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales;
 7. Commercial clothing laundering or cleaning;
 8. Mortuaries or funeral homes;
 9. Trailer, vehicle, tool or equipment rentals;
 10. Repair shops or services, except as specifically provided in Section 3.9.4 above;
 11. Drapery or furniture upholstery shops;
 12. Antique, gift or specialty shops;
 13. Repair shops for any items having internal combustion engines;
 14. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy; and
 15. Open storage except materials for resident's personal use or consumption (i.e., firewood, gardening materials, etc.).
- F. **Home Business Uses Not Classified:** Any use that is not either expressly allowed nor expressly prohibited by Subsections D. and E., respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the Cedar Hill City Council, subsequent to an affirmative recommendation by the Planning and Zoning Commission.
- G. **Effect of Existing Home Businesses:**
1. Any home business that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 11 provided that the owner/proprietor of such home business register his business with the City within ninety (90) days of the effective date of this Ordinance, and provided that the home business use was not in violation of any other local, State or Federal law or regulation on that date.
(Ord. No. 03-143, § 6, 02-25-03)
 2. Any home business that was legally in existence as of the effective date of this Ordinance

and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue. (Ord. No. 03-143, § 6, 02-25-03)

4.1.6 Retail Businesses, Specialty or Novelty Items

- A. The regulations in this Section apply to businesses dealing in certain novelty items, commonly referred to as “head shops”. Specifically, these businesses include any establishment that sells, distributes or manufactures any specialty or novelty item that is not otherwise permitted by law including, but not limited to, the following:
1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance, or from which a controlled substance can be derived;
 2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
 3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled substance, or from which a controlled substance can be derived;
 4. Testing equipment used, intended for use, or designed for use in weighing or measuring controlled substances;
 5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
 6. Dilatants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, that are used, intended for use, or designed for use in cutting controlled substances;
 7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or reefing marijuana;
 8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
 9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging controlled substances;
 10. Containers and other objects used, intended for use, or designed for use in storage or concealing controlled substances;
 11. Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing into the human body any controlled substance (including, but not limited to, marijuana, cocaine, hashish and hashish oil), such objects including, but not limited to, the following:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that had become too small or too short to be held in the hand;
- e. Miniature cocaine spoons and cocaine vials;
- f. Chamber pipes;
- g. Carburetor pipes;
- h. Electric pipes;
- i. Air-driven pipes;
- j. Chillums;
- k. Bongs; and/or
- l. Ice pipes or chillers.

12. The term “controlled substance”, as used herein, shall mean and refer to those substances now or hereafter included as controlled substances under Texas state law (i.e., the Texas Controlled Substances Act, Article 447615, V.A.C.S.), as amended.

4.1.7 Sexually Oriented Businesses (Ord. No. 10-418, § 6, 09-14-10)

A. Applicability

1. Notwithstanding any other provision of the Zoning Ordinance to the contrary, the procedures and standards contained in this Section 4.1.7 shall apply to regulation of sexually oriented businesses and those businesses selling or renting sexually oriented media or merchandise, or providing sexually oriented entertainment, and in the event of a conflict the provisions of this Section shall prevail.
2. This Ordinance shall be construed together with the provisions of Chapter 10, Article V Sexually Oriented Business Licenses of the City Code of Ordinances regarding the licensing of sexually oriented businesses.

B. Findings

The facts and other matters set forth in the “Whereas” clauses that form the preamble to this Section are hereby adopted as findings of fact in support of this amendment to the Zoning Ordinance. Upon adoption of this Section, the recitals contained in the whereas clauses shall be incorporated into the Zoning Ordinance by reference as if fully set forth herein.

C. Definitions

For the purposes of this Section, the following words and phrases shall have the meanings ascribed to them as follows:

1. **APPLICANT** – Any person, including any spouse of an individual owner, or any other entity

required to submit any documentation and/or receive any approvals for operating sexually oriented business or working within a sexually oriented business within the City of Cedar Hill.

2. **BATH HOUSE, SEXUALLY ORIENTED** – An enterprise where a portion of its business is offering baths and/or showers with other persons present who are nude or displaying specified anatomical areas.
3. **BODY PAINTING STUDIO, SEXUALLY ORIENTED** – An establishment where a portion of its business is the application of paint or other substance to or on the human body by any means of application, technique or process when the subject's body displays for the patron's view specified anatomical areas.
4. **BUSINESS, SEXUALLY ORIENTED** – Any of the following businesses: sexually oriented cabaret or nightclub; sexually oriented entertainment; sexually oriented motion picture theater; sexually oriented video viewing kiosk, booth or arcade; sexually oriented encounter center; sexually oriented media store; sexually oriented bathhouse; sexually oriented massage business; sexually oriented retail establishment; sexually oriented body painting studio; sexually oriented lingerie or swimwear modeling studio; sexually oriented modeling/photography studio; sexually oriented escort business; or any other such business establishment whose purpose is offering sexually oriented entertainment, media or merchandise. Signs, advertisements or an establishment name including verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult,” “XXX” or similar terms, shall be considered evidence that the establishment holds itself out to the public as a sexually oriented business. Each such business is considered a separate land use for purposes of these regulations. For the purpose of this Ordinance, a business is not a sexually oriented business if its inventory, square footage, and product value devoted to sexually oriented merchandise (including media) is 10% or less and it offers no onsite sexually oriented entertainment.
5. **BUSINESS LICENSE, SEXUALLY ORIENTED** – Any license applied for under the Sexually Oriented Business Licensing Ordinance establishing licensing requirements for sexually oriented businesses.
6. **CABARET OR NIGHTCLUB, SEXUALLY ORIENTED** – A building or portion of a building which provides or allows the provision of live sexually oriented entertainment to its customers or which holds itself out to the public as an establishment where sexually oriented entertainment is available, but such definition shall not include any sexually oriented use prohibited by this Section. Signs, advertisements or an establishment name including verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult entertainment,” “strippers,” “showgirls,” “exotic dancers,” “gentleman’s club,” “XXX” or similar terms, shall be considered evidence that the establishment holds itself out to the public as a sexually oriented cabaret or nightclub.
7. **CHILD CARE FACILITY, LICENSED** – A facility licensed by the Texas Department of Family and Protective Services providing supervision for children 13 years of age or younger or for any individual who is deemed mentally challenged.
8. **CIVIC CENTER BUILDING** – A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention or entertainment facilities owned and/or operated by a municipality.
9. **CUSTOMER** – A person who:

- a. Enters a business in return for the payment of an admission fee or any other form of consideration or gratuity; or
 - b. Enters a business and purchases, rents, or otherwise partakes of any material, merchandise, goods, entertainment, or other services offered therein; or
 - c. Enters a business other than as an employee, vendor, service person, or delivery person.
10. **DISPLAY PUBLICLY** – The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item or activity in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision from a street, highway, or public sidewalk, or from the property of others or from any portion of the premises where items and materials other than sexually oriented media or merchandise are offered for sale or rent to the public.
11. **EDUCATIONAL FACILITY** – A public or private kindergarten, primary, secondary and postsecondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally-funded educational programs for preschool children as the Head Start Program.
12. **ENCOUNTER CENTER, SEXUALLY ORIENTED** – A business or enterprise that offers physical contact between two or more persons when one or more of the persons is in a state of nudity or semi-nudity, for the purpose of engaging in specified sexually activity or touching specified anatomical areas, but not including a sexually oriented cabaret or nightclub.
13. **ENTERTAINER, SEXUALLY ORIENTED** – Any person paid by some form of remuneration to provide entertainment to customers at a sexually oriented business; entertainment may consist of dancing, singing, modeling, acting, other forms of performing, or individual conversations with customers whereby the entertainer is paid any form of remuneration directly or indirectly for such conversations.
14. **ENTERTAINMENT, SEXUALLY ORIENTED** – Any of the following activities, when performed by a sexually oriented entertainer at a sexually oriented business: dancing, singing, talking, touching, modeling (including lingerie or photographic), gymnastics, acting, other forms of performing, or individual conversations with customers.
15. **ESCORT, SEXUALLY ORIENTED** – A person who offers to provide, for some form of remuneration, acts of sexually oriented entertainment or conduct to a client.
16. **ESCORT BUSINESS, SEXUALLY ORIENTED** – A business or person that advertises or solicits in any way to prospective clients for the provision of sexually oriented escorts that will provide sexually oriented entertainment, companionship or conduct or employs or contracts with a sexually oriented escort, or refers or provides to a client a sexually oriented escort.
17. **FLOOR AREA, GROSS** – The total area of the building accessible or visible to a person, including showrooms, theaters including stage area, service areas (but not including restrooms), behind-counter areas, areas used for storage of sexually oriented media or merchandise, and aisles, hallways, and entryways serving such areas.
18. **FREQUENTLY** – Two or more times per month.
19. **LIBRARY, PUBLIC** – A publicly-owned facility in which literary and artistic materials, such as

books, periodicals, newspapers, pamphlets, prints, records, and tapes, are kept for reading, reference, or lending.

20. **LINGERIE OR SWIMWEAR MODELING STUDIO, SEXUALLY ORIENTED** – An establishment or business that provides the services of live models modeling lingerie, bathing suits, or similar wear to individuals, couples, or small groups.
21. **MASSAGE** – The act of touching, stroking, kneading, stretching, friction, percussion, and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body.
22. **MASSAGE BUSINESS, SEXUALLY ORIENTED** – Any business in which massages are offered as one of the business's services by a person who is not licensed as a massage therapist under the Texas State Statutes, Title 3, Chapter 455: Massage Therapy; or any business which provides massage for the purpose of sexual stimulation.
23. **MASSAGE THERAPIST** – A person licensed as a massage therapist in accordance with the provisions of the Texas Department of State Health Services in accordance with the Texas State Statutes, Title 3, Chapter 455: Massage Therapy.
24. **MEDIA** – Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMS, DVDs, other magnetic media, and undeveloped pictures.
25. **MEDIA, SEXUALLY ORIENTED** – Media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
26. **MEDIA STORE, SEXUALLY ORIENTED** – A store with sexually oriented media for sale and/or rent, and to which any of the following applies:
 - a. The sale and/or rental of sexually oriented media, whether alone or in conjunction with the sale and/or rental of sexually oriented merchandise, constitutes a principal business of the establishment, taking into consideration any of the following:
 - (1) the value realized from the sale and/or rental of sexually oriented media and/or merchandise;
 - (2) the floor area devoted to sexually oriented media and/or sexually oriented merchandise;
 - (3) the amount of inventory constituting sexually oriented media and/or sexually oriented merchandise; or
 - b. The business advertises or holds itself out in any forum as a “XXX,” “adult” or “sexually oriented” media and/or merchandise business.
27. **MERCHANDISE, SEXUALLY ORIENTED** – This term includes any of the following categories of merchandise: lingerie presented in combination with other merchandise contained within this definition; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; condoms or sexual lubricants presented in combination with other

merchandise contained within this definition; sexually oriented novelties; and sexually oriented media which is separately defined in this Section.

28. **MODELING/PHOTOGRAPHY STUDIO, SEXUALLY ORIENTED** – Any place where a person who appears nude or semi-nude or in a state of nudity or semi-nudity and is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A Sexually Oriented Modeling/Photography Studio does not include educational classes in conjunction with a private or public college, junior college, or university or that of an individual artist studio established solely for conduct of the artist.
29. **MOTEL, SEXUALLY ORIENTED** – A hotel, motel, or similar commercial lodging establishment that:
- Provides as its business accommodations to the public for any form of consideration for the purpose of viewing sexually oriented media or sexually oriented entertainment. This definition does not include lodging facilities that offer sexually oriented media via cable or satellite services on room televisions as ancillary television programming; or
 - Is marketed as or offered as “adult,” “XXX,” “couples,” or “sexually oriented” lodging facility; or
 - Offers a sleeping room for a period of less than 10 hours or allows a tenant or occupant to rent the room for a period of time of less than 10 hours or allows the tenant to have a weekly or monthly rental of the room for the purposes of providing sexually oriented entertainment..
30. **MOTION PICTURE THEATER, SEXUALLY ORIENTED** – An establishment where, for any form of consideration, sexually oriented media are frequently shown that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” or that is marketed as or offered as “adult,” “XXX,” or sexually oriented. Frequently shown media as characterized herein do not include sexually oriented speech and expressions that take place inside the context of some larger form of expression. This definition does not include any type of facility that would meet the definition of a sexually oriented video viewing kiosk, booth or arcade.
31. **NOVELTIES, SEXUALLY ORIENTED** – Instruments, devices, toys, or paraphernalia either designed as representations of human genital organs or female breasts or designed or marketed primarily for use in sexually oriented stimulation of specified anatomical areas.
32. **NUDITY OR STATE OF NUDITY** – The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the covered male genitals in a discernibly turgid state. See, also, Semi-nude. For purposes of this definition, body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances shall not be considered a fully opaque covering. (Ord. No. 14-530, § 01-28-14)
33. **OWNER** – The individual owner of an establishment, or if the legal owner is a corporation, partnership, or limited liability company, the term shall include all general partners, any limited partner with a financial interest of ten percent (10%) or more, all corporate officers and directors, and any shareholder or member with a financial interest of ten percent (10%) or more. “Owner” includes the spouse(s) of any of the above persons.
34. **PLANNING DIRECTOR** – The Planning Director of the City of Cedar Hill, Texas, or a designated agent.

35. **PREMISES** – The physical location at which a business is located; as used in this Section, the term shall include all parts of that physical location, both interior and exterior, which are under the control of the subject business, through ownership, lease or other arrangement.
36. **PROTECTED HIGHWAY BUFFER** – A distance of 500 feet from the right-of-way line of U.S. Hwy 67.
37. **PROTECTED LAND USE** – A licensed child care facility, civic center building, educational facility, public library, recreational facility, or religious facility.
38. **PROTECTED ZONING DISTRICT**– Residential Districts as shown in Article 4.1.2 Use Chart, Old Town-Residential District, Planned Development District developed for residential uses, and Mixed Use District where residential is a primary use.
39. **PUBLIC AREA** – A portion of a sexually oriented business that is accessible to the customer, excluding restrooms, while the business is open for business.
40. **RECREATIONAL FACILITY** – A permanent facility devoted to recreational purposes such as parks, play fields, or community recreation buildings.
41. **RELIGIOUS FACILITY** – A permanent facility exclusively used on a regular basis for religious assembly such as customarily occurs in a synagogue, temple, mosque, or church or convent or monastery.
42. **RETAIL STORE, SEXUALLY ORIENTED** – A store with sexually oriented merchandise for sale and/or rent, and to which any of the following applies:
- a. the sale and/or rental of sexually oriented merchandise, whether alone or in conjunction with the sale and/or rental of sexually oriented media, constitutes a principal business of the establishment, taking into consideration any of the following:
 - (1) the value realized from the sale and/or rental of sexually oriented merchandise and/or media;
 - (2) the floor area devoted to sexually oriented merchandise and/or sexually oriented media;
 - (3) the amount of inventory constituting sexually oriented merchandise and/or sexually oriented media; or
 - b. the business advertises or holds itself out in any forum as a “XXX,” “adult” or “sexually oriented” merchandise business and/or media business.
43. **SADOMASOCHISTIC PRACTICES** – Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
44. **SEMI-NUDE OR IN A STATE OF SEMI-NUDITY** – The showing of the female areola or nipple with less than fully opaque covering. Showing of any other part of the anatomy defined under nude or state of nudity shall constitute being nude or in a state of nudity. For purposes of this definition, body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances shall not be considered a fully opaque covering. (Ord. No. 14-530, § 01-28-14)

45. SPECIFIED ANATOMICAL AREAS – Areas that include:

- a. Less than completely and opaquely covered human male or female genitals, pubic area, vulva, anus, or anal cleft or the human female areola or nipple; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

46. SPECIFIED CRIMINAL ACT – Any offense as defined in Chapter 43 of the Texas Penal Code; or any sexual offense, rape, statutory rape or other sexually related offense as defined by criminal statutes in Texas or any other state or by federal laws addressing similar or related offenses; or any offense involving controlled substances, or illegal drugs or narcotics as defined in federal or state laws in Texas or any other state.

47. SPECIFIED SEXUAL ACTIVITIES – Acts of human masturbation, sexual intercourse, or sodomy. These activities include, but are not limited to the following: bestiality, erotic or sexual stimulation with objects or mechanical devices, acts of human anilingus, cunnilingus, fellatio, flagellation, masturbation, sadism, sadomasochism, sexual intercourse, sodomy, or any excretory functions as part of or in connection with any of the activities set forth above with any person on the premises. This definition shall include apparent sexual stimulation of another person's genitals whether clothed or unclothed.

48. VIDEO, SEXUALLY ORIENTED – This definition is used to refer to any motion pictures, movies, films, videotapes, CD-ROMS, DVDs, computer images, slides, sound recordings, other magnetic media or electrical or electronic reproductions of anything that is or may be used as a means of communication that is distinguished or characterized by its emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

49. VIDEO VIEWING ARCADE, SEXUALLY ORIENTED – A building or any portion of a building wherein coin-operated, slug-operated, or for any other form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images of “specified sexual activities” or “specified anatomical areas.”

50. VIDEO VIEWING KIOSK OR BOOTH, SEXUALLY ORIENTED – Any kiosk, booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat customers and is used for presenting videos or viewing publications by any photographic, electronic, magnetic, digital, or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROMs, books, DVDs, magazines or periodicals) to show images of “specified sexual activities” or “specified anatomical areas” for observation by customers therein. The term “booth”, “arcade booth,” “preview booth,” and “video arcade booth” shall be synonymous with the term “sexually oriented video viewing kiosk or booth.”

D. Use Regulations

1. Permitted Uses. Only the sexually oriented business specified in Section 4.1.2 Use Charts of the Zoning Ordinance shall be permitted.
2. Prohibited Uses. The following are sexually oriented business uses that are prohibited uses within any zoning district due to the experiences in other communities that demonstrate these uses create the opportunity for high-risk sexual activity, prostitution, drug use, and other criminal behavior while posing logistical difficulties and physical endangerment risks for code enforcement and police officers in policing these businesses, and uses involving sexually

oriented media viewing kiosks, booths or arcades are associated with deleterious effects and access to such media is available in other venues which are less harmful to the health, safety and welfare of the community:

- a. Sexually Oriented Bath House;
 - b. Sexually Oriented Body Painting Studio;
 - c. Sexually Oriented Encounter Center;
 - d. Sexually Oriented Escort Business;
 - e. Sexually Oriented Lingerie Or Swimwear Modeling Studio;
 - f. Sexually Oriented Massage Business;
 - g. Sexually Oriented Modeling/Photography Studio;
 - h. Sexually Oriented Motel;
 - i. Sexually Oriented Video Viewing Kiosk, Booth or Arcade;
 - j. Any permitted sexually oriented business that includes as part of its business any business designated in Subsections (a) through (i); and
 - k. More than one sexually oriented use on any lot, parcel or tract.
3. Nonconforming Uses. Uses that are lawfully operating on the effective date of this Ordinance but do not conform to the use and separation provisions of this Ordinance, shall be deemed nonconforming uses, subject to the provisions of Section 2.5 Nonconforming Uses and Structures of the Zoning Ordinance.

E. Location Requirements and Measurement of Distances

1. Separation Standards. The following spatial requirements shall apply to the location of permitted sexually oriented business:
 - a. No “Sexually Oriented Media Store” shall be located closer than 1,000 feet to any protected land use or protected zoning district;
 - b. No “Sexually Oriented Retail Store” shall be located closer than 1,000 feet to any protected land use or protected zoning district;
 - c. No “Sexually Oriented Motion Picture Theatre” shall be located closer than 1,500 feet to any protected land use or protected zoning district;
 - d. No “Sexually oriented Cabaret or Nightclub” shall be located closer than 1,500 feet to any protected land use or protected zoning district;
 - e. No sexually oriented business shall be located closer than 1,500 feet to any other sexually oriented business; and

- f. No sexually oriented business shall be located within a protected highway buffer.
- 2. Measurement. Where one use is required to be separated from another use, measurements shall be made in accordance with the following:
 - a. The required separation distance shall be measured in a straight line from the nearest point of the structure containing the sexually oriented business to the nearest property line of the protected land use, protected zoning district, protected highway buffer or other sexually oriented business.
 - b. If the sexually oriented business is located in a multi-tenant building, then the distance shall be measured in a straight line from the nearest point of the portion of the building occupied by the sexually oriented business to the nearest property line occupied by the protected land use, protected zoning district, protected highway buffer or other sexually oriented business.
 - c. The required distance separation from a protected land use, protected zoning district, protected highway buffer or other sexually oriented business shall apply regardless of whether such protected land use, zoning district, protected highway buffer or other sexually oriented business is located inside or outside the City of Cedar Hill.
 - d. The separation measurements shall be provided and certified by a licensed professional surveyor hired by the sexually oriented business.
- 3. Nonconformity. No legally permitted sexually oriented business shall become nonconforming through subsequent establishment of a protected land use or protected zoning district located in closer proximity to the permitted sexually oriented business than what is required by the separation standards in this Section.

F. Specific Requirements for Particular Uses

- 1. Exterior Lighting. The exterior property of a sexually oriented business shall be lighted in accordance with the following standards:
 - a. Exterior lighting of the entries and parking areas shall be a minimum of fifteen (15) foot-candles as measured three (3) feet from the ground or paving;
 - b. For a business on a single lot or parcel, no lighting shall illuminate any property not in control of the business by more than five (5) foot-candles as measured at the nearest adjacent property;
 - c. Light sources shall be oriented toward the center of the site or shielded so as to not be visible from the property line; this applies to refractory lenses which extend beyond the lighting fixture and are designed to redirect the lighting source horizontally; and
 - d. All proposed exterior lighting shall be submitted with the application for Site Plan Approval.
- 2. Exterior Signage. All proposed signage for a sexually oriented business shall be in accordance with the following standards:
 - a. All proposed exterior signage shall be submitted with the application for Site Plan Approval; and

- b. Notwithstanding any provision of the Cedar Hill Sign Ordinance to the contrary which is more restrictive, signage permitted for sexually oriented businesses must:
 - (1) Not contain any flashing lights;
 - (2) Be a flat plane, rectangular in shape;
 - (3) Not exceed 64 square feet in area; and
 - (4) Not exceed ten (10) feet in height or ten (10) feet in length.
- 3. Exterior Fencing. No sexually oriented business shall have any fencing or other structure exceeding five (5) feet in height that obstructs the view of the parking lot or entrance ways of the business.
- 4. No Public Display Permitted. No sexually oriented media, merchandise or activity shall be publicly displayed by a sexually oriented business.
- 5. Age Limit. No person under the age of eighteen (18) shall be permitted within the sexually oriented business; and
- 6. Business License. All sexually oriented businesses shall be in compliance with Chapter 10, Article V Sexually Oriented Business Licenses of the City Code of Ordinances.

G. Pre-Submission Application

- 1. No application for Site Plan Approval, a building permit or certificate of occupancy for a sexually oriented business shall be submitted to the City until the owner submits a complete “Pre-Submission Application” to the Planning Director containing the following information:
 - a. A legal description and sketch of the parcel for the proposed use;
 - b. Confirmation of the applicant’s ownership or controlling interest in the property;
 - c. Detailed description and type of proposed sexually oriented business;
 - d. A professional land surveyor’s delineation of the proposed building, lot lines and the location of its primary entrance and confirming via specific measurements that the proposed sexually oriented business meets the separation distances required from protected land uses, buffer and zoning districts or any other sexually oriented business; and
 - e. Payment of an application fee of two hundred dollars (\$200).
- 2. Action on Pre-Submission Application. Within five (5) business days of receipt of a complete Pre-Submission Application, the Planning Director shall:
 - a. Determine whether the proposed use is a permitted use in the zoning district in which it is to be located;
 - b. Determine whether the proposed use meets the required separation distances; and
 - c. If the above criteria are satisfied, approve the Pre-Submission Application and authorize the applicant to submit an Application for Site Plan Approval pursuant to Section 2.6 of the Zoning Ordinance.

H. Site Plan Review.

1. No application for a building permit or certificate of occupancy shall be submitted to the City until the owner has first submitted a complete application for Site Plan Review pursuant to the submission requirements of the Zoning Ordinance in Section 2.6 Site Plan Review.
2. The Site Plan application shall be approved, approved with conditions, or denied in accordance with Section 2.6 within ninety (90) calendar days from the date an application for Site Plan Review has been received and deemed complete.
3. If the Site Plan application is denied, the denial shall be in writing and shall specify the reasons why the Site Plan was denied, citing specific Section provisions or other provisions of other ordinances that provide the basis for such denial.
4. Waiver of Rights. The applicant may, at its option, pursue other or additional administrative remedies available under the Zoning Ordinance; by doing so, the applicant shall be deemed to have waived any right to a decision within a particular time period and shall be subject to all of the terms, conditions and timelines applicable to such administrative remedies under the Zoning Ordinance.

I. Exemptions to Separation Restrictions

1. Process. If the Planning Director denies the Pre-Submission Application due to the separation restrictions of Section 4.1.7. E. 1, the applicant may apply for an exemption from the separation restrictions by filing a written petition with the City Secretary requesting a hearing within ten (10) calendar days of the date the applicant receives notification of the Planning Director's decision. The City Council shall serve as the appeals board. The appeal shall be scheduled within twenty (20) calendar days of the date the petition is received in the office of the City Secretary. The City Secretary shall give written notice to the applicant of the time and place for the hearing on the applicant's appeal at least ten (10) calendar days prior to the scheduled date of hearing.
2. Hearing. The City Council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. The burden of proof shall be upon the applicant to demonstrate that the requested exemption to the separation restrictions meets the criteria for granting of such exemption.
3. Criteria for exemptions. The City Council may grant an exemption from the separation restrictions of Section 4.1.7. E. 1. if the City Council makes the following findings:
 - a) That the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;
 - b) That the granting of the exemption will not violate the spirit and intent of the Zoning Ordinance;
 - c) That the location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
 - d) That the location of a sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and

- e) That all other applicable provisions of the Zoning Ordinance shall be observed.
- 4. **Decision.** The City Council shall issue a decision with findings within ten (10) calendar days. If the separation exemption is granted, the City Council shall direct the Planning Director to approve the Pre-Submission Application. If the separation exemption is denied, the applicant shall be immediately notified by registered or certified mail to the address provided on the application, and the letter of notification shall state the basis for such denial. The applicant may not reapply for an exemption until at least twelve (12) months have elapsed since the date of the City Council's action. Any applicant aggrieved by the denial of an exemption may seek judicial review in the appropriate court.
- 5. **Time Period.** If the City Council grants the separation exemption, the exemption is valid for one (1) year from the date of the City Council's action. If a certificate of occupancy has not been issued within one (1) year from the date of the City Council action granting the separation exemption, the exemption shall expire.

4.1.8 Wind-Powered Generators (Personal) (Ord. No. 11-442, §3, 06-28-11).

Wind-Powered Generators for personal use, as defined by this zoning ordinance, are permitted only as an accessory use to a main structure as authorized by the Use Table herein. All personal Wind-Powered Generators shall be subject to the following

- A. **Minimum Set-back** – No portion of a Wind-Powered Generator shall be located closer to a property line than the distance equal to the overall height of system; additionally, in no event shall any portion of a Wind-Powered Generator extend into the minimum required yard for the main structure as specified for the zoning district the system is located.
- B. **Maximum Height** – No portion of a Wind-Powered Generator, including blades, shall extend above the ground, at the system base, more than the maximum height specified for the zoning district in which it is located. However, the overall height of a Wind-Powered Generator may be increased above the maximum height specified for the zoning district in which the facility is located provided that the Wind-Powered Generator is set back from all property lines a minimum distance that is equal to three times the height of the system; however, in no instance shall any portion of the Wind-Powered Generator extend more than 110-feet above the ground.
- C. **Clear Zone** – A minimum of 15-feet clearance shall be maintained around any Wind-Powered Generator.
- D. **Number Allowed Per Site** – Multiple Wind-Powered Generator systems may be located on a single parcel of land provided their sum total rated output are 25kW or less.
- E. **Mono-Pole Construction Required** – All free standing Wind- Powered Generator systems shall be of monopole construction.
- F. **System Access** – Ladders or other climbing apparatuses are prohibited within 12-feet of the ground.
- G. **Wiring Requirements** – All electrical wiring shall be contained within the support structure or buried underground.
- H. **Braking Systems Require** - All Wind-Powered Generator systems shall be equipped

within an automatic braking system and a manual braking system.

- I. **Noise & Vibration** – Wind-Powered Generators shall adhere to the Performance Standards specified in Section 5.5.3 of the Cedar Hill Zoning Code.
- J. **Manufacturer's Specification** – All Wind-Powered Generators shall be installed in accordance with all City Codes and regulations and shall be installed and maintained in accordance with manufacture specification.
- K. **Nonfunctioning or Hazardous Systems** – All Wind-Powered Generators shall be maintained in good working order. Nonfunctioning or systems that pose a safety hazard shall be removed at owner's expense. Systems that do not provided at least 50% of the manufacturer's specified power rated for any given wind condition shall be deemed nonfunctioning. The owner shall, at the request of the City, provided access to the site for inspection and shall provide documentation showing the systems operational characteristics and that the system is safe and functioning.
- L. **Permit Required** – No Wind-Powered Generator shall be erected, constructed, or installed without a permit first being issued by the City of Cedar Hill.
- M. **Compliance with Current City Adopted Building Code** – Building permit applications for Wind-Powered Generators shall be accompanied by a site plan showing the location of the system in relation to property lines, easements, structures, trees and other obstructions, as well as standard drawings of the wind turbine structure, including the tower, base, and footings. Construction plans for the foundation and supporting structure shall be prepared, signed, and sealed by a professional engineer licensed by the State of Texas.
- N. **Compliance with Current City Adopted Electric Code** – Building permit applications for Wind-Powered Generators shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the current National Electrical Code as adopted.
- O. **Owner's Responsibility** – the owner shall be responsible for securing the site and maintaining the facility in a safe manner.

4.1.9 Audio Recording Studio Retreat (Ord. No. 11-461, §1, 11-11-11)

Audio Recording Studio Retreat, shall be subject to the following:

- A. **Intent** – It is the intent of these standards to preserve the quiet, peaceful nature and character of the residential district and to allow, as a subordinate use, a place for recording artists to gather, write, collaborate, perform, instruct, and prepare audio recordings.
- B. **Accessory Use** – The standards contained in this section regarding Audio Recording Studio Retreat shall be in addition to the zoning district standards in which the facility is located. The primary use of the property shall be for residential purposes with the Audio Recording Studio Retreat being an accessory use.

- C. **Minimum Lot Area** – No Audio Recording Studio Retreat shall be located on a lot that is less than 5-acres in area.
- D. **Parking** – In addition to the parking required by this zoning ordinance for residential structures, additional parking shall be provided for the Audio Recording Studio Retreat as specified by the Use Table contained in Section 4.1 and pursuant to Section 5.1 of this zoning code.
- E. **Noise & Vibration** – Audio Recording Studio Retreat shall adhere to the Performance Standards specified in Section 5.5.3 of this Zoning Code.
- F. **No Outside Activities** – All activities associated with the Audio Recording Studio shall be conducted whole and completely within an enclosed building.
- G. **Outdoor amplified sound prohibited** – There shall be no concerts on site or outdoors amplified sound.

4.1.10 Solar Panel Systems

General Purpose and Description – The purpose of these regulations is to accommodate solar panel systems in appropriate locations while protecting the public’s health, safety, and welfare, and to provide a permitting process for solar panel systems to ensure compliance with the provisions of the requirements and standards established herein.

- a) *Solar Panel System (Accessory Use)* – Solar panel systems that are allowed as an accessory use as set forth in Section 4.1.2. (Use Chart) may be roof mounted, or ground mounted solar panel systems provided the ground mounted system conforms to the setbacks and height standards for accessory buildings set forth within this Zoning Ordinance (Ord. 2001-64) as amended.
- b) *Solar Panel System (Primary Use)* – Solar panel systems that are allowed as the primary use, as set forth in Section 4.1.2. (Use Chart), shall conform to the zoning district standards for which the system is located.
- c) No solar panel system shall be erected, constructed, modified, or installed without first receiving a building permit from the building official. Modification shall include any changes to the solar panel system that materially alters the size, type or location of the system. Like-kind replacements shall not be construed to be a modification.

4.1.11 Credit Access Business (Ord. No. 16-605, 12-13-16)

- A. A credit access business is prohibited as an accessory use.
- B. A credit access business shall be located at least 1,000 feet from any other credit access business as measured in a straight line between the nearest points of the credit access businesses.
- C. A credit access business shall be located at least 200 feet from any single-family residential district or any Planned Development District for single-family residential uses as measured in a straight line from the nearest point of the credit access business.

4.1.12 Drive-Through Facility (Ord. No. 2019-669)

- (a) A drive-through facility is permitted with a bank or a restaurant in the Local Retail, Commercial, Industrial Park and Industrial Districts with the exception of when those districts are located within the Uptown Overlay. Otherwise, a drive-through facility shall require a conditional use permit in accordance with the provisions for consideration enumerated in this chapter.
- (b) A drive-through facility is prohibited with a liquor store.

4.1.13 Liquor Store (Ord. No. 2019-669)

A liquor store shall not have walk-up window access, and shall not have a drive-through facility.

4.1.14 Variety Stores (Ordinance No. 2020-699)

- (a) All variety stores shall have a minimum of ten (10) percent of its selling floor area dedicated to the sale of fresh produce, fresh meat and dairy products,
- (b) A variety store shall not be located within a radius of one (1) mile, measured from property line to property line, of another variety store.
- (c) A scaled floor plan delineating the floor area for the sale of fresh produce, fresh meat and dairy products shall be provided in conjunction with an application for a Conditional Use Permit for a variety store pursuant to this Chapter.
- (d) For the purposes of this subsection, the following terms shall have the meanings described below:
 - (1) Selling floor area shall mean the floor area of the building where customers are allowed to find and purchase items.
 - (2) Fresh produce shall mean fruits and vegetables that have not been processed in any manner. This term does not include such items as nuts, popcorn, vegetable plants/seedlings, dried beans/peas, seeds/grains, and flowers.
 - (3) Fresh meat shall mean skeletal muscle and its associated tissues derived from mammalian, avian, reptilian, amphibian, and aquatic species that have not been preserved by curing, salting, smoking, drying, or canning.
 - (4) Dairy products shall mean food produced from mammals such as milk, yogurt and cheese.

4.1.15 Distribution Centers and Fulfillment Centers (Ordinance No. 2023-777)

- (a) Submit a Traffic Impact Analysis (TIA) with the Conditional Use Permit application that identifies the AM/PM and daily peak hour trip Generations, analysis of queueing at all site driveways, and traffic operation impacts with mitigation measures as a result of development-related impacts based upon criteria identified in the Institute of Transportation Engineers (ITE) Manual. The TIA shall incorporate each of the following elements.

- (1) A trip generation analysis and traffic operations impacts shall not result in a Level of Service E or worse on the street network without identifying mitigation measures.
 - (2) A queueing analysis must demonstrate that the queueing of trucks remains on private property with no impact to public right-of-way.
 - (3) A signal warrants analysis may be required for unsignalized intersections impacted by development.
 - (4) Deceleration lanes and/or right turn lanes will be required per the Texas Department of Transportation's standards based upon roadway speed limits and right-turning vehicle counts per hour.
- (b) Delineate the loading docks on the site plan and on the building elevations submitted with the Conditional Use Permit application.
 - (c) No idling of facility-related vehicles on rights-of-way, in fire lanes, or any other means of access that would impede the unobstructed flow of traffic or other vehicles from maneuvering.
 - (d) Prior to the issuance of a Certificate of Occupancy, the building occupant shall provide verification to the City Engineer that the assumptions and calculations in the approved TIA are consistent with the proposed traffic generation.

ARTICLE 5. DEVELOPMENT STANDARDS

SECTION 5.1 OFF-STREET PARKING AND LOADING REQUIREMENTS

5.1.1 Purpose:

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

5.1.2 Residential Districts -- Special Off-Street Parking Provisions:

- A. Required off-street parking shall be provided on the same site as the use it is to serve.
- B. All vehicle parking and maneuvering areas shall be on reinforced concrete paved surfaces. Residential driveways in excess of 200-feet in length may be constructed of any all-weather surface; however, that portion of the driveway that is within 50-feet of the street shall be paved in reinforced concrete. In addition to the required enclosed parking, two exterior parking spaces shall be paved with reinforced concrete outside the garage portion of the residential structure. (Ord. No. 01-71 § 11, 07-21-01), (Ord. No. 08-345 § 11, 01-08-08)
- C. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle (see definitions for “Heavy Load Vehicle”).
- D. Required garages shall not be enclosed for residential living purposes unless and until they are replaced with separate garages, either attached or detached, that complies with the requirements of the Comprehensive Zoning Ordinance and Building Code of the City of Cedar Hill. Residential properties platted prior to March 26, 1985, and Planned Development Districts that have no garage requirement are exempt from this paragraph. (Ord. No. 01-71 § 13, 07-21-01)

5.1.3 Nonresidential and MF Districts -- Special Off-Street Parking Provisions:

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 5.6. (Ord. No. 08-345 § 12, 01-08-08)
- B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 5.4. (Ord. No. 08-345 § 10, 01-08-08)
- C. All required off-street parking, maneuvering, loading and storage areas shall be paved with reinforced concrete and in accordance with the parking lot paving requirements in the City's Code of Ordinances (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces). (Ord. No. 06-276, § 15, 01-10-06)
- D. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- E. Each standard off-street surface parking space size shall be in accordance with the design standards as shown on Illustration 10 for space size and design. Specific parking space sizes,

exclusive of aisles, driveways and maneuvering areas shall be nine feet (9') by eighteen feet (18') standard spaces and eight feet (8') by twenty-two feet (22') for parallel spaces.

- F. All parking and loading spaces, and vehicle sales or display areas on private property shall be paved and shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed three-foot (3') minimum sidewalk width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
- G. In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic.
- H. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies.
- I. Handicap parking space(s) shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA).
- J. In all nonresidential and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment; or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).
- K. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the Planning and Zoning Administrator, or his designee.
- L. When parking is prohibited within the street yard by this ordinance, it shall be behind the front façade of the building and in the side or rear except if the lot or development to be built is: (Ord. No. 04-201, § 7, 04-13-04) (Ord. No. 06-276, § 16, 01-10-06)
 - 1. Encumbered with an easement, septic system, or water feature that restricts the amount of land available for such required parking for the approved uses for that district or; (Ord. No. 04-201, § 7, 04-13-04)
 - 2. A platted lot of such size and/or existing building placement that all required parking located on the side or rear yards restrict the allowed uses for that district. (Ord. No. 04-201, § 7, 04-13-04)

M. Off-street stacking requirements for drive-through facilities:

1. A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least eight (8) feet in width and with negotiable geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.
2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces. One escape lane shall be provided.
3. For each service window of a drive-through restaurant, a minimum of six (6) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).
4. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-through facilities (e.g., pharmacy, dry cleaners, etc.), a minimum of three (3) stacking spaces for each service window shall be provided.
5. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
6. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
7. For each wand-type self-service (open) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.
8. For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.

5.1.4 Off-Street Loading Space – All Districts: (Ord. No. 2018-655)

- (a) All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see Illustration 2). Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten by forty-five feet (10' x 45'), and such spaces or berths shall be provided in accordance with the following schedule:

<u>Total Square Feet of Gross Floor Area in Structure</u>	<u>Minimum Required Spaces or Berths</u>
0 (zero) to 10,000 square feet	None
10,001 to 50,000 square feet	1
50,001 to 100,000 square feet	2
100,001 to 200,000 square feet	3
Each additional 100,000 square feet	1 additional

(b) Childhood Training Facilities

- (1) Kindergartens, elementary schools, day schools and similar child training establishments shall provide loading and unloading space to accommodate student drop-off and pick-up. In addition to providing off-street parking, as required by these zoning codes, such designated drop-off and pick-up spaces be located to provide access to the facility without crossing vehicular traffic lanes. Designated drop-off and pick-up spaces have off-street queuing for vehicles waiting to pick-up or drop-off students. Such off-street queuing shall be designed in a manner that it does not inhibit traffic movement, and included an “escape lane” to allow vehicles to exit the line. The number of off-street queuing spaces required shall be determined by the number of students in the largest scheduled admittance or dismissal period. Not less than one off-street queuing space shall be provided for each ten (10) students for each scheduled admittance and dismissal time. (Ord. No. 08-345 § 7, 01-08-08)
 - (2) Queuing shall be provided for each pick-up and drop-off space.
 - (3) Queuing for pick-up and drop-off spaces shall not inhibit traffic movement.
 - (4) Provide not less than one (1) off street queuing space for each ten (10) students for each scheduled admittance and dismissal time.
 - (5) Queuing lines shall be equipped with an “escape lane” to allow vehicles to exit the line.
 - (6) Day care facilities shall provide designated drop-off/pick-up spaces located to provide access to the facility without crossing vehicular traffic lanes. In addition to providing off-street parking, as required by these zoning codes, there shall be a minimum of one (1) drop-off/pick-up spaces for each ten (10) children the facility is authorized to supervise.
- (c) High Schools and similar training establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, “circular” drive for each 75 students. An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up students occupy loading/unloading areas. (Ord. No. 06-276, § 17, 01-10-06)
- (d) All vehicles stored onsite and used in conjunction with any business will have available paved storage spaces for each vehicle stored in accordance with the paving requirement stated in Section 5.1.3., whether such vehicles are for sale or rent, or for use of employees or students. These parking spaces shall be in addition to the minimum required parking stated in the Use Tables in Section 4.1.2 for each use allowed within the City.

5.1.5 Parking Access From A Public Street -- All Districts:

- A. In the approval of a detailed Site Plan, design consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.
- B. In all Districts (except all Single-Family and Townhome zoning districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Planning and Zoning Administrator, or his designee.
 - 1. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference.
 - 2. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.
- C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas.
- D. Parking space configuration, location, arrangement, size and circulation in all Districts shall be constructed according to Illustration 10.

5.1.6 Schedule of Parking Space Requirements:

In all districts, the minimum number of off-street parking spaces to be provided shall be as follows (refer to Section 4.1.2 for relation of parking groups to permitted uses): (Ord. 2001-71; Ord. 2006-276; Ord. 2023-777)

Group	Minimum Number of Off-Street Parking Spaces Required
1.	1 per unit
2.	2 per unit
3.	2 per unit
4.	2 per unit — 2-car garage
5.	2 per unit — 1-car garage
6.	1 per 50 sq. ft. of gross floor area + 12
7.	1 per 100 sq. ft. of gross floor area
8.	1 per 200 sq. ft. of gross floor area
9.	1 per 250 sq. ft. of gross floor area
10.	1 per 300 sq. ft. of gross floor area
11.	1 per 400 sq. ft. of gross floor area
12.	1 per 500 sq. ft. of gross floor area
13.	1 per 600 sq. ft. of gross floor area
14.	1 per 800 sq. ft. of gross floor area
15.	1 per 1,000 sq. ft. of gross floor area
16.	1 per 1,000 sq. ft. of gross site area
17.	1 per 1,500 sq. ft. of gross site area
18.	1 per 2,000 sq. ft. of storage yard
19.	1 per 3 students

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- 20. 1 per 5 students
 - 21. 1 per 15 students
 - 22. 1 per 25 students
 - 23. 1 per employee on largest shift + 1 per 1,000 sq. ft.
 - 24. 1 per bay or pump island
 - 25. 1 per guest room
 - 26. 1 per 4 patrons
 - 27. 1 per 4 beds
 - 28. 1 per 2.5 seats
 - 29. 1 per 4 seats
 - 30. 1 per 6 machines
 - 31. 5 per hole
 - 32. 5 per alley or table
 - 33. 3 queuing spaces per bay or stall
 - 34. 5 queuing spaces per bay or stall
 - 35. 1 per vehicle stored
 - 36. 1 per each seat
 - 37. *Reserved*
 - 38. 1 per 20 units
 - 39. 2 per caretakers unit
 - 40. Less than 15,000 sq. ft. of gross floor area – 1 per 200 sq. ft.
 15,001-75,000 sq. ft. of gross floor area – 1 per 225 sq. ft.
 75,001 – 400,000 sq. ft. of gross floor area – 1 per 250 sq. ft.
 400,001-600,000 sq. ft. of gross floor area – 1 per 275 sq. ft.
 600,001 and greater sq. ft. of gross floor area – 1 per 300 sq. ft.
 * Surface parking shall not exceed 110% of minimum required.
 - 41. 0.2 per 1,000 sq. ft. of floor area +
 1 per 300 sq. ft. of floor area utilized as office space
 - 42. The lesser of 1 per employee or 1 per 1,000 sq. ft. of gross floor area

5.1.7 Rules For Computing Number Of Parking Spaces: (Ord. No. 06-276, § 19, 01-10-06)

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. **"Floor Area"** shall mean the gross floor area of the specific use.
- B. **"Seat"** shall be interpreted as follows:
 - 1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length;
 - 2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area (includes aisles).
- C. Where fractional spaces result, the parking spaces required shall be constructed up to the next whole number.
- D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the Planning and Zoning Administrator, or his designee, in accordance with the requirements for the most closely

related use specified in this Section.

- E. Whenever a building or use 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 ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- F. For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 40,000 square feet.
- G. **Shared parking** may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. The Planning and Zoning Administrator, or his designee shall determine reduction due to shared parking. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of Cedar Hill.

5.1.8 Location of Parking Spaces:

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- A. 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 (2) or more buildings or establishments, the required spaces may be located not to exceed six hundred (600) feet from any nonresidential building served.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Planning and Zoning Commission and City Council is required according to the following criteria:
 - 1. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150'), or one thousand feet (1,000') within the OT zoning district, of such building or structure providing:
 - a. That a permanent easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use, or that a long-term "Remote Parking Lease Agreement" be provided upon approval by the City as a condition of such use.

5.1.9 Use of Required Parking Spaces, Non-Residential Districts:

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale.

5.1.10 Fire Lanes:

Fire lanes shall be provided in all multi-family (and in some single-family attached) and nonresidential developments, as required by the adopted Fire Code of the City (also see the Subdivision Ordinance for certain fire lane regulations).

SECTION 5.2 LANDSCAPE REQUIREMENTS

5.2.1 Purpose

Landscaping provides environmental benefits to a community by cleaning the air and reducing the impacts from heat islands, stormwater runoff, lighting and glare, and noise. Additionally, landscaping adds value to property.

5.2.2 General Provisions

- (a) The requirements for preservation and mitigation of protected trees are located in Chapter 13, Article IV entitled “Tree Preservation” of the Code of Ordinances.
- (b) All plantings shall be in accordance with Appendix “E”. Other species may be approved by the Landscape Administrator subject to environmental sustainability and the proposed planting locations.
- (c) Tree specifications and definitions shall be as referenced in the American Standard for Nursery Stock, ANSI Z60.1-2004.
- (d) Newly planted landscaping required by this Section shall meet the following criteria upon installation.
 - (1) Shade trees – A minimum of three (3) caliper inches measured six (6) inches above grade.
 - (2) Screening trees – A minimum of six (6) feet in height measured above grade.
 - (3) Ornamental trees – A minimum of two (2) caliper inches measured six (6) inches above grade.
 - (4) Shrubs – A minimum of five (5) gallons and a minimum height of two (2) feet.
 - (5) Ornamental grasses – A minimum of three (3) gallons.
- (e) Tree plantings shall not include more than thirty (30) percent of the same species unless otherwise approved by the Landscape Administrator.
- (f) Minimum tree spacing for shade and screening trees shall be no less than twenty (20) feet and no greater than thirty (30) feet unless approved by the Landscape Administrator.
- (g) A minimum distance of five (5) feet shall be maintained from the trunk distance to adjacent pavement.
- (h) All required plantings that are adjacent to pavement shall be protected with concrete curbs or equivalent barriers when necessary and shall maintain a three (3) -foot radius vegetation free zone around fire hydrants and FDC equipment.
- (i) Plantings shall not be located within the visibility triangle.
- (j) A three (3) -inch layer of fibrous mulch or other material approved by the Landscape

Administrator shall be provided in shrub beds and around trees.

- (k) Under special circumstances, the installation of required plantings may be delayed up to six (6) months with issuance of a temporary certificate of occupancy subject to approval by the Building Official.
- (l) For all non-residential and multiple-family uses, landscaped areas shall be irrigated by an underground irrigation system.

5.2.3 Utilization of Existing Plantings

The utilization of existing plantings to comply with the requirements in this Section shall meet the following criteria:

- (a) Existing, desirable plantings that are in a healthy, growing state shall be preserved to the extent reasonably possible. To determine the feasibility of preserving existing plantings, consideration will be given to the buildable area on the property, topographical constraints on design, drainage, access, and utilities.
- (b) The caliper inches of trees shall be measured four and a half (4.5) feet above the ground.
- (c) Existing trees shall be in a healthy, growing condition surrounded by a permeable area of at least two (2) feet.
- (d) The area below the dripline shall remain undisturbed, either by cutting or filling, in the development process.
- (e) The developer/owner shall not put an impervious material under the dripline. Permeable pavements will be considered as impervious materials.
- (f) Existing trees should not be incorporated in areas less than seventy-five (75) percent of their critical root zones or drip lines.

5.2.4 Nonresidential and Multiple-Family Uses

- (a) **Street yards** – Property zoned “MF”, “NS”, “LR”, “CC”, “C”, “I” or “IP” or nonresidential uses on residentially-zoned property shall be required to have landscaping in the street yard when there is new construction on undeveloped property or when the expansion of a structure or impervious surface is located within a street yard or adjoins a street yard in accordance with this Subsection.
 - (1) A minimum of twenty (20) percent of the street yard shall have non-impervious coverage that includes plantings in accordance with Appendix E.
 - (2) Street yards with an area of ten thousand (10,000) square feet or less – Plant one (1) shade tree per one thousand (1,000) square feet of street yard or fraction thereof within the street yard.
 - (3) Street yards with an area greater than ten thousand (10,000) square feet to one hundred and ten thousand (110,000) square feet – Plant ten (10) shade trees plus one (1) shade tree per two thousand and five hundred (2,500) square feet or fraction thereof within the street yard.

- (4) Street yards with an area greater than one hundred and ten thousand (110,000) square feet – Plant fifty (50) shade trees plus one (1) shade tree per five thousand (5,000) square feet within the street yard.
- (5) Additionally, street yards with a minimum area of 3,000 square feet shall plant at least one (1) grouping of three (3) Eastern Red Cedar tree species subject to the width of the planting area in accordance with the following criteria.

Minimum Planting Width Required	Minimum Spacing Required
25 feet or greater	1 grouping/150 linear feet (15 feet off-center, tri-spacing)
24.9 feet - 15 feet	1 grouping/100 linear feet (10 feet off-center, tri-spacing)
14.9 feet – 10 feet	1 grouping/50 linear feet (3 feet off-center, tri-spacing)

- (b) **Proximity to buildings** – On property zoned “MF”, “NS”, “LR”, “CC”, “C”, “I” or “IP” or a residential district with non-residential uses, landscaping shall be required within fifteen (15) feet of main buildings where the primary entrance(s) is/are located when it is new construction or expansion of the cumulative floor area by more than fifty (50) percent. Plantings shall include one or a combination of the following options.

(1) Evergreen shrubs or ornamental grasses

- i. Installed with a minimum height of three (3) feet and shall not exceed a maximum height of four (4) feet.
- ii. The planting area shall have a minimum depth of four (4) feet and a minimum length of fifty (50) percent of the length of the elevation where the primary entrance(s) is/are located.
- iii. Plantings shall not be thorny, spiky, etc., adjacent to a pedestrian sidewalk.

(2) Shade, screening or ornamental trees

- i. The planting area shall have a minimum depth of ten (10) feet and a minimum length of fifty (50) feet, unless planted within a tree grate.
- ii. A drainage system or method shall be provided to ensure that all tree pits within this area have proper drainage.

- (c) **Off-street parking areas** – On property zoned “MF”, “NS”, “LR”, “CC”, “C”, “I” or “IP” or a residential district with non-residential uses, shade trees shall be required in new off-street parking areas or in the expansion of existing off-street parking areas.

- (1) A large or medium tree shall be located within fifty (50) feet of every parking space for an automobile, passenger vehicle, or heavy vehicle.

- (2) If the required tree is within a parking landscape island, the island must be a minimum of one (1) parking space in size.
- (3) The requirements for shade trees in off-street parking areas shall not apply to the Old Town Districts.
- (d) **Screening of parking for automobiles** – On property zoned “MF”, “NS”, “LR”, “CC”, “C”, “I” or “IP” or a residential district with non-residential uses, screening shall be required of new parking areas for automobiles or for expansions of such existing parking areas that are within view of an existing or future public right-of-way or an existing or future park or trail. The screening shall be a minimum of three (3) feet tall and a maximum of four (4) feet tall. There shall be a two (2) -foot overhang or a vehicle stopping device if parking spaces adjoin planting areas. Screening materials may consist of one or a combination of the following materials.
 - (1) Shrubs forming a continuous hedge.
 - (2) An earthen berm
 - (3) A screening wall constructed of a primary building material.

5.2.5 Residential Uses

This subsection shall apply to property that permits single-family residential uses on platted and unplatted parcels of 10,000 square feet or less. Newly planted tree, shrubs and ornamental grasses shall be warranted for a period of not less than one year from the date the dwelling is released by the city for occupancy. This warranty shall be completely transferable to any subsequent property owner and shall cover the plantings and their installation.

- (a) **Street yard** – A minimum of two shade or screening trees shall be planted in the street yard when there is new construction on undeveloped property or when the expansion of a structure or impervious surface is located within a street yard or adjoins a street yard.
- (b) **Proximity to buildings** – Landscaping shall be required around the exposed base of a residential building’s foundation when it is new construction or the floor area is expanded within a street yard or adjoining a street yard. Plantings shall meet the following criteria.
 - (1) Plantings shall be evergreen shrubs or ornamental grasses.
 - (2) Plantings shall be a minimum of five (5) gallons upon installation.
 - (3) Plantings shall be spaced appropriately to prevent over-crowding and per industry standard spacing requirements.
 - (4) The planting bed shall be the length of the building with the exception of pedestrian and vehicular entrances.
- (c) **Ground cover** – With the exception of driveways, walkways, sidewalks, ponds and gardens, the street yard shall be planted with grass or contain a material approved by the Public Works Director.

5.2.6 Maintenance

Landscaping on the property shall be maintained and replaced on the property in accordance with the provisions in this Subsection.

- (a) **Replacement of Required Trees** – If a required tree is voluntarily or involuntarily removed or dies, it shall be replaced within ninety (90) days of removal or death consistent with the approved landscape plan, as applicable, in accordance with the following criteria.
 - (1) Shade, screening or ornamental trees less than eight (8) caliper inches – Replace with a minimum of one (1), three (3) -inch caliper tree of a similar species and characteristics.
 - (2) Shade, screening or ornamental tree of eight (8) caliper inches or greater – Follow the requirements for tree mitigation described in Chapter 13, Article IV entitled “Tree Preservation” of the Code of Ordinances.
- (b) **Replacement of Shrubs, Grasses and Ground Cover** – If shrubs, grasses or ground cover is voluntarily or involuntarily removed or dies, it shall be replaced within ninety (90) days of removal or death consistent with the approved landscape plan, as applicable, with a similar species and characteristics.
- (c) The maintenance and pruning of trees and shrubs shall be in accordance with landscape industry best management practices, ANSI A300.
- (d) No person or entity may use improper or malicious maintenance or pruning techniques which would likely lead to the death of the tree and or plant.
- (e) It is recommended that the property owner and/or developer consider the placement of signage on the property with respect to maintenance of the required plantings prior to approval of the landscape plan.

(Ord. No. 2018-655)

SECTION 5.3 FENCING, WALLS AND SCREENING REQUIREMENTS

5.3.1 Purpose

To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards.

5.3.2 Land Uses

- (a) Multiple-family and non-residential uses adjoining single-family districts – When there is new construction or expansion of multiple-family and non-residential uses, such property shall provide screening in accordance with this Subsection along the property line adjoining a single-family district or a portion of a Planned Development District designated for single-family residential uses. The property owner shall be responsible for maintenance of the required screening.
- (b) Non-residential districts adjoining multiple-family districts – When there is new construction or expansion of non-residential uses in non-residential districts, such property shall provide screening in accordance with this Subsection along the property line adjoining a multiple-family district or a portion of a Planned Development District designated for multiple-family uses. The property owner shall be responsible for maintenance of the required screening.
- (c) When screening is required by this Subsection, it shall meet the following criteria:
 - (1) Be constructed of a primary building material that is similar to the main building with the exception of glass walls;
 - (2) Be finished on both sides; and
 - (3) Have a minimum height of six (6) feet and a maximum height of eight (8) feet; or
 - (4) Provide a minimum 50 (fifty) -foot wide conservation buffer consisting of dense foliage as determined by the Planning Director.
- (d) Alternative screening – The Planning and Zoning Commission and City Council may approve alternative screening during consideration of the site plan application if it finds that the property proposes an adequate buffer from the adjacent single-family residential or multiple-family property.

5.3.3 Outdoor Storage

Outdoor storage shall be screened by one or a combination of the following methods. The minimum height shall be the taller of six (6) feet or one (1) foot above the height of the outdoor storage that is required to be screened.

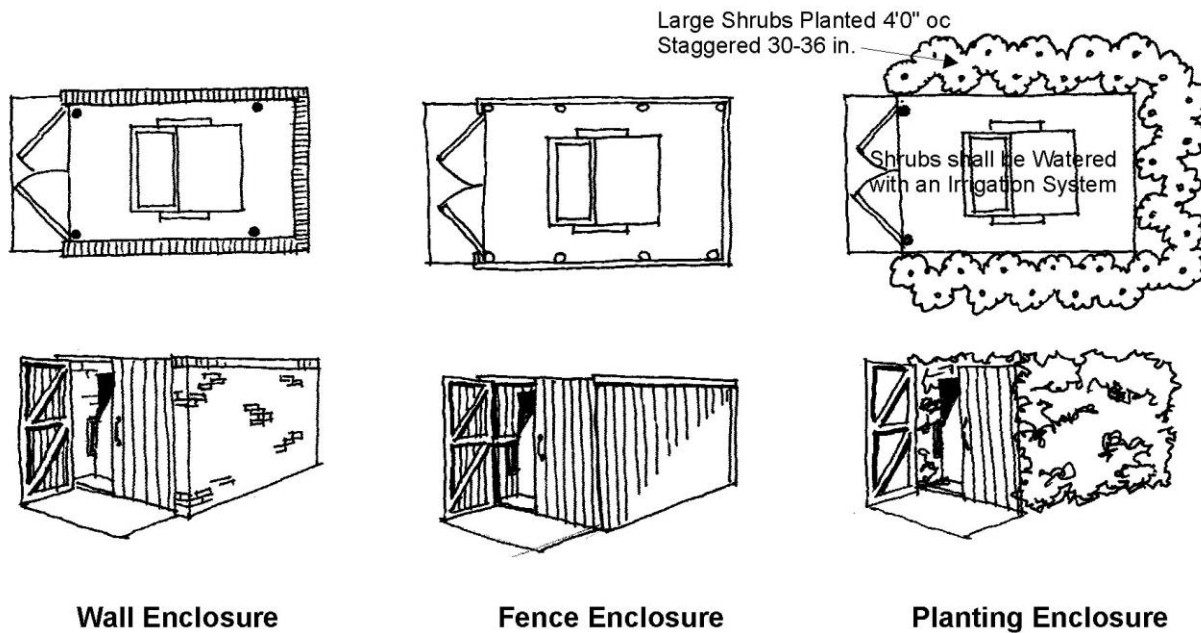
- (a) A fence or wall constructed of a primary building material that is similar to the main building. In the Industrial and Industrial Park Districts, the fence or wall may be constructed of materials made of polyvinyl chloride (PVC) if it is located in the side or

rear yards that do not have street frontage.

- (b) A berm.
- (c) Large evergreen shrubs planted a maximum of four (4) feet apart that shall create a solid screen at the required height within two (2) years.
- (d) Alternative screening – The Planning and Zoning Commission and City Council may approve alternative screening during consideration of the site plan application if it finds that the property proposes an adequate screening of the outdoor storage compatible with surrounding land uses.

5.3.4 Refuse storage areas

- (a) Location of refuse storage areas
 - (1) Refuse storage areas shall be located on the side or rear of the building as to facilitate pickup by refuse collection agencies.
 - (2) Refuse storage areas shall not be located with required yard setbacks.
 - (3) Refuse storage areas shall not be located within fifty (50) feet of property zoned as a single-family residential district.
 - (4) Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies with adequate reinforced paved areas for loading and unloading.
- (b) Refuse storage that is not within a screened service area shall be screened on three sides in accordance with one of the following methods. The fourth side shall be utilized for pickup service with an optional gate to secure the area. The minimum height shall be the taller of six (6) feet or one (1) foot above the height of the refuse storage area that is required to be screened.
 - (1) A fence or wall constructed of a primary building material that is similar to the main building.
 - (2) Redwood, cedar, preservative pressure treated wood, or other similar materials, screened with large evergreen shrubs planted four (4) feet on center and staggered thirty (30) to thirty-six (36) inches.
 - (3) Fence posts shall be rust-protected metal, masonry or concrete. Six (6) -inch concrete filled steel pipes, painted in a neutral color, shall be located to protect the enclosure from truck operations.
 - (4) The Planning and Zoning Commission and City Council may approve alternative screening during consideration of the site plan application if it finds that the property proposes an adequate screening of the refuse storage area compatible with surrounding land uses.



5.3.5 Loading docks, service areas

(a) Location of loading docks and service area

- (1) Loading docks and service areas shall be at the side or rear of buildings.
- (2) Loading docks and service areas shall not be located within fifty (50) feet of property that is designated for single-family residential uses unless wholly enclosed within a building.
- (3) Loading docks and service areas shall not face an existing or future right-of-way, park or trail unless it is setback a minimum of seventy-five (75) feet and screened from view using a line of sight measured from a vertical height of five (5) feet.

(b) Loading docks and service areas shall be screened in accordance with one of the following methods. The minimum height shall be the taller of six (6) feet or the height required to screen the line of sight described in this Subsection at a linear distance equal to the exposed length.

- (1) A fence or wall constructed of a primary building material that is similar to the main building.
- (2) Loading docks and services areas that are adjacent to residential uses and in use between the hours of 9:00 p.m. and 8:00 a.m. shall be enclosed on three sides.
- (3) The Planning and Zoning Commission and City Council may approve alternative screening during consideration of the site plan application if it finds that the property proposes an adequate screening of the loading docks or service area compatible with surrounding land uses.

5.3.6 Garage bays

- (a) Garage bays shall be at the side or rear of buildings.
- (b) Garage bays shall not be located within fifty (50) feet of property that is designated for single-family residential uses.
- (c) Garage bays shall be screened by one or a combination of the following methods. The minimum height shall be four (4) feet. A wall or fence required to screen land uses described in this Section may be utilized to meet the screening requirement for garage bays.
 - (1) A fence or wall constructed of a primary building materials that is similar to the main building.
 - (2) Large evergreen shrubs planted a maximum of four (4) feet apart that shall create a continuous hedge.

5.3.7 Ground and wall-mounted mechanical equipment

- (a) Single-family residential uses – Ground and wall-mounted mechanical equipment shall not be located in the front street yard. Ground and wall-mounted mechanical equipment that is located in a side or rear street yard shall be screened in accordance with the provisions in this Subsection.
- (b) Nonresidential and multiple-family uses – Ground and wall-mounted mechanical equipment shall be screened in accordance with the provisions in this Subsection when located:
 - (1) facing an existing or future public right-of-way that is within 100 feet;
 - (2) facing an existing or future park or trail that is within 100 feet;
 - (3) facing a residential district or a portion of a Planned Development District designated for residential uses that is within 100 feet where a screening wall is not required; or
 - (4) on the side of the building containing the primary entrance(s).
- (c) The minimum height and width of the screening shall be equivalent to the area of the equipment being screened and consist of one or a combination of the following:
 - (1) a berm;
 - (2) a planting screen (hedge); or
 - (3) a wall utilizing primary building materials similar to those of the main building.
- (d) Screening of utility structures shall be approved by the applicable utility company.

5.3.8 Fencing on property when screening is not required

Fencing that is not required for screening installed on property containing a nonresidential or multiple-family use shall meet the following criteria.

- (a) The fencing shall not be located within a street yard unless it meets the following criteria:
 - (1) The fencing is not located within the minimum required front yard setback; and
 - (2) The fencing is constructed of transparent materials such as wrought iron or a similar material approved by the Building Official. Chain-link fencing shall not be considered a similar material to wrought iron.
- (b) Fencing that is located within a side or rear yard shall be constructed of one of the following materials.
 - (1) A primary building material that is similar to the main building.
 - (2) Transparent materials such as wrought iron or a similar material approved by the Building Official. Chain-link fencing shall not be considered a similar material to wrought iron.
 - (3) In the Industrial and Industrial Park Districts, fencing may be constructed of materials made of polyvinyl chloride (PVC).

(Ord. No. 2018-655)

SECTION 5.4**SUPPLEMENTAL REGULATIONS**

5.4.1 Setbacks and Lot Configuration:

- A. **Measuring Setbacks** - All setback measurements shall be made in accordance with Illustrations 6, 7, and 8.
- B. **Configuration of Lots** - Wherever possible, flag lots (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. (Also see Subdivision Ordinance for regulations pertaining to the configuration of lots.)

5.4.2 Front Yard:

- A. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and townhouse lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and townhouse uses shall be identified and the front of the structure shall not face the side or rear yard (see Illustration 9).
- B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Illustration 3).
- C. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard (see Illustration 4).
- D. Lots fronting on the bubble portion of a cul-de-sac or "eyebrow" of a street shall have a minimum lot width of 70-feet unless a lesser lot width is specified for the zoning district in which the lot is located. Measurement of the width of such lots shall be in a straight line from the points of the intersection of the building line with the side lot line. (See Illustration 6) (Ord No. 02-103 § 1, 03-26-02)
- E. Gasoline service station pump islands that parallel a public street may be located a minimum of eighteen feet (18') to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this Ordinance are met), but shall not be closer than fifteen feet (15') to any property line that is not adjacent to a public street.
- F. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

5.4.3 Side Yards:

- A. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots, except where one street exposure is designated as a side yard and separated from the adjacent lot by an alley. In such case, a building line may be designated on the final plat by the Planning and Zoning Administrator, or designee, with a minimum side yard of fifteen feet (15'). On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- B. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.
- C. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

5.4.4 Special Height Regulations:

- A. In the districts where the height of buildings is restricted to two (2) or two and one-half (2.5) stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires, school buildings, and institutional buildings may be erected to exceed the height limit, specified in the particular zoning district, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit. (Ord. No. 2004-208 § 3, 06-22-04)
- B. In any district where a structure is permitted to be constructed above two (2) stories, an additional setback shall be required from any existing single-family residential use or zoning district. The additional setback shall be two feet (2') for every one foot (1') in height above two (2) stories from the single-family district boundary line or property line, whichever is closer. A Conditional Use Permit shall be required for any request involving a building taller than the maximum height allowed in a non-residential district. (Ord. No. 2004-208 § 3, 06-22-04)

5.4.5.1 Telecommunications Facilities

Except for facilities listed in Section 5.4.6.A, in all districts in which telecommunications facilities are authorized and in addition to use limitations contained in Article 4, the following standards and procedures apply to such uses.

A. Definitions.

- 1. Antenna: A metallic, graphite, fiberglass or other device which is attached to a transmission tower, cellular tower, monopole, mast, building or other structure for transmitting and receiving electromagnetic waves.
- 2. Building-mounted facility: A telecommunications facility in which antennas are mounted to the roof or facade of a building.
- 3. Cellular Communications Facility: A telecommunications facility, including but not limited to an antenna or tower.

4. Lattice tower: A guyed or self-supporting three- or four-sided, open steel frame structure used to support telecommunications equipment.
5. Monopole: A single, self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole, with below grade foundations that is intended to support antennas necessary to deliver and receive cellular or personal communications services transmissions.
6. Telecommunications tower: A free-standing structure consisting of a support structure, antenna and associated equipment. The support structure may be a wooden pole, monopole, lattice tower, light standard or other vertical support.
7. Telecommunications facility: An unmanned facility consisting of equipment for the reception, switching or receiving of wireless telecommunications.

B. Height and Setback Standards For Telecommunications Towers

1. Except as provided in Section 5.4.5.1.B.2, the height of a telecommunications tower, excluding antenna array, shall be a function of distance of the tower from any residential use, and shall be subject to the following standards:
 - a. No tower shall be erected within two hundred (200) feet of any residential use.
 - b. The height of the tower shall not exceed seventy-five (75) feet in height, if the tower is located two hundred (200) or more feet and less than two hundred fifty (250) feet from any residential use.
 - c. The height of the tower shall not exceed one hundred (100) feet in height, if the tower is located two hundred fifty (250) or more and less than five hundred forty (540) feet from any residential use.
 - d. The height of the tower shall not exceed one hundred twenty (120) feet in height, if the tower is located five hundred forty (540) feet or more from any residential use.
 - e. Only monopole towers shall be allowed within five hundred forty (540) feet of any residential use.
 - f. The antenna array shall not exceed the allowed tower height by more than ten (10) feet.
 - g. All guys and guy anchors shall be set back a minimum of twenty (20) feet from any property line.
 - h. The tower shall be erected and operated in compliance with current Federal Communication Commission and other applicable federal and state standards.

2. The height limitations in Section 5.4.5.1.B.1 shall not apply in the following circumstances:
 - a. There are no more than two residential uses within two hundred (200) feet of the tower base.
 - b. The proposed tower is erected to replace existing poles and either:
 - i) The pole replaced is a functioning utility pole or light standard within a utility easement or public right-of-way, recreation facility light pole or telecommunication tower; or
 - ii) Replacement tower height, including antenna array, does not exceed:
 - (a) The height of the original utility, light standard, or recreation facility pole by more than ten (10) feet; and
 - (b) The replacement tower does not obstruct a public sidewalk, public alley, or other public right-of-way, and
 - (c) Pole function is not significantly altered.
 - c. Towers erected to be used by a public agency, including those for police, fire, EMS, 911, or other similar public emergency communications for the city.
3. For the purpose of applying the restrictions set forth in section 5.4.5.1.B.2 subsections (a), (b), and (c), the term “residential use” has the meaning set forth in Section 4.1.2, use charts, but excludes property that is:
 - a. Vacant and unplatted; or
 - b. Used as a college dormitory.
4. Distances in this section shall be measured along a single straight line between the center of the tower base and the nearest point on any property line of a residential zoning district or use.

Building-mounted Facilities

Antennas on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached and may not exceed the height of the rooftop or structure by more than ten (10) feet.

Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen.

Antennas may be located wholly within any building authorized in the zoning district.

If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.

Landscaping. The entire facility must be aesthetically and architecturally compatible with its environment. The telecommunications tower itself must be camouflaged to blend with the surrounding environment through the use of color, materials and design. The entire facility and its landscape must be maintained in accordance with Section 5.2 of these zoning district regulations. A sample of the intended design must be submitted to the city at the time of application.

Accessory Buildings. A single-story unmanned accessory building of no more than three hundred (300) square feet gross floor area is permissible to store equipment needed to send and to receive transmissions but may not include offices or long term storage of vehicles.

Inspections. The city reserves the right to make inspections of any telecommunication facility within corporate limits of the city to ensure structural integrity. Based upon the results of the inspection, the city may require repair or removal of the telecommunications facility.

Application Requirements. Any person, firm, corporation, or any other entity desiring to build a telecommunication facility within the corporate city limits of the city must obtain a building permit, pay appropriate fees and submit a signed application that includes all materials and information detailed herein.

Name of applicant.

Address of applicant.

Location of proposed site.

Type of support structure and antenna and height.

Photos and/or drawings of all equipment, structures and antennas.

Names and addresses of telecommunication providers or users of the proposed tower or antenna.

Applicants master antenna/tower plan for the city and surrounding area, if necessary.

Detailed account of co-location efforts.

If a new tower is allowed, the owner must certify in writing a willingness to allow co-location at the new site, as well as the technological and fiscal feasibility of co-location.

Any other requirement of this ordinance.

Application Fee. The city will charge an application fee of one hundred dollars (\$100.00) for telecommunications towers located within the corporate city limits of the city.

5.4.5.2 Broadcast Towers and Antennas.

Except for facilities listed in Section 5.4.6.A, in all districts in which broadcast towers and antennas are authorized and in addition to use limitations contained in Article 4, the following standards and procedures apply to such uses.

A. Design Requirements:

1. The tower and guy wires must all be located on same tract of land.
2. All tower properties shall be surrounded by a fence. Tower base and guy anchors should be protected by a six (6) foot tall fence with at least 3 strands of barbed wire on top. All fences shall be kept in good repair.
3. All towers to be constructed shall be able to support equipment that is capable of transmitting 5 television broadcast signals and 10 FM broadcast signals.
4. All antennas required by this section shall be located at or above 1,800 feet above sea level.
5. A panel antenna maybe used to meet the FM broadcast signal requirements.
6. A tower cross section showing antenna types and locations shall be provided by the applicant.
7. Steel Antenna Towers and Antenna supporting structures shall be designed and engineered in compliance with Ansi/TIA/EIA-222-F-1996, or to current design standard.

B. Site Plan Required. A site plan must be submitted showing the following:

1. Property boundaries and adjacent properly lines and streets.
2. Tower and guy wire locations.
3. Building location and square feet.
4. Drive and parking area location and material.
5. Fence locations with height and material specified.
6. Tower cross section showing antenna types and location with elevations above sea level specified.

C. Building Permit Required. A building permit is required before adding or replacing any antenna, transmission line, or appurtenance involving a 3 inch or larger line. A permit is also required for adding or replacing antenna or transmission line located more than 500 feet above the tower base. In addition to all other requirements, an applicant for a building permit shall submit the following:

1. A certification signed and sealed by a registered Engineer of the State of Texas attesting to structural integrity of the tower as it is planned to be loaded and during all points of construction. The certification shall include a written description of the method, materials, equipment, tools, and personnel to be used in the installation of the antenna and a statement that the tower is structurally capable of withstanding such construction activities.
2. Provide city with projected fall pattern for all new towers.
3. An indemnity agreement approved by the City Attorney.

4. For tower applications, FAA’s Determination of No Hazard to Air Navigation.
5. In addition to the requirements of this Section 5.4.5.5.C, the requirements of Section 5.4.5.1.A.2 and Section 5.4.6 apply to applications for a building permit for existing towers.

5.4.6 Regulations Applicable to All Towers & Antenna

A. Applicability

1. The following regulations apply to all commercial and amateur antennae and support structures, unless expressly exempted in subsection 2. A building permit shall be required prior to erection or installation of any antenna, antenna support structure and related structures/equipment, except for those facilities expressly exempted in subsection 2.
2. The following types of direct broadcast satellite reception antennae, multi-channel multi-point distribution (as defined by the FCC) antennae, television reception antennae, or amateur radio antennae that are not mounted on a pole or mast that is twenty feet (20') or more in height are exempt from the regulations in this section, except as provided in subsection 3.
 - a. Antennae that are one (1) meter or less in diameter in residential zoning districts, and antennae that are two (2) meters or less in diameter, in non-residential zoning districts;
 - b. Antennae designed to only receive television broadcasts;
 - c. Amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and
 - d. Amateur radio ground-mounted whips and wire antennae.
3. The regulations contained in Sections 5.4.6.D.1, 5.4.6.D.5, and 5.4.6.D.11, apply to all commercial and amateur antennae and support structures.

B. Modifications & Maintenance

1. Steel antenna towers and antenna supporting structures shall submit to the City a structural analysis performed by a registered professional structural engineer whenever there is a change in antennas, and/or appurtenances, involving 3 inch or larger transmission lines.
2. Owners of towers shall perform periodic tower inspection and maintenance to assure safety and extend the tower’s service life. Commencing in 1998 for existing guyed towers approved during or prior to 1995 and for existing monopoles and self-supporting towers approved during or prior to 1993, a major inspection of each tower shall be performed, and thereafter, every 3 years for guyed towers and every 5 years for monopoles and self supporting towers. For guyed towers approved after 1995, inspections shall commence 3 years from the date of approval of the building permit authorizing construction of the tower and every 3 years thereafter. For monopoles and

self-supporting towers approved after 1993, inspections shall commence 5 years from the date of approval of the building permit authorizing construction of the tower and every 5 years thereafter.

3. A report containing information on the following items shall be submitted to the City upon completion of each inspection:
 - a. A tower inspection crew is to be hired by the tower owner to perform the tower inspection.
 - b. Tower inspection crews shall use a City-provided inspection report (see forms provided by the City).
 - c. The inspection crews report will then be reviewed by a registered professional engineer familiar with tower construction to review the report and make repair recommendations.
 - d. The registered professional engineer will then submit a letter to the city verifying that the repairs have been made to the tower.
 - e. The tower inspection crew and registered professional engineer shall be hired by the tower owner and be an independent contractor.
 - f. Once the inspection process is completed, the tower owner shall provide the city with the tower inspection report, engineer repair recommendation letter, engineer repairs and maintenance completed letter.

C. Nonconformity & Termination of Use. Towers and antennas which are not in use for six (6) months shall be deemed abandoned and shall be removed by the owner of the facility within ninety (90) days of the end of such six-month period. Upon removal, the site shall be re-vegetated to blend with the existing surrounding vegetation., and otherwise shall be returned to its original condition.

D. General Requirements

1. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
2. All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable Federal, State and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within six (6) months or as may otherwise be required by the applicable regulating authority.
3. All installations shall comply with applicable Federal, State and local building codes and the standards published by the Electronic Industries Association. Owners/users shall have thirty (30) days after receiving notice that an installation is in violation of

applicable codes in order to bring it into full compliance.

4. Antennae (amateur or commercial) shall not create electromagnetic or other interference with the City of Cedar Hill's and the County's radio frequencies and public safety operations, as required by the FCC. Antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.
5. No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.
6. Safeguards shall be utilized to prevent unauthorized access to an antenna installation (e.g., on a water tower or utility structure, a freestanding installation, etc.). Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes, if utilized, shall be removed immediately following use.
7. Temporary antennae shall only be allowed in the following instances:
 - a. In conjunction with a festival, carnival, rodeo or other special event/activity.
 - b. In case of an emergency (e.g., severe weather, etc.) or a news coverage event;
 - c. When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven (7) days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth (8th) day following initial placement of the antenna.
8. Collocation is greatly encouraged by the City.
 - a. All new support structures over fifty feet (50') in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.
 - b. A support structure which is modified or reconstructed in order to accommodate collocation shall be of the same type, design and height as the existing structure, and it may be moved on the same property within fifty feet (50') of its original location provided that it is not moved any closer to residentially zoned property (if the structure was allowed by CUP, then its new location shall be within the physical/land boundaries of the CUP). The original (i.e., former) support structure shall be removed from the property within ninety (90) days following completion of the new structure.
 - c. Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the

collocated structure.

9. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning district. They shall also be of a neutral color and shall use exterior finish colors and materials that are compatible with nearby structures. – They shall be screened from public view by a dense, opaque evergreen landscaped screen with an initial planting height of three feet (3'), and which will attain an ultimate height of six feet (6') at maturity. A six-foot (6') solid masonry wall may be used in lieu of the landscaped screen provided exterior finish materials are compatible with nearby structures. The use of a wood fence for screening is prohibited, and wrought iron or chain link may only be used in conjunction with a landscaped screen as specified above.
10. Satellite dishes and other similar antennae shall be permitted on the roof of a building, as long as satellite dishes do not exceed one meter (~39") in diameter and antennae do not extend over twelve feet (12') above the roof of the building. A letter certifying the roof's/building's structural stability shall be written and sealed by a registered architect or engineer, and shall be submitted to the City Manager, or his/her designee, prior to any approval of a roof-mounted antenna. Roof-mounted antennae that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings. (Ord. No. 2006-276 § 20, 01-10-06)
11. Only one (1) amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two (2) satellite dishes may be allowed if both units are no larger than one meter (39") in diameter (only one allowed if over one meter in diameter). Satellite dishes in any residential district shall not exceed twelve feet (12') in diameter, and must be permitted by the City Manager or his/her designee.
12. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial (i.e., for-profit) in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.

5.4.7 Sight Visibility: Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty inches (30") or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:

- A. At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions (see Illustration 12).
- B. At an intersection with an alley, this clearance must be maintained for ten feet (10') (see

Illustration 12).

- C. Shrubs and hedges that are typically less than thirty inches (30") in height at maturity, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.

(Ord. No. 2018-655)

- 5.4.8 Nonresidential Uses in Residential Zoning Districts:** Nonresidential uses (e.g., churches, schools, day/child care centers, etc.) permitted in residential zoning districts shall conform to the LR zoning district standards unless otherwise stated in this Ordinance.

(Ord. No. 2018-655)

- 5.4.9 Certain Large Domestic Animals Allowed Within Specific Districts:** The stabling of horses, cattle, sheep and goats may be kept within any zoning district subject to the requirements of the Cedar Hill Code of Ordinances.

(Ord. No. 04-201; Ord. No. 2018-655)

- 5.4.10 Veterinarian Uses within Non-Residential districts:** Veterinarian clinics or hospitals shall be authorized within non-residential districts if conforming to the following provisions:

- A. An indoor clinic or hospital run under the direction of a Veterinarian shall be located entirely within a completely enclosed, soundproofed, and air conditioned building and any noise or odors created by activities within shall not be perceptible beyond the property line. No animals are kept outside the building at any time. Sufficient area for outdoor exercise will be fully screened from view of any public right-of-way with 6-8 foot screening wall conforming to §5.3.2- Fencing Walls and Screening Requirements.
- B. An indoor/outdoor clinic or hospital run under the direction of a Veterinarian shall be located entirely within a completely enclosed, soundproofed, and air conditioned building and any noise or odors created by activities within shall not be perceptible beyond the property line. Sufficient area for pens, kennels, and outdoor exercise area shall be provided and pens and kennels shall be enclosed by a permanent type of fencing. All outdoor areas shall be fully screened from view of any public right-of-way with a 6-8 foot screening wall and the outdoor pen, kennel, and exercise area shall be set back at least one-hundred and fifty (150') feet and likewise screened from a residentially-zoned district, measured in a straight line from the outdoor pen area. These screening walls shall be in conformance with § 5.3.2 Fencing Walls and Screening Requirements – Screening of Nonresidential and Multi-Family Areas.

(Ord. No. 04-201; Ord. No. 2018-655)

SECTION 5.5 PERFORMANCE STANDARDS

5.5.1 In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by County, State, or Federal agencies. All uses, including those, which may be allowed by PD or CUP, shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.

5.5.2 All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.

5.5.3 Noise:

A. Definitions:

Weighted Sound Level means the sound pressure level in decibel as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Background Noise means noise from all sources other than that under specific consideration including traffic operating on public thoroughfare, and is established by measuring the noise level over an eight minute period of time.

Bounding Lot Line means the far side of any street, alley, stream, or other permanently dedicated open space from the stationary source when such open space exists between the lot line of the stationary source and adjacent property. When no such open space exists, the common line between two pieces of property shall be interpreted as the bounding lot line.

Daytime means the hours between 7:00 a.m. and 8:00 p.m. on any given day.

Decibel (dB) means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 Micropascals (20 Micronewtons per square meter).

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Sound means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereto). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound Level Meter means an instrument which includes a microphone amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.

Sound Pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound Pressure Level (SPL) means 20 times the logarithm to the base 10 of the ratio of

the RMS sound pressure to the reference pressure of 20 Micropascals (20×10^{-6} N/m²). The sound pressure level is denoted LP or SPL and is expressed in decibel.

Time Weighted means an established period of time during which the sound pressure levels are averaged.

B. General Provisions

A person shall not conduct a use that creates a noise level that exceeds the standards established in this section.

A sound level meter that meets the standards of the American Standards Association must be used to determine whether a noise level violates a noise standard in this section. The instrument must be maintained in a good working condition. A calibration check should be made prior to and following any noise investigation.

Traffic, aircraft, and other background noises are not considered in measuring noise levels except when such noises are being generated on and as a result of the uses of a property being investigated for a potential noise violation.

For purposes of this section, identifiable portions of a Planned Development District (PD) used for residential uses shall be treated as a residential zoning district. Identifiable portions of a Planned Development District (PD) used for nonresidential uses permitted in all nonresidential districts except Commercial (C), Industrial Park (IP) and Industrial (I) shall be treated as a nonresidential district. Identifiable portions of a Planned Development District (PD) used for uses allowed only in Commercial (C), Industrial Park (IP) and Industrial (I) shall be treated like an Industrial/ Commercial district.

The requirements of this section do not apply to:

- a. Noises coming from daytime construction and maintenance activities performed on structures housing legal uses.
- b. Noises from safety signals, warning devices or other sound generating equipment used to warn the public of an emergency or for public safety.
- c. Lawn maintenance, repair of personal vehicles, and home repair of places of residences as long as these activities are conducted in the daytime hours as a normal function of a permitted use and the equipment is maintained in proper working order.

- C. **Maximum Permissible Sound Pressure Levels.** At no point at the bounding property line of any use shall the sound pressure level of any operation or activity exceed the standards specified in the following table.

Zoning District	Maximum Permissible daytime Decibel Limit at Bounding property Line	Maximum Permissible daytime Decibel Limit at nearest Specified Zoning District Line
Uses located in Residential Districts (RR, SF-E, SF-22, SF-10, SF-8.5, SF-7, TH and MF)	56 dBA	56 dBA
Uses located in Nonresidential Districts (OT, NS, LR, CC), excluding Industrial / Commercial Districts (C, IP, I)	63 dBA	56 dBA at residential zoning district boundaries, 63 dBA at nonresidential Districts excluding Industrial Districts.
Uses located in Industrial or Heavy Commercial Districts (C, IP and I)	70 dBA	56 dBA at residential zoning district boundaries, 63 dBA at nonresidential Districts excluding Industrial Districts.
Planned Development Districts or portions thereof used for residential uses	56 dBA	56 dBA
Planned Development Districts or portions thereof used for nonresidential uses	63 dBA	56 dBA at residential zoning district boundaries, 63 dBA at nonresidential Districts excluding Industrial Districts.
Planned Development Districts or portions thereof used for industrial/heavy commercial uses	70 dBA	56 dBA at residential zoning district boundaries, 63 dBA at nonresidential Districts excluding Industrial Districts.

D. Noise Level Adjustments

The maximum noise levels permitted in subsection C shall be adjusted by subtracting 7 dBA for noise present at night time.

The maximum noise levels permitted in subsection C shall be adjusted by subtracting 7 dBA for noise that is impulsive (meter reading changes at a rate greater than 10 decibels per second).

The maximum noise levels permitted in subsection C shall be adjusted by adding 10dBA when:

Noise has an "on time" of no more than:	and an "off time" between successive "on times" of at least	Decibels added to permitted noise level
0.5 minutes	one half hour	10
5.0 minutes	one hour	10
10.0 minutes	two hours	10
20.0 minutes	four hours	10

"Off time" is when the level of the primary noise being measured does not exceed that of the background noise by more than five dBA.

5.5.4 Smoke And Particulate Matter: No operation or use shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants which at the emission point or within the bounds of the property are:

As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines Information Circular 7118.

Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in 3-1302-1 above except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere, the standards specified in 3-1302-1 and -2 shall not apply.

The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one hour.

Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1000 cubic feet of air.

5.5.5 Odorous Matter:

- A. No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
- B. The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, methods and procedures shall be used according to accepted industry standards.

5.5.6 Fire Or Explosive Hazard Material:

- A. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshal of the City of Cedar Hill.
- B. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City of Cedar Hill Fire Code or are approved by the Fire Marshall.

5.5.7 Toxic And Noxious Matter: No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed 10 percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Business Health Regulation No. 3," a copy of which is hereby incorporated by reference. No nuclear or radioactive manufacturing or disposal shall be permitted unless approved by the Fire Marshall.

5.5.8 Vibration: No operation or use shall at any time create earth-borne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table in the frequency ranges specified:

<u>Frequency</u> <u>Cycles Per Second</u>	<u>Displacement</u> <u>in inches</u>
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

SECTION 5.6 LIGHTING AND GLARE STANDARDS

5.6.1 Purpose:

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

5.6.2 Nonresidential Site Lighting And Glare Standards:

- A. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. All lighting shall have full cut-off lenses per IESNA (Illuminating Engineering Society of North America) standards and be directed toward the area it is intended to illuminate. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.50 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property. All existing lighting shall install full cutoff lenses per IESNA (Illuminating Engineering Society of North America) standards as replaced or be feature-focused. All façade lights and up-lights shall be limited to facades only. (Ord. No. 06-276, § 22, 01-10-06)
- B. All off-street parking areas for non-residential uses in non-residential districts which are used after dark shall be illuminated beginning one-half (2) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum intensity requirements: (Ord. No. 06-276, § 22, 01-10-06)
 1. Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third (1/3) of the average, whichever is greater.
 2. Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.50 foot candles of light upon any adjacent residentially zoned area.
 3. The maximum illumination under canopies shall be 50-foot candles of light.

5.6.3 Residential Lighting And Glare Standards:

Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

1. Direct lighting over ten feet (10') in height is shielded from adjacent property.
2. No light source shall exceed thirty-five feet (35') in height. Street lights and other traffic safety lighting are exempt from this standard.

3. Lighting shall not directly shine on adjacent dwellings.

5.6.4 Luminaries:

Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in 5.6.5 below.

5.6.5 Special Or Temporary Lighting -- Low Wattage:

Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used.

SECTION 5.7 BUILDING DESIGN STANDARDS

5.7.1 Purpose

The regulations in this section are intended to promote development that will be sustainable over multiple end-users by utilizing durable, weather-resistant building materials and encouraging creative design consistent with the community’s vision for distinctive character.

5.7.2 Applicability

- (a) The applicability of these provisions to main and accessory buildings are described in the subsequent subsections.
- (b) Buildings that are not required to adhere to certain provisions in this Section as a result of limited expansions shall comply with the applicable regulations in effect prior to September 25, 2018.
- (c) Buildings that do not meet provisions of this Section that were effective on September 25, 2018, shall be deemed conforming if they were legally constructed in accordance with the regulations in effect at the time building permits were issued.

5.7.3 Exterior Building Materials

The exterior building materials described in this subsection shall be required for all main buildings subject to their respective zoning districts when there is new construction on undeveloped property, when the building is expanded by more than a cumulative of fifty (50) percent, or when the exterior building materials are changed on existing buildings. This subsection shall also apply to buildings for non-residential uses on residentially-zoned property.

- (a) “MF”, “NS”, “LR”, “CC”, and “C” Districts

- (1) Required Exterior Building Materials

- i. A minimum of seventy (70) percent of each wall surface area excluding windows and doors shall be finished with at least one primary building material.
- ii. A minimum of ten (10) percent of each wall surface area excluding windows and doors on property located within the Uptown Overlay shall also be finished with a stone material.
- iii. A maximum of thirty (30) percent of each wall surface area excluding windows and doors may be finished with secondary building materials. Acrylic matrix or synthetic plaster finish and stucco are prohibited on the bottom eight (8) feet of the structure.
- iv. A maximum of ten (10) percent of each wall surface area excluding windows and doors may be finished with an accent building material.

- (2) Variety in Exterior Building Materials – With the exception for buildings constructed of glass walls, a minimum of two (2) primary and secondary exterior building materials shall be utilized on each building elevation excluding windows and doors.

Two (2) distinctive types of brick or stone materials may be utilized to meet this requirement.

- (3) Harmonious Design – Side and rear building elevations shall be finished in a similar color, texture and design as the front building elevation.

(b) “I” and “IP” Districts

- (1) Main buildings within two hundred (200) feet of a residential district or a portion of a Planned Development District designated for residential uses; or adjoining Highway 67 or a right-of-way designated on the Thoroughfare Plan shall have each elevation finished with at least one of the following materials.

- i. Brick material
- ii. Concrete masonry units
- iii. Concrete panel construction
- iv. Glass walls
- v. Stone material
- vi. Stucco – prohibited on the bottom eight (8) feet of the structure.
- vii. Acrylic matrix or synthetic plaster finish – a maximum of 30 percent and prohibited on the bottom eight (8) feet of the structure.
- viii. Fiber cementitious material – a maximum of 30 percent

- (2) Main buildings not subject to the aforementioned criteria shall have the bottom four (4) feet of the front building elevation finished with a primary building material. All other building elevations shall consist of at least one of the following materials.

- i. Brick material
- ii. Concrete masonry units
- iii. Concrete panel construction
- iv. Fiber cementitious material
- v. Glass walls
- vi. Metal with baked or enamel finish or painted to manufacturer's standards
- vii. Stone material
- viii. Stucco – prohibited on the bottom eight (8) feet of the structure.
- ix. Acrylic matrix or synthetic plaster finish – a maximum of 30 percent and prohibited on the bottom eight (8) feet of the structure.

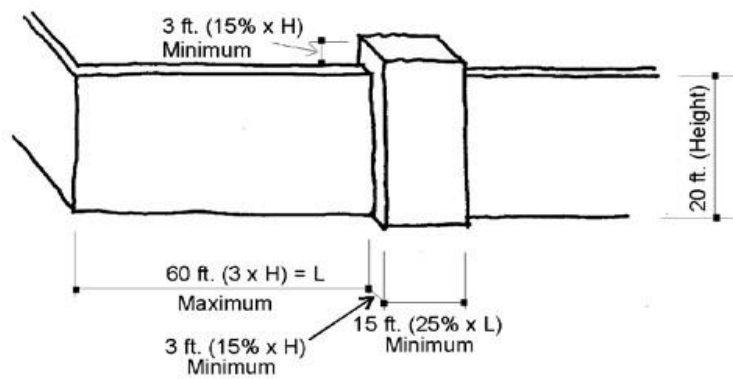
- (3) Harmonious Design – Side and rear building elevations shall be finished in a similar

color, texture and design as the front building elevation.

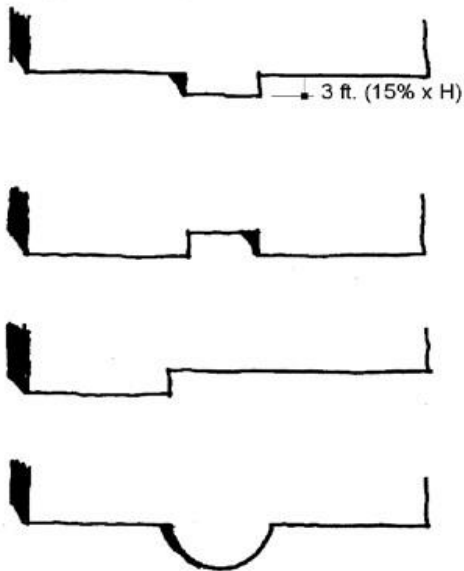
5.7.4 Wall Articulation

- (a) The requirements for wall articulation in this subsection are applicable to building elevations of all main buildings when there is new construction on undeveloped property or when a building is expanded by more than a cumulative of fifty (50) percent. This subsection shall also apply to buildings for non-residential uses on residentially-zoned property.
 - (1) Located on property zoned “MF”, “NS”, “LR”, “CC”, or “C”; and
 - (2) Facing an existing or future public right-of-way that is within 100 feet; facing an existing or future park or trail that is within 100 feet; or facing a residential district or a portion of a Planned Development District designated for residential uses that is within 100 feet where a screening wall is not required; or
 - (3) Containing the primary entrance(s).
- (b) Horizontal Articulation – No wall surface area shall extend for a distance greater than three times the mean elevation of the wall’s height without having an off-set of fifteen (15) percent or more of the wall’s height. This off-set shall extend for a distance equal to at least twenty-five (25) percent of the maximum length of either adjacent plane.
- (c) Vertical articulation – No horizontal wall surface area shall extend for a distance greater than three times height of the wall without changing height by a minimum of fifteen (15) percent of the wall's height. This height change shall continue for a minimum distance equal to at least twenty-five (25) percent of the maximum length of either adjacent plane.

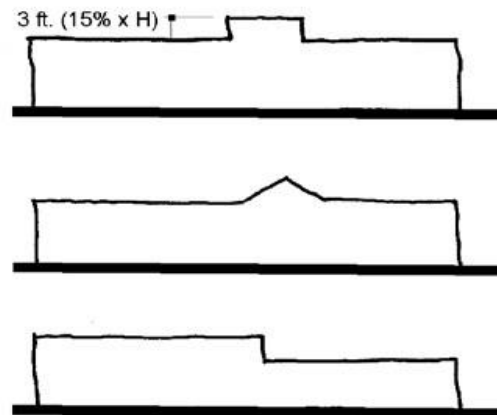
Articulation Standard Example



Possible Plans of Buildings:



Possible Elevations of Buildings:



Samples of Articulation Standard



5.7.5 Transparency

- (a) The requirements for transparency in this subsection are applicable to the following ground story, building elevations of all main buildings subject to their respective zoning districts when there is new construction on undeveloped property or when a building is expanded by more than a cumulative of fifty (50) percent. This subsection shall also apply to main buildings for non-residential uses on residentially-zoned property.
 - (1) Facing an existing or future public right-of-way that is within 100 feet; or facing an existing or future park or trail that is within 100 feet; or
 - (2) Containing the primary entrance(s).
- (b) “MF”, “NS”, “LR”, “CC”, and “C” – Minimum thirty (30) percent.
- (c) Uptown Overlay – Minimum fifty (50) percent.
- (d) Buildings that were constructed prior to August 1, 2018 and do not meet the minimum transparency requirement shall not have window or door coverings.

5.7.6 Building colors

The use of high intensity or fluorescent colors is prohibited.

5.7.7 Architectural Features in the Uptown Overlay

In addition to the provisions in this Section, the requirements in this subsection shall also be applicable to main buildings located within the Uptown Overlay when there is new construction on undeveloped property or when the building is expanded by more than a cumulative of fifty (50) percent.

- (a) All primary structures shall be designed with classical architectural elements, such as a distinct base, wall and cornice or top.
- (b) The use of arcades, covered walkways, architectural awnings, canopies, or porticos is required along twenty-five (25) percent of wall surface areas that face an existing or future public right-of-way; face an existing or future park or trail; or face a residential district or a portion of a Planned Development District designated for residential uses.
- (c) Exterior colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity, primary, black, or fluorescent colors is prohibited, except as trim or accent areas. Where used as trim or accents, those colors shall not exceed ten (10) percent of each wall surface area excluding windows and doors.
- (d) Buildings containing ground story, residential dwelling units that face an existing or future public right-of-way or an existing or future park or trail shall meet the following:
 - (1) Building elevations shall include a usable front porch. Small covered entries are not considered to be front porches.
 - (2) Building elevations shall include gable windows, turrets, or bay windows.

(3) Transom windows with at least twenty (20) percent glazing.

5.7.8 Roof Line Variations

A minimum of two (2) elements for variations in the roof lines described in this subsection shall be required for all main buildings when there is new construction on undeveloped property or when a building is expanded by more than a cumulative of fifty (50) percent. This subsection shall apply to main buildings on property zoned “MF”, “NS”, “LR”, “CC”, and “C” and to non-residential uses on residentially-zoned property.

- (a) Overhanging eaves, extending no less than three (3) feet past the supporting walls.
- (b) Two or more roof slope planes.
- (c) Sloping roofs that do not exceed the average height of the supporting walls, and that have an average slope of at least 5 in 12. Sloped roofs shall be finished with standing seam metal, corrugated metal, tile, or 30-year or better composite shingle.
- (d) Parapet walls may be utilized to simulate any of the above elements.

5.7.9 Rooftop equipment

All rooftop and wall-mounted mechanical equipment shall be screened on all sides from the view at ground level.

5.7.10 Accessory buildings

- (a) Accessory buildings with a cumulative floor area that exceeds two hundred and forty (240) square feet shall be subject to the regulations applicable to the main buildings.
- (b) Accessory buildings with a cumulative floor area of two hundred and forty (240) square feet or less on property zoned "MF", "NS", "LR", "CC", "C", "I" and "IP" are exempt from the provisions in this Section if they are not located within the street yards of the main buildings. This exemption shall also apply to nonresidential uses on residentially-zoned property. The color of the building materials shall be consistent with the main buildings.
- (c) Accessory buildings with a cumulative floor area of two hundred and forty (240) square feet or less that are accessory to single-family residential uses are exempt from the requirements for minimum exterior building materials in their respective districts if they are not located within the street yards of the main buildings. The color of the building materials shall be consistent with the main buildings.
- (d) Accessory buildings on property zoned for single-family residential uses with a minimum area of three (3) acres that are utilized for agricultural purposes are exempt from the requirements for minimum exterior building materials in their respective districts.

5.7.11 Temporary Construction and Storage

Temporary buildings, temporary building material storage areas and temporary containers to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by the Building Official and subject to periodic renewal by the inspector for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices

and buildings shall be removed at the direction of the Building Official.

5.7.12 Alternative Exterior Building Materials and Design

- (a) The Planning and Zoning Commission may approve alternative exterior building materials on property in all zoning districts with the exception of the Old Town Districts upon finding that the alternative materials are equivalent in maintenance and durability to the building materials required by this Chapter.
- (b) The Planning and Zoning Commission may approve alternative architectural design standards for the minimum or maximum percentage of primary and secondary building materials, wall articulation, transparency, architectural features, and roof line variations on property in all zoning districts with the exception of the Old Town Districts upon the following findings.
 - (1) The proposed building materials are equivalent or superior in durability and maintenance for the local environment.
 - (2) The alternative design utilizes creativity consistent with the community's vision for distinctive character.

SECTION 5.8 DEFINITIONS

Definitions:

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

No use or activity defined herein shall be construed to permit a sexually oriented use or activity except for those uses defined and permitted under Section 4.1.7 of the Zoning Ordinance. (Ord. No. 10-418, § 4, 09-14-10)

ACCESSORY APARTMENT - See “Servant’s Quarters”.

ACCESSORY BUILDING (RESIDENTIAL) - In a residential district, a subordinate building attached or detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, tool house, lath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business.

ACCESSORY BUILDING (BUSINESS OR INDUSTRY) - In the nonresidential Districts, a subordinate building to the main building, limited in height to not over the height of the main building and not exceeding fifty percent (50%) of the floor area of the main building and used for purposes directly accessory and incidental to the main use.

ACCESSORY USE - A use customarily incidental, appropriate and subordinate to the principal use of land or building(s) and located upon the same lot therewith.

ADULT DAY CARE FACILITY – A facility with a structured, comprehensive program that is designed to meet the needs of adults with functional impairments through an individual plan of care by providing health, social, and related support services in a protective setting that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. The Owner must be licensed to establish or operate an adult day care facility in Texas and be in compliance with Texas Administrative Code § 40(1)(98). (Ord. No. 06-276, § 21, 01-10-06)

AIRPORT OR LANDING FIELD - A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

ALCOHOLIC BEVERAGES (Ord. No. 2019-669)

ALCOHOLIC BEVERAGE – Alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted, excepting any alcoholic beverage specifically made for clerical or religious purposes as described by the Texas Alcoholic Beverage Code.

ALCOHOLIC BEVERAGE MANUFACTURING – An establishment for the manufacture, blending, fermentation, processing and packaging of alcoholic beverages. This use excludes the sale of alcoholic beverages for on-premise consumption and the retail sale of alcoholic beverages for off-premise consumption.

BEER – Malt beverages with more than a half percent alcohol by volume, but not more than four

(4) percent alcohol by weight (five (5) percent alcohol by volume).

LIQUOR – Any alcoholic beverage containing alcohol in excess of four percent by weight, unless otherwise indicated. Proof that an alcoholic beverage is alcohol, spirits of wine, whiskey, liquor, wine, brandy, gin, rum, ale, malt liquor, tequila, mescal, habanero or barreteago, is prima facie evidence that it is liquor.

LIQUOR STORE – A business that sells liquor for consumption off-premises. For the purposes of this chapter, the term “liquor store” shall exclude convenience stores, drug stores, general merchandise stores, general merchandise stores other than listed, grocery stores, specialty food stores, super stores, and variety stores in which only beer and/or wine is offered for sale as a minor part of an overall larger inventory of goods. (Ord. No. 2020-699)

MICROBREWERY – An establishment for the manufacture, blending, fermentation, processing and packaging of beer with a floor area of 10,000 square feet or less that takes place primarily inside a building. A facility that only provides on-premise consumption or retail sale of alcoholic beverages is not a microbrewery.

MIXED BEVERAGE – An alcoholic beverage served for consumption on the premises where it is sold by the holder of a mixed beverage or private club permit. It could be beer, malt liquor/ale, wine or spirits.

WINE – Alcoholic beverages made by fermenting juice from fruit, grapes, berries or honey.

WINERY – An establishment for the manufacture, blending, fermentation, processing and packaging of wine with a floor area of 10,000 square feet or less that takes place primarily inside a building. A facility that only provides on-premise consumption or retail sale of alcoholic beverages is not a winery.

ALLEY – A minor right-of-way, dedicated to public use, 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.

AMBULANCE SERVICE – Provision of private (not operated by the City of Cedar Hill) emergency transportation which may include medical care, and including storage and maintenance of vehicles.

ANIMAL BOARDING AND KENNELS (INDOOR) – Facility where small domesticated household animals are temporarily housed, groomed, bred, boarded, training, or sold for commercial purposes in indoor kennels. See “Domesticated Household Animals (Indoor)”.

ANIMAL BOARDING AND KENNELS (INDOOR/OUTDOOR) – Facility where small or large domesticated household animals are temporarily housed, groomed, bred, boarded, trained, or sold for commercial purposes in indoor or outdoor kennels or pens. See “Domesticated Household Animals (Outdoor)”. (Ord. No. 04-201)

ANTENNA – The arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals (includes microwave reflectors/antennas and satellite dishes).

ANTENNA SUPPORT STRUCTURE – Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals. Erected means a tower or pole designed for the sole purpose of antenna support while mounted or attached means the use of an existing structure for antenna support.

ANTIQUE SHOP, SALES INDOORS – A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a building.

APARTMENT - See “Multi-Family Dwelling”.

APPLIANCE REPAIR - See “Household Appliance Service And Repair”.

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.

ARTIST STUDIO – A workplace for the teaching, preparation, or practice of an art such as animation, ceramics, dance, graphic design, music, painting, photography, pottery, scrapbooking, and sculpture. (Ord. No. 11-461 § 1, 11-11-11)

ASPHALT BATCHING PLANT - See “Concrete Batching Plant”.

ASSEMBLY, HEAVY - A business where parts, manufactured elsewhere, are assembled with the assistance of power-driven machines and materials-handling equipment, and manipulated primarily by lifting machinery which produces low dust and fiber, and all materials are assembled within an enclosed building.

ASSEMBLY, LIGHT - A business where parts, manufactured elsewhere, are assembled with the assistance of power-driven machines and materials-handling equipment, and manipulated primarily by hand which produces low dust and fiber, and all materials are assembled and stored within an enclosed building.

ASSISTED LIVING FACILITY - A congregate residence facility for ten or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation and social or recreational services may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).

AUDIO RECORDING STUDIO – A studio where tapes, records, or other electronic media are recorded for the distribution of audio recordings. (Ord. No. 11-461 § 1, 11-11-11)

AUDIO RECORDING STUDIO RETREAT – A residential facility that includes the secondary use of audio recording studio on the premises and provides an environment for the purposes of writing, collaborating, performing, instruction, preparing, or completing audio recordings. This facility may include overnight accommodations for users of the facility and their guests and shall be occupied by a single family or care taker. (Ord. No. 11-461 § 1, 11-11-11)

AUTO AUCTION - See “Auto Storage”.

AUTO LAUNDRY OR CAR WASH - Washing, waxing or cleaning of automobiles or light duty trucks.

AUTO FINANCE AND LEASING - Leasing of automobiles, motorcycles, and light load vehicles but no outside storage.

AUTO PARTS AND ACCESSORY SALES (INDOORS) - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

AUTO RENTAL - Storage or renting of automobiles and light trucks.

AUTO SALES (NEW & USED) - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.

AUTO SALES (USED) - Retail sales, or offering for sale, used automobiles or light load vehicles.

AUTO SALVAGE/WRECKING YARD – See Salvage/Reclamation Yard. (Ord. No. 08-345 § 10, 01-08-08)

AUTO STORAGE OR AUTO AUCTION - The storage or impoundment, on a lot or tract, paved in accordance with parking lot paving requirements set forth in the Code of Ordinances, of operable automobiles for the purpose of holding such vehicles for sale or distribution.

AUTO TOW SERVICE- See Wrecker or Tow Service. (Ord. No. 08-345 § 10, 01-08-08)

AUTOMOBILE - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, buses, motor scooters and motorcycles.

AUTOMOBILE ACCESSORY INSTALLATION (MINOR) - Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories.

AUTOMOBILE REPAIR GARAGE - An establishment providing major or minor automobile repair services to all motor vehicles with the exception of heavy load vehicles.

AUTOMOBILE REPAIR, MAJOR - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision services, including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust-proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.

AUTOMOBILE REPAIR, MINOR – Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

AUTOMOTIVE GASOLINE OR MOTOR FUEL SERVICE STATION – Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automobile fuels, lubricants, and automobile accessories, including those operations listed under Minor Automobile Repair. Vehicles, which are inoperative or are being repaired, may not remain parked outside an Automobile Service Station for a period greater than forty-eight (48) hours.

BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL) – A manufacturing facility over 2500 square feet for the production and distribution of baked goods and confectioneries to retail outlets.

BANK – An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds. A bank does not include a credit access business. (Ord. No. 16-605, 12-13-16)

BARN – A structure intended for the purpose of storage of farming and ranching related equipment.

BASEMENT (OR CELLAR) – A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

BASE ZONING DISTRICT – Underlying district which shows on the most recently adopted zoning map.

BED AND BREAKFAST INN OR FACILITY - a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.

BLOCK - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Director of Planning shall determine the outline of the block.

BOARDING OR ROOMING HOUSE - A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided.

BROADCAST TOWER - See “Radio, Television And Broadcast Tower”.

BUILDING - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

BUILDING ELEVATION – The exterior wall of a building or structure.

FRONT BUILDING ELEVATION – The non-residential or multiple-family building elevation that has frontage on an existing or future right-of-way. Exterior walls that are perpendicular and between walls with frontage on a right-of-way shall be considered part of the front building elevation.

(Ord. No. 2018-655)

BUILDING HEIGHT - The height of a building, or portion of a building, shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher, or if no street grade has been established, to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and the mean height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four (4) feet in height.

BUILDING LINE - A line parallel or approximately parallel, to any lot line at a specific distance there from, marking the minimum distance from the lot line that a building may be erected. (See Illustration 6)

BUILDING, MAIN OR PRIMARY - A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING MATERIALS (CATEGORIES)

PRIMARY BUILDING MATERIALS – The following exterior building materials shall be considered primary building materials: brick material, concrete masonry units, glass walls, and stone material.

SECONDARY BUILDING MATERIALS – The following exterior building materials shall be considered secondary building materials: acrylic matrix or synthetic plaster finish, concrete panel construction, fiber cementitious material, stucco, and tile.

ACCENT BUILDING MATERIALS – The following exterior building materials shall be considered accent building materials: cedar wood products, metal cladding, and other materials subject to approval by the Building Official.

(Ord. No. 2018-655)

BUILDING MATERIALS (TYPES)

ACRYLIC MATRIX OR SYNTHETIC PLASTER FINISH – A three-component finish system consisting of 100 percent acrylic matrix ceramically colored aggregate and sealer, or 100 percent synthetic plaster having two types of applications – spraying or troweling. Exterior coats may be 1/16" to 3/32" in thickness. Each product can be applied to a variety of backing such as gyp sheathing, plywood, particle board, or foam board. A base coat and fiberglass mesh is used to smooth and level surfaces, corners and joints.

BRICK MATERIAL – A building material that is hard-fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or under-fired clay, sand, and shale brick are not allowed.

CONCRETE MASONRY UNITS – A building material that meets the latest version of the following applicable specifications: ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Non-load Bearing Units. Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish, integrally colored, subject to approval by the Building Official. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.

CONCRETE PANEL CONSTRUCTION – Concrete finish, pre-cast panel or tilt wall construction shall be painted, fluted, or exposed aggregate. Other architectural concrete finish is subject to approval by the Planning and Zoning Commission. Smooth or untextured concrete finishes are not acceptable unless painted.

FIBER CEMENTITIOUS MATERIAL – An exterior building material composed of reinforced cement and cellulose fibers.

GLASS WALLS – An exterior wall with a maximum reflectance of twenty (20) percent, which carries no structural loads and consists of a combination of metal, glass, or other surfacing material supported in a metal framework. Glass walls include glass curtain walls or glass block construction.

STONE MATERIAL – A building material that consists of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.

STUCCO – An approximately 7/8-inch, cement-based, three coat system that is applied over an approved, weather-resistive barrier and metal lath by spraying or troweling. The three-coat system is comprised of a scratch coat, brown coat and a finish coat that is color integrated and sealed.

(Ord. No. 2018-655)

BUILDING OFFICIAL - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code.

BUILDING SITE – See "Lot" definition.

BUS REPAIR OR LEASING - See “Truck and Bus Repair or Leasing”.

BUS STATION OR TERMINAL - Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

CAFETERIA - See “Restaurant or Cafeteria”.

CAMPER SALES - See “Recreational Vehicle\Camper Sales”.

CAMPING TRAILER - See “Trailer, Travel or Camping”.

CARETAKERS' OR GUARDS' RESIDENCE (NON-RESIDENTIAL) - A residence located on premises with a main residential or non-residential use and occupied only by a caretaker or guard employed on the premises.

CARNIVAL, CIRCUS OR TENT SERVICE (TEMPORARY) - Outdoor or indoor commercial amusement provided on a temporary basis.

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

CAR WASH - See “Auto Laundry”.

CEMENT MANUFACTURING – The act of making hydraulic or Portland cement by mixing various components such as powder of alumina, silica, lime, iron oxide, or magnesium oxide, burned together in a kiln and finely pulverized and used as an ingredient of mortar and concrete. (Ord. No. 14-542 § 2, 07-22-14)

CEMENT PRODUCT – Any product made by the addition of Portland cement with other ingredients to produce any cement-based product, including, but not necessarily limited to, concrete, mortar, stucco, grout and terrazzo.

CEMENT PRODUCT FORMING/MOLDING/CASTING (Indoors only) – the process of manufacturing by shaping or injecting cement product(s) into a rigid frame, mold, cast or matrix to create a finished product or structure. The mold, frame, cast or matrix may or may not become part of the finished product or structure and without any outdoor sales, storage or display of any commodity or materials and where all work is performed wholly within an enclosed building. (Ord. No. 14-542 § 4, 07-22-14)

CEMETERY OR MAUSOLEUM - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CEMETERY, ANIMAL - Same as cemetery except for only the burial of dead animals.

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.

CHEMICAL AND ALLIED PRODUCT MANUFACTURING (NON-HAZARDOUS) – The manufacturing of products primarily by chemical processes which, by way of example, may include Industrial Chemicals, Plastics Materials and Synthetic Resins, Synthetic Rubber, Manmade Fibers except Glass, Medicinal Chemicals and Botanical Products; Pharmaceutical Products; Biological Products,

except diagnostic substance, Soaps, Detergents, and Cleaning Products; Perfumes, Cosmetics, and other Toilet Preparations. This definition does not include mining of natural chemicals and fertilizers, nor does it include establishments primarily engaged in packaging, repackaging and bottling of purchased chemical products. (Ord. No. 11-435 § 6, 04-12-11)

CHILD CARE CENTER (OR DAY CARE CENTER) – A commercial institution or place designed for the care or training of twelve (12) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.

CHURCH, RECTORY, OR TEMPLE – A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.

CITY COUNCIL – The governing body of the City of Cedar Hill, Texas.

CIVIC CENTER – A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention or entertainment facilities owned and/or operated by a municipality.

CIVIC CLUB – See “Fraternal Organization, Lodge, Civic Club, Fraternity/Sorority Club, Or Union”.

CLEANING PLANT – See “Laundry and Dry Cleaning” or Laundry and Dying Plant” (Ord. 04-201, § 14, 04-13-04)

COLLEGE OR UNIVERSITY – An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.

COMMERCIAL AMUSEMENT, OTHER THAN LISTED (INDOOR) – An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley, billiard parlor, bingo facility, skating rink, and amusement devices. For the purpose of this definition, amusement devices shall not include games of chance; gambling-like device versions of bingo, keno, blackjack, lottery, roulette, video poker, eight-liners or similar electronic, electromechanical, or mechanical games, or facsimiles thereof; children's rides; or jukeboxes or similar electronic or mechanical music machines that do not involve games of skill for interactive amusement. (Ord. No. 2019-669)

COMMERCIAL AMUSEMENT, OTHER THAN LISTED (OUTDOOR) – Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, archery range, miniature golf course, and go-cart race tracks. (Ord. No. 2019-669)

COMMERCIAL SCHOOL – See “Trade and Commercial School”.

COMMUNICATIONS OPERATIONS (AMATEUR) – The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain.

COMMUNICATIONS OPERATIONS (COMMERCIAL) – The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.

COMMUNITY CENTER (PUBLIC) – A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a governmental agency or private

non-profit agency.

COMMUNITY HOME – A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Human Resources Code). (Ord. No. 06-276, § 21, 01-10-06)

COMPREHENSIVE PLAN – Document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City.

CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT) – A permanent manufacturing facility for the production of concrete or asphalt.

CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY) – A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

CONGREGATE HOUSING – See "Retirement Housing for the Elderly."

CONSTRUCTION YARD OR FIELD OFFICE – See "Temporary Field Office".

CONTINUING CARE RETIREMENT COMMUNITY – A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.

CONVALESCENT HOME – See "Skilled Nursing Facility".

CONTRACTOR'S SHOP WITH OUTSIDE STORAGE – building or part of a building that is used in conjunction with a land area for the storage of construction materials, equipment, tools, product and vehicles. (Ord. No. 2016-580)

CONVENIENCE STORE – A small retail establishment that sells gasoline or diesel fuel and convenience goods, such as prepackaged food and beverage items for off-premise consumption, tobacco, periodicals, and household goods. It is designed to attract a large volume of stop-and-go traffic. (Ord. No. 2020-699)

COPY SHOP OR PRINTING – An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.

COUNTRY CLUB (PRIVATE) – A land area and buildings that may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

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

COVERAGE – The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

CREDIT ACCESS BUSINESS – The meaning given that term in Section 393.601 of the Texas Finance

Code, as amended. (Ord. No. 16-605, 12-13-16)

CREMATORIUM – A facility licensed, or qualified to be licensed, by the State of Texas for the cremation of human remains. (Ord. No. 15-569)

CUSTOM PERSONAL SERVICE SHOP – See “Personal Service Shop”.

DANCE STUDIO – See “Gymnastics or Dance Studio”.

DANCE HALL – An establishment with dancing by patrons or customers. (Ord. No. 2019-669)

DAY CAMP FOR CHILDREN – A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis

DAY CARE CENTER – See “Child Care Center”.

DENSITY – The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.

DENY WITH PREJUDICE – This action, from an appointed or elected body charged with rendering decisions, bars the same case from again being brought for consideration to the body within 12 months of the decision. (Ord. No. 08-345)

DETACHED – Having no physical connection above the top of the floor line of the first floor with any other building or structure.

DISTRIBUTION CENTER – A facility that serves as a way station in the supply chain for the storage and redistribution of products that have been shifted from one transport mode to the same or a different transport mode, and often to go on to fulfillment centers and retail outlets. Storage of the products is on a short-term basis and leaves as soon as it arrives since they already have another destination. Generally, daily truckload traffic for delivery trucks is higher than a warehouse. Buildings typically incorporate numerous docks to accommodate multiple trucks simultaneously. (Ord. No. 2023-777)

DOMESTICATED HOUSEHOLD ANIMALS (INDOOR) – The following captive born species shall include: Dog, Budgerigar (Parakeet), Cat, Canary, Guinea Pig, Pigeon, Rabbit, Other Common Cage Birds, Mouse, Aquarium Fish (Captive Born), Rat, Psittacine (Captive Bred [Parrot and Parrot-Like Birds]), Gerbil, Finch (Captive Bred), Golden Hamster, Ferret, and Chinchilla. (Ord. No. 04-201)

DOMESTICATED HOUSEHOLD ANIMALS (OUTDOOR) – The following captive born species, are included: Horse, Domestic Fowl, Donkey, Goose, Pig, Duck (Mallard Type or Muscovy), Sheep, Turkey, Goat, Guinea Fowl, Cattle, Peafowl, Llama, Alpaca, and Honey Bee in addition to those listed in Domesticated Animals (Indoor). (Ord. 04-201, § 13, 04-13-04)

DRAPERY OR FURNITURE UPHOLSTERING SHOP – An establishment for the production, display and sale of draperies and soft coverings for furniture.

DRIVE-THROUGH FACILITY – A vehicular driveway or stacking lane that traverses through a building or on the exterior façade of a building for service and/or delivery of goods to the occupant(s) of the vehicle. (Ord. No. 2019-669)

DRUG STORE – A retail establishment that offers for sale the following items: nonprescription medicines that do not contain tetrahydrocannabinol (THC) and/or are not derived from the plant Cannabis Sativa L; prescription drugs; and personal care products. Drug stores may also sell, in limited amounts, household products, food and beverages, and other related items. (Ord. No. 2020-699)

DWELLING – Any building or portion thereof, which is designed or used as living quarters for one or more families.

DWELLING, SINGLE FAMILY ATTACHED (TOWNHOUSE) – See Single Family (Attached).

EASEMENT – A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

EATING PLACE – See “Restaurant or Cafeteria”.

ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER) – A subsidiary station in which electric current is transformed.

ENCLOSED BUILDING – A structure that is floored, roofed and surrounded by at least three outside walls.

ENGINE REPAIR / MOTOR MANUFACTURING / RE-MANUFACTURING AND/OR REPAIR – The repair and maintenance of commercial and industrial machinery and equipment. Establishments engaged in either sharpen/install commercial and industrial machinery blades and saws that provide welding (e.g., automotive, general) repair services, or repair agricultural and other heavy and industrial machinery and equipment (e.g., forklifts, and other materials handling equipment, machine tools, commercial refrigeration equipment, construction equipment and mining machinery). (Ord. No. 11-435 § 6, 04-12-11)

EXTENDED STAY MOTEL – See “Residential Hotel”.

FAIRGROUNDS OR EXHIBITION AREA – An area or space either outside or within a building for the display of topic-specific goods or information.

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

FAMILY HOME (Child Care in Place of Residence) – A facility that regularly provides care in the caretaker's own residence for not more than five (5) children under fourteen (14) years of age, excluding the caretaker's own children. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources

FARM, RANCH, GARDEN, CROPS OR ORCHARD – An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

FARMERS MARKET – A retail establishment at which fruits, vegetables, breads, eggs, milk, cheese, meat, flowers, and the like are sold by persons who typically grow, harvest, or process such items from their farm or agricultural operation with the exclusion of a winery or microbrewery. (Ord. No. 2019-669)

FEDERAL GOVERNMENT BUILDING – See “Public Building”.

FEED AND GRAIN STORE – An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

FIRE, POLICE OR MUNICIPAL BUILDING – Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.

FLEA MARKET (INDOOR) – An indoor premise where the main use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken stalls, lots or parcels, not in bulk, for the use or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal service establishments, food services establishments, retail services establishments, and auction establishments. This definition does not pertain to retail sidewalk sales or garage sales. Arts and crafts shows or sales held by non-profit organizations are also not included under this definition.

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 of the City of Cedar Hill.

FLOOR AREA – The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, open porches, residential garages, accessory buildings, and breezeways.

FLOOR AREA RATIO (FAR) – The floor area of a main building or buildings on a lot, divided by the lot area. (See Illustration 1)

FLORIST SHOP – An establishment for the display and retail sale of flowers, small plants and accessories.

FORESTRY AND TREE HARVESTING – The use of designated, managed land for the raising and harvesting of timber, pulp woods, and other forestry products for commercial purposes, including the temporary use of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the City of Cedar Hill, which shall be considered accessory to the development of property. (Ord. No. 09-377, § 3, 01-13-09)

FRANCHISED PRIVATE UTILITY (NOT LISTED) – A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Cedar Hill.

FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB, FRATERNITY/SORORITY CLUB, OR UNION – An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

FRONT YARD – See “Yard, Front”.

FULFILLMENT CENTER – A facility where inbound product inventory is processed and orders are filled, packaged, and shipped to customers. Buildings are outfitted with fulfillment-related internal infrastructure including pallet racking, pick and pack sortation systems, multi-level mezzanines and robotic picking areas. Generally, daily truckload traffic is higher than a warehouse. (Ord. No. 2023-777)

FUNERAL HOME OR MORTUARY – A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

FURNITURE, HOME FURNISHINGS OR APPLIANCE STORES – This group includes retail stores selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

FURNITURE STORE (NEW AND USED) – Same as above except sales may include used items.

GARAGE, PRIVATE – An enclosed (on at least three [3] sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

GARAGE/ACCESSORY/CONVERSION DWELLING – A residential dwelling unit attached to or over a garage but not attached to the main residential structure.

GARDEN SHOP – A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

GASOLINE AND FUEL SALES – Any building, land area or other premises, or portion thereof, used or intended to be used for the dispensing of gasoline and fuel for retail sales. (Ord. No. 2019-669)

GENERAL MANUFACTURING – See “Industrial, General”.

GENERAL MERCHANDISE STORE – A retail store for the sale of new general merchandise including clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, books and stationery, pets, pharmaceutical items, personal care items, household goods, and auto parts and accessories. This use does not include other uses in this chapter that are specifically listed. (Ord. No. 2020-699)

GENERAL MERCHANDISE STORE OTHER THAN LISTED – A retail establishment other than those listed or defined in this chapter. (Ord. No. 2020-699)

GOLF COURSE – An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

GROCERY STORE – A retail establishment where most of the floor area is devoted to the sale of food and beverage products for home preparation and consumption, which typically also offers other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than variety stores and convenience stores. (Ord. No. 2020-699)

GROUP DAY-CARE HOME – See “Registered Family Home”.

GUEST HOUSE – See “Servant’s Quarters”.

GYMNASTIC OR DANCE STUDIO – A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

HALF-WAY HOUSE – See “Rehabilitation Care Facility”.

HAULING OR STORAGE COMPANY – See “Motor Freight Company”.

HEAVY LOAD VEHICLE – A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 15,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar

vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

HEAVY MACHINERY SALES AND STORAGE – A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

HELIPORT – An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

HELISTOP - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

HOME FOR AGED, RESIDENCE - A home where elderly people are provided with lodging and meals without nursing care being a primary function.

HOME OCCUPATION OR HOME-BASED BUSINESS - Any occupation or activity carried on principally by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main building; provided that no trading in merchandise or selling of goods or services is carried out on a regular basis and in connection with which there is no display of merchandise and no mechanical equipment is used, except such as is customary for purely domestic or household purposes and does not create obnoxious noise or other conditions such as odor, increased traffic, smoke or electrical interference.

HOME IMPROVEMENT CENTER – A facility where materials, tools, and hardware customarily used in the construction of buildings and other structures are sold primarily to the general public and may include the indoor or outdoor storage of such products. (Ord. No. 2016-580 § 10, 03-08-16)

HORSE STABLES – See “Stable”.

HOSPICE – Facility or program designed to provide a centralized program of palliative and supportive services to dying persons and their families in the form of physical, psychological, social and spiritual care either directly or on a consulting basis with the patient’s physician. (Ord. No. 06-276, § 21, 01-10-06)

HOSPITAL (ACUTE CARE) - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

HOSPITAL (CHRONIC CARE) - An institution where those persons suffering from illness, injury, deformity or deficiency of age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

HOTEL – See “Motel and Hotel”.

HOUSEHOLD APPLIANCE SERVICE AND REPAIR - The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners and hair dryers.

HOUSEHOLD CARE FACILITY - A dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire,

natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and ART. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.

HOUSEHOLD CARE INSTITUTION - A facility which provides residence and care to ten or more persons regardless of legal relationship who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

HUD CODE MANUFACTURED HOME – See “Mobile Home”.

INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES - Any use different from the primary use but which compliments and/or supplements the primary use. Incidental shall mean an area which constitutes not more than fifteen percent (15%) of the main use.

INDEPENDENT LIVING CENTER – See “Retirement Housing for the Elderly”.

INDUSTRIAL, MANUFACTURING - Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

INDUSTRIALIZED HOME OR MODULAR HOME - Means a structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Article 5221f V.T.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.

INOPERABLE VEHICLE HOLDING YARD (Private) – See Salvage/Reclamation Yard. (Ord. No. 08-345 § 10, 01-08-08)

INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS, also REHABILITATION CARE INSTITUTION - An institution offering resident or out-patient treatment to alcoholic, narcotic or psychiatric patients.

JUNK YARD – See “Wrecking Yard”.

KENNELS (INDOOR PENS) - An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

KENNELS (OUTDOOR PENS) - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

KINDERGARTEN OR NURSERY SCHOOL (PRIVATE) - An establishment where more than three (3) children are housed for care or training during the day or portion thereof.

KIOSK - A small, free-standing, one-story accessory structure having a maximum floor area of 100

square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

LABORATORY EQUIPMENT MANUFACTURING - A facility that makes or produces equipment or products used for research or testing.

LABORATORY, SCIENTIFIC OR RESEARCH – An establishment that engages in research, testing or evaluation of materials or products.

LANDSCAPE ADMINISTRATOR – The Planning Director or his/her designee. (Ord. No. 2018-655)

LANDSCAPE MATERIAL SALES – The outdoor or indoor display, storage, sale and staging for delivery of organic and inorganic materials, such as soil and soil amendment, grass, sod, grass seed, gravel, pea gravel, hardscape products, crushed rock, river rock, sand, stone, and landscape boulders primarily used for landscaping purposes. (Ord. No. 2016-580 § 10, 03-08-16)

LANDSCAPING – Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

LAUNDROMAT (OR SELF-SERVE WASHATERIA) – A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

LAUNDRY OR DRY CLEANING (PICK-UP AND/OR SELF SERVICE) – A custom cleaning shop not exceeding three thousand (3,000) square feet of floor area and may include customer self-service laundry and cleaning. (Ord. 04-201, § 14, 04-13-04)

LAUNDRY OR DYING PLANT (COMMERCIAL/WHOLESALE) – An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis. (Ord. 04-201, § 14, 04-13-04)

LAWN/LANDSCAPING MAINTENANCE SERVICE – Business that routinely services residential and commercial landscaping. All storage of materials machinery and supplies shall be within the building. All vehicles that are used for this service will have dedicated parking. (Ord. No. 08-345 § 10, 01-08-08)

LIGHT LOAD VEHICLES – A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than 15,000 pounds, and having no more than two axles, such as pick-up trucks, vans, recreational vehicles (less than thirty-two feet [32'] in length), campers and other similar vehicles but not including automobiles and motorcycles.

LIGHT MANUFACTURING – Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing. (Ord. No. 2023-777)

LOADING SPACE – An off-street space or berth used for the delivery and loading or unloading of vehicles.

LOCAL UTILITY LINE – The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service including pad and pole mounted transformers.

LOT – Platted land (as specified in Section 212 of the Texas Local Government Code) occupied or

intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by the Ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place. (See Illustrations 6, 7 and 8)

LOT AREA – The total area, measured on a horizontal plane, included within lot lines.

LOT, CORNER - A lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°). (See Illustration 9)

LOT DEPTH - The closest horizontal distance between the front and rear lot lines. (See Illustration 7)

LOT, DOUBLE FRONTAGE - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. (See Illustration 5)

LOT, FLAG - A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty-five (35) feet.

LOT, INTERIOR - A lot other than a corner lot.

LOT FRONTAGE - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT LINE, FRONT - The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (See Illustration 6)

LOT, KEY - A corner lot whose exterior side is adjacent to the front yard of another lot.

LOT LINE, REAR - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (See Illustration 8).

LOT LINE, SIDE - Any lot line not the front or rear lot line.

LOT LINES OR PROPERTY LINES - The lines bounding a lot as defined herein.

LOT OF RECORD - A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Dallas County.

LOT WIDTH - The horizontal distance measured between side lot lines parallel to the front lot/property line, and measured from the point on the building line which is closest to the front building setback line. (See Illustration 6)

MACHINE SHOP – A shop wherein there are facilities and tools, which are utilized in the shaping and forging, welding or fabrication of metal products and related items. (Ord. No. 11-435 § 6, 04-12-11)

MAIN BUILDING - The building or buildings on a lot which are occupied by the primary use.

MANUFACTURED HOME DISPLAY OR SALES (NEW) - The offering for sale, storage, or display of new trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings

either on a temporary or permanent basis.

MASONRY CONSTRUCTION – Exterior construction materials including brick, stone, granite, marble, concrete and other built up/tilt panels.

MAUSOLEUM – Property used for the interring of the dead and where bodies are interred above ground in stacked vaults.

MEDICAL FACILITIES

- a. **Dental, Medical, or Chiropractic Clinic** – A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.
- b. **Dental Office or Doctors Office** – Same as dental or medical clinic.
- c. **Hospital** – An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
- d. **Massage Establishment** – Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.
- e. **Public Health Center** – A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- f. **Sanitarium** – An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.
- g. **Surgical Out-patient Facility** – An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

MASSAGE THERAPIST – See “Medical Facility – Massage Establishment”.

MICROWAVE REFLECTOR/ANTENNA – An apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally-located transmitter or transmitter relay. The definition is meant to include, but is not limited to, what are commonly referred to as satellite receive only earth stations, or satellite dishes. (Also see Section 5.4.5.)

MINI-WAREHOUSE (also termed Self-Storage) – Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the

individual storage units, other than storage, shall be prohibited.

MOBILE HOME OR HUD CODE MANUFACTURED HOME – A dwelling designed to be transported on its own chassis on the highway in one or more sections by a prime mover and which is constructed with a base section so as to be independently self-supporting and not requiring a permanent foundation for year-round living.

MOBILE HOME AS A FIXED DWELLING – A dwelling designed to be transported intact or in major sections on the highway and which is placed on a standard building lot, connected to utilities, placed on permanent supports and occupied as a fixed dwelling.

MOBILE HOME DISPLAY OR SALES (USED) – The offering for sale, storage, or display of used trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

MOBILE HOME PARK – A parcel of land not less than five acres nor greater than twenty-five (25) acres which has been designed, improved, or intended to be used or rented for occupancy by one or more mobile homes or trailer houses in designated spaces.

MOBILE HOME SUBDIVISION – A parcel of land which has been designed, platted, improved, and is intended for the placement of individually owned mobile home units on platted lots which can be purchased outright by the owners of the mobile home units.

MODEL HOME – A dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

MORTUARY – See “Funeral Home”.

MOTEL OR HOTEL – A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, maid service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

MOTORCYCLE – A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, ATVs, motor-scooters, mopeds, and similar vehicles are classified as motorcycles.

MOTORCYCLE SALES AND REPAIR SERVICE – The display, sale and servicing, including repair work, of motorcycles.

MOTOR FREIGHT COMPANY – A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

MOTOR VEHICLE – Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, trucks, motorcycles, and buses.

MULTIPLE-FAMILY DWELLING (APARTMENT) – Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels.

MUNICIPALLY-OWNED FACILITIES AND USES – Any area, land, building, structure, and/or facility owned, used, leased, or operated by the City of Cedar Hill, Texas.

NATURE CENTER (PRIVATE) – An activity center featuring passive recreational or educational pursuits, to include but not be limited to interpretive programs and trail systems that take advantage of unusual geological, biological or scenic resources. (Ord. No. 08-345 § 10, 01-08-08)

NONCONFORMING USE – A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

NURSING, CONVALESCENT OR REST HOME – See “Skilled Nursing Facility”.

OCCUPANCY – The use or intended use of the land or buildings by proprietors or tenants.

OFFICES, PROFESSIONAL AND GENERAL BUSINESS – A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

OFFICE CENTER – A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a coffee shop, newspaper or candy stand.

OFFICE SHOWROOM – An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

NURSERY SCHOOL – See “Kindergarten”.

OFFICE WAREHOUSE – An establishment with more than twenty-five percent (25%) of the total floor area devoted to storage and warehousing, but not generally accessible to the public.

OFFICIALLY APPROVED PLACE OF ACCESS – Access, other than a dedicated street, to a property that is approved by the City of Cedar Hill.

OFF-STREET PARKING INCIDENTAL TO MAIN USE – 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 or within one hundred fifty feet (150') of such lot or tract and located within the same zoning district as the main use.

OPEN SPACE – An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation and meets the requirements of Section 3.10.4.

OPEN STORAGE – See Outside Storage. (Ord. No. 08-345 § 10, 01-08-08)

OUTDOOR DISPLAY – See Outside Display. (Ord. No. 2016-580 § 10, 03-08-16)

OUTDOOR STORAGE – See Outside Storage. (Ord. No. 2016-580 § 10, 03-08-16)

OUTSIDE DISPLAY – Outside temporary display of finished goods specifically intended for retail sale but not displayed outside on a permanent basis.

OUTSIDE STORAGE – The permanent or continuous keeping, displaying, or storing of unfinished goods, material, merchandise, equipment or heavy vehicles outside of a building on a lot or tract for more

than twenty-four (24) hours. Also referred to as open storage and outdoor storage. (Ord. No. 2018-655)

OVERLAY ZONING DISTRICT – An area where certain additional requirements are superimposed upon one or more base zoning districts or underlying districts in which the requirements of the base of underlying district may or may not be altered. (Ord. No. 08-345 § 10, 01-08-08)

PAINT SHOP - A commercial establishment where painting services are performed.

PARCEL – Any unplatted or portion of an unplatted tract of land. (Also see "Tract")

PARK OR PLAYGROUND (PRIVATE) – A recreation facility, recreation center, or park not owned or operated by a public agency such as a City or School District and available to the general public.

PARKING LOT – An off-street, ground level area, paved in accordance with City of Cedar Hill parking lot standards, for the temporary storage of motor vehicles.

PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO) – An area or structure devoted to the parking or storage of automobiles for a fee, may include, in the case of a parking structure only, a facility for servicing of automobiles provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

PARKING SPACE – See City of Cedar Hill Parking Lot Standards and Illustration 10.

PATIO HOME (ZERO LOT LINE DWELLING) – A lot which is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private, use of the side yard, and permits construction of a detached single family dwelling with one side of such dwelling placed on the side property line.

PAWN SHOP – An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales also take place of primarily used items.

PERMANENT COSMETICS – The application of permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, areola re-pigmentation, scar camouflage, beauty marks, hair imitation, lash enhancement, or any other corrective purposes by a medical or dental professional or a technician that has been trained in the field of corrective cosmetics. This definition shall also include the technique of micro-blading.

PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES – Establishments less than 2,000 square feet in gross floor area, primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs (no outside storage).

PET AND ANIMAL GROOMING SHOP – A retail establishment offering small animals, fish or birds for sale as pets and where such creatures are housed within the building, including the grooming of dogs, cats, and similar animals.

PETROLEUM EXTRACTION – See “Sand, Gravel, Stone or Petroleum Extraction”.

PLANNED DEVELOPMENT DISTRICT – Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated or integral land use units either by a single owner or a combination of owners.

PLANNING & ZONING COMMISSION – A board, appointed by the City Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as the "Commission."

PLANT NURSERY – An establishment situated in a building, or partly in a building and partly in a land area, used for the growth, indoor or outdoor display and/ or sale of plants, shrubs, and trees, and other materials used for indoor or outdoor planting. (Ord. No. 2016-580 § 10, 03-08-16)

PLASTIC PRODUCT MANUFACTURING – The manufacturing of a range of plastic finished products thru the forming or molding of plastic beads or reclaimed plastic. Product examples many include housewares, building materials, motor vehicle parts, resilient floor coverings, and appliance parts. This definition does not pertain to plastic film, sheet, bags, profile shapes, pipe fittings, laminates, foam products and bottles. (Ord. No. 11-435 § 6, 04-12-11)

PLAT – A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Cedar Hill and approved by the City of Cedar Hill and recorded in the plat records of Dallas County.

PLATTED LOT – See "Lot of Record."

PLAYFIELD OR STADIUM (PUBLIC) – An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, football field or stadium which may be lighted for nighttime play. (Ord. No. 2019-669)

PLAYFIELD OR STADIUM (PRIVATE) – An athletic field or stadium owned and operated by an agency other than the City of Cedar Hill or Cedar Hill Independent School District.

PORTABLE BUILDING SALES (OUTDOOR DISPLAY) – An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.

PREMISES – Land together with any buildings or structures situated thereon.

PRIMARY USE – The principal or predominant use of any lot or building.

PRINCIPAL BUILDING – Same as Main Building.

PRINTING – See "Copy Shop".

PRIVATE CLUB – An establishment providing dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

PRIVATE RECREATION FACILITY OR PRIVATE PARK – A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

PRODUCE STAND – A seasonal use for which the primary purpose and design is to sell fruit, vegetables, and similar foods. No cooking of produce occurs on the site.

PROFESSIONAL OFFICES – See "Offices, Professional and General Business".

PROFESSIONAL SERVICE – Work performed which is commonly identified as a profession, and

which may be licensed by the State of Texas.

PROMOTIONAL SALES, COMMERCIAL – See “Temporary Outdoor Retail Sales/Commercial Promotion”.

PROPANE SALES – Retail sales of propane or butane.

PROPERTY LINE – See “Line, Property”.

PUBLIC OR MUNICIPAL BUILDING OR FACILITY – Any building (except a building used primarily for general office purposes) which is owned, leased, primarily used and/or primarily occupied by the State of Texas, the United States, the City of Cedar Hill, or any subdivision or agency of the State of Texas, the United States or the City of Cedar Hill, or other public utility or agency.

PUBLIC BUILDING, SHOP OR YARD OF LOCAL, STATE OR FEDERAL AGENCY – Facilities such as office buildings, other than City Hall, Library, Police or Fire Station, maintenance yards and shops required by branches of Local, State or Federal Agencies for service to an area such as Highway Department yard, City Service Center or Experiment Station.

PUBLIC PARKING LOT-MUNICIPAL – Paved parking and maneuvering area owned by a municipality to be used for the benefit of citizens with or without payment of a fee. (Ord. No. 09-377, § 3, 01-13-09)

PUBLIC VIEW – Public view means areas that can be seen from the closest public street.

QUARRY – See “Sand, Gravel, Stone, or Petroleum Extraction”.

RADIO, TELEVISION OR MICROWAVE TOWER – Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television. (Also see Section 5.4.5.)

RANCH – See “Farm, Ranch, Garden, Crops, or Orchard”.

REAR YARD – See “Yard, Rear”.

RECREATIONAL VEHICLE (RV) – A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). Also see “Heavy Load Vehicle”. A recreational vehicle park is an area or commercial campground for RVs and similar vehicles or trailers to reside, park, rent, or lease on a temporary basis.

RECYCLING FACILITY – See Salvage/Reclamation Yard. (Ord. No. 08-345 § 10, 01-08-08)

REGISTERED FAMILY HOME – Facility that regularly provides care for 6 to 12 children for less than 24 hours in a day.

REHABILITATION CARE FACILITY (HALFWAY HOUSE) – A dwelling unit which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

REHABILITATION CARE INSTITUTION – A facility which provides residence and care to ten or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

RENTAL, TOOLS AND MACHINERY – See “Tools and Machinery Rental Shop”

RESIDENCE – Same as a dwelling; also, when used with District, an area of residential regulations.

RESIDENCE HOTELS OR EXTENDED STAY MOTELS – A multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this ordinance.

REST HOME – See “Skilled Nursing Facility”.

RESTAURANT – A food establishment that is open to the public, where food and beverages are prepared, served, and consumed primarily on the premises. (Ord. No. 2019-669)

RESTAURANT (CARRY-OUT OR DELIVERY) – A food establishment that is open to the public, where food and beverages are prepared primarily for carry-out by the consumer or for delivery by the establishment to the consumer for consumption off the premises. This classification does not include mobile food establishments. (Ord. No. 2019-669)

RESTAURANT (DRIVE-IN SERVICE) – A food establishment that is open to the public, where food and beverages are prepared and served to customers primarily for consumption in motor vehicles. (Ord. No. 2019-669)

RETAIL/RESIDENTIAL – Building or structure where a residence is in the same building or structure, and is accessible to a retail sales area.

RETIREMENT COMMUNITY-CONTINUING CARE – See “Continuing Care Retirement Community”.

RETIREMENT HOUSING FOR THE AGED OR ELDERLY (Also Termed INDEPENDENT LIVING CENTER or CONGREGATE HOUSING) – A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

REVERSE VENDING MACHINE – Automated machine accepting material for recycling. (Ord. No. 08-345 § 10, 01-08-08)

ROOM – A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

ROOMING HOUSE – See “Boarding House”.

RUBBER PRODUCTS MANUFACTURING – The manufacturing of finished products or parts predominately from natural, and synthetic or reclaimed rubber materials into intermediate or final products using process such as vulcanizing, cementing, molding, extruding , and lathe-cutting. (Ord. No. 11-435 § 6, 04-12-11)

RV PARK – A place where recreational vehicles, motor homes, and travel trailers are accommodated on a temporary basis. The maximum length of stay shall be one month. (No sale of RVs, motor homes or travel trailers on-site).

RV/CAMPER SALES – An establishment that sells new and used travel trailers, motor homes, campers

and similar recreational vehicles.

SALVAGE OR RECLAMATION OF PRODUCTS – A parcel of land where damaged, inoperable, obsolete or used, secondhand materials are bought, sold, exchanged, temporarily stored, processed or handled. Materials include but are not limited to scrap iron and other ferrous metals, paper, rags, rubber tires, bottles, discarded goods, machinery, or more than two inoperable motor vehicles. Includes light and heavy processing facilities for recycling. Also referred to as Auto Salvage, Wrecking Yard and Recycling Facilities. (Ord. No. 08-345 § 10, 01-08-08)

SAND, GRAVEL, STONE OR PETROLEUM EXTRACTION – The process of extracting sand, gravel, stone or petroleum from the earth.

SCHOOL, BUSINESS – A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

SCHOOL, COMMERCIAL TRADE – A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and similar trades.

SCHOOL, PRIVATE, PRIMARY OR SECONDARY – A school under the sponsorship of a private agency or corporation other than a public or religious agency, having a curriculum generally equivalent to public elementary or secondary schools.

SCHOOL, PUBLIC OR PAROCHIAL – A school under the sponsorship of a public or religious agency providing elementary or secondary curriculum, but not including private trade or commercial schools.

SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES – Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

SCRAP/WASTE RECYCLING COLLECTION AND/OR STORAGE – See Salvage/Reclamation Yard. (Ord. No. 08-345 § 10, 01-08-08)

SCREENED – Shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm, or similar architectural or landscape feature.

SEASONAL USES – Seasonal uses include the sale of Christmas trees, pumpkins, and other temporary uses which occur at certain times of the year.

SELF-STORAGE WAREHOUSE – See “Mini-Warehouse”.

SERVANT'S QUARTERS OR GUEST HOUSE (Accessory Apartment) – An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person or persons employed on the premises by the occupant on a full time basis as domestic help, such as a maid, yard man, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections.

SEXUALLY ORIENTED BUSINESS – See Article 4, Section 4.1.7.C.Definitions. (Ord. No. 10-418, § 5, 09-14-10)

SIDE YARD – See “Yard, Side”.

SINGLE-FAMILY DWELLING (ATTACHED) – A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot line. Also termed "Townhouse."

SINGLE-FAMILY DWELLING (DETACHED) – A dwelling designed and constructed as a free standing structure for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

SKILLED NURSING FACILITY (ALSO TERMED NURSING HOME, CONVALESCENT HOME OR LONG-TERM CARE FACILITY) – A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged or disabled who need ongoing health supervision but not hospitalization.

SMALL ENGINE REPAIR SHOP – Shop for repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

SOLAR PANEL SYSTEM – A combination of equipment and/or controls, accessories, interconnecting means and terminal elements for the collection, storage and distribution of solar energy. Solar panel systems do not include individually powered outdoor solar lights, such as garden lights, accent lights, security lights, or flood lights. (Ord. No. 15-557, §3, 4-28-15)

SOLAR PANEL SYSTEM (ACCESSORY USE) – A solar panel system that primarily produces electrical energy for use on site, though excess energy may be stored or put back into the power grid. (Ord. No. 15-557, §3, 4-28-15)

SOLAR PANEL SYSTEM (PRIMARY USE) – A solar panel system that primarily produces electrical power to be put back into the power grid. (Ord. No. 15-557, §3, 4-28-15)

SOLAR PANEL SYSTEMS - ROOF MOUNTED – A solar panel system affixed to a principal or accessory building. (Ord. No. 15-557, §3, 4-28-15)

SOLAR PANEL SYSTEMS - GROUND MOUNTED – A solar panel system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure. (Ord. No. 15-557, §3, 4-28-15)

SPECIALTY FOOD STORE – A retail establishment that specializes in the sale of one type or line of foods primarily for home preparation and consumption, such as gourmet foods, meat, seafood, cheese, oils, vinegars, and confections. (Ord. No. 2020-699)

STABLE, (COMMERCIAL; AS A PRINCIPAL USE) – A stable used for the rental of stall space or for the sale or rental of horses or mules.

STABLE, (PRIVATE) – An area used solely for the owner's private purposes for the keeping of horses, mules or ponies, and not kept for remuneration, hire or sale.

STADIUM – See "Playfield".

STORY – That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The average height for a residential story shall be defined as twelve feet (12'). The average height for a non-residential story shall be defined as thirty (30) feet. The definition of a story does not include parapets, gables, and other normal roof structures. (Ord. No. 03-143, § 10, 02-25-03)

STORY, HALF – A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

STREET – Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').

STREET, INTERSECTION - Any street which joins another street at an angle, whether or not it crosses the other.

STREET YARD – The area of a lot, which lies on the street side of the actual front wall line of the principle building (s), as such building wall line extends from the outward corners of the building, parallel to the street, until it intersects the side property lines. In determining the actual definition, steps and enclosed porches shall be excluded, but such building wall line shall follow and include the irregular indentions of the building. A front building wall is a building wall fronting on a street.

On corner lots, the street yard shall consist of all the area of such lot between all abutting street right-of-way lines and their corresponding actual front building wall lines, as such lines are imaginarily extended in the manner provided above.

When there are multiple buildings on a lot, the street yard shall consist of all the area of the lot between the street right(s)-of-way and an imaginary line beginning at one (1) side of the property line, running parallel to the street, connecting the front most walls of al buildings fronting on the street, and then extending to the other side property line, running parallel to the street. If a building has a rounded front, the front building wall corners shall be the points closest to the side boundaries. Provided, that isolated buildings, (i.e., fast food restaurants in a shopping center, photo processing drop-offs, bank drive through windows, etc.) shall not be considered in delineating the street yard.

Notwithstanding all of the foregoing, on land for which a use is established that does not contain any buildings, such as land used only for parking purposes or only as a commercial or private lot, the street yard shall consist of the entire lot. (Ord. No. 03-143 § 9, 02-25-03)

STRUCTURE – Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of “Building”).

STRUCTURAL ALTERATIONS – Any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

STUDIOS FOR RADIO AND TELEVISION – A building or portion of a building used as a place for radio or television broadcasting (without a tower).

SUPER STORE – A retail establishment with a floor area exceeding 75,000 square feet that offers for sale food and beverage products for home preparation and consumption, household merchandise, personal care products, clothing, and a variety of other retail goods. These items may be sold in bulk. In some cases, limited medical and personal service uses such as a pharmacies, optometrists and salons may be included. (Ord. No. 2020-699)

SWIMMING INSTRUCTION AS A HOME OCCUPATION – The teaching of swimming in a private swimming pool. In a residential area, the offering of swimming instruction in a private pool is subject to the approval of a Conditional Use Permit which may specify operating conditions and standards and may limit the number of students and operating time.

SWIMMING POOL (COMMERCIAL) – A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

SWIMMING POOL (PRIVATE) – A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with Article 3.500, Uniform Swimming Pool, Spa and Hot Tub Code of the City of Cedar Hill Code of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

TATTOO AND BODY PIERCING STUDIO – An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration or scarring of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin; and/or (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This definition includes establishments engaging in both tattooing and body piercing, or either tattooing or body piercing alone.

TELEMARKETING OR E-COMMERCE AGENCY – An office where the primary function is to sell via telephone or over the Internet products or services that are not produced, prepared, performed, stored or distributed on or from the office location.

TELEPHONE AND EXCHANGE, SWITCHING OR RELAY OR TRANSMITTING STATION – A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage or repair yards.

TELEVISION TOWER – See “Radio, Television, and Broadcast Tower”.

TEMPORARY – Used or lasting for only a limited period of time; not permanent.

TEMPORARY BUILDING – Any nonresidential pre-manufactured structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE – A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Building Official and shall be subject to review and renewal for reasonable cause.

TEMPORARY OUTDOOR RETAIL SALE/COMMERCIAL PROMOTION – An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any twelve (12) month period, adjacent to an existing permanent business operated in the City where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid certificate of occupancy exists and when permitted by the City. A temporary outdoor retail sale/commercial promotion shall be limited to a total of thirty (30) days during any twelve (12) month period.

TENNIS COURT, PRIVATE – A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas except as may be otherwise permitted.

THEATER (INDOOR) – An indoor establishment that is open to the public and used for dramatic,

operatic, musical, motion picture, or other related entertainment performances. (Ord. No. 2019-669)

THEATER (OUTDOOR) – An outdoor establishment that is open to the public and used for dramatic, operatic, musical, motion picture, or other related entertainment performances. This category includes drive-in theaters. (Ord. No. 2019-669)

TIRE DEALER, NO OPEN STORAGE – A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

TIRE DEALER, WITH OPEN STORAGE – A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

TOOL AND MACHINERY RENTAL SHOP – A building or a portion of a building used for the display and rental of tools, machinery and instruments.

TOW SERVICE – See Wrecker or Tow Service. (Ord. No. 08-345 § 10, 01-08-08)

TOWNHOUSE – See “Single Family Dwelling [Attached]”.

TRACT – A single individual parcel or lot.

TRACTOR SALES – See “Heavy Machinery Sales and Storage”.

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

TRAILER COURT – See “Mobile Home Park”.

TRAILER, HAULING – A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

TRAILER HOME - See “Mobile Home” or “Recreational Vehicle”.

TRAILER (TRAVEL) OR MOBILE HOME SPACE - A plot of ground within a mobile home park, trailer court, or mobile home subdivision designed for the accommodation of one manufactured home or travel trailer.

TRAILER RENTAL - The display and offering for rent of trailers designed to be towed by light load vehicles.

TRAILER, TRAVEL OR CAMPING TRAILER - A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants and not constituting the principal place of residence of the occupants or designed to be towed behind another vehicle.

TRANSMISSION LINES – See “Utility Distribution/Transmission Lines”.

TRANSPARENCY – The total area of uncovered window and door openings filled with transparent glass, expressed as a percentage of the wall surface area. (Ord. No. 2018-655)

TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES - Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

TRUCK - A light or heavy load vehicle (see definition for “Light and Heavy Load Vehicle”).

TRUCK AND BUS REPAIR - An establishment providing major and minor automobile repair services to heavy load vehicles.

TRUCK AND BUS LEASING - The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work is done.

TRUCK PARKING LOT - Area for parking heavy load vehicles.

TRUCK SALES (HEAVY TRUCKS) - The display, sale or rental of new or used heavy load vehicles in operable condition.

TRUCK TERMINAL - An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

TRUCK TOW SERVICE – See Wrecker or Tow Service. (Ord. No. 08-345 § 10, 01-08-08)

TWO-FAMILY DWELLING, ("DUPLEX") - Two attached dwellings in one structure, each designed to be occupied by one family.

UNDEVELOPED PROPERTY – A platted or unplatted property that has not been developed with buildings, structures or paving. (Ord. No. 2018-655)

UPHOLSTERY SHOP – See “Drapery or Furniture Upholstery Shop”.

USE - The purpose for which land or buildings are or may be occupied in a zoning district.

UTILITY DISTRIBUTION/TRANSMISSION LINES - Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.

UTILITY FACILITIES – See “Transportation and Utility Structures/Facilities”.

VARIANCE - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the City of Cedar Hill can grant a variance.

VARIETY STORE – A retail establishment that offers for sale an assortment of inexpensive or discounted physical goods, products or merchandise directly to the consumer such as food or beverages for off-premise consumption, household products, personal grooming and health products and other consumer goods. Variety stores do not include retail stores that: contain a prescription pharmacy; sell gasoline or diesel fuel; or primarily sell specialty food items (e.g. meat, seafood, cheese, oils and vinegars, or confectioneries). (Ord. No. 2020-699)

VETERINARIAN (Ord. 04-201, § 13, 04-13-04) – A clinic or hospital where small and large domestic household animals and pets are seen or admitted for examination and medical treatment. May include indoor or outdoor kennels or pens, See “Animal Boarding and Kennels (Indoor or Outdoor). (Ord. 04-201, § 13, 04-13-04)

VISIBILITY TRIANGLE – The area of public and private property within a triangle formed by two (2)

intersecting streets, commercial driveway or alley is called a visibility triangle. The legs of the triangle are formed by the curb line of the streets and are extended to the point at which they intersect, which usually forms a ninety-degree angle. Each of the legs are attached at the end by a diagonal line (the hypotenuse), which forms a triangle. Dimensions of a visibility triangle are based on speed, type of roadway and curvature of the roadway. (Ord. No. 2018-655)

WALL SURFACE AREA – The area of a wall derived by multiplying the distance between the foundation and the upper-most, top plate line times the width of the wall including all surface areas above the roof line as seen from a direction perpendicular to the façade or building face. (Ord. No. 2018-655)

WAREHOUSE – A building used primarily for the wholesale storage of goods and materials in longer time periods and fewer daily trips for delivery trucks than a distribution center and a fulfillment center as described in the Institute of Transportation Engineers Trip Generation Manual. (Ord. No. 2023-777)

WIND-POWERED GENERATOR (PERSONAL) - A wind energy conversion system consisting of any combination of the following: blades, wind turbine, supporting structure, and associated control of conversion electronics, which, in combination with each other, converts wind energy into electrical energy, has a rated capacity of not more than 25kW and which is intended to primarily reduce on-site consumption of utility power. (Ord. 11-442, § 1, 06-28-11)

WRECKER OR TOW SERVICE – Establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles. (Ord. No. 08-345 § 10, 01-08-08)

WRECKING YARD (JUNKYARD OR AUTO SALVAGE) - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

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 where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See Illustration No. 6 for example)

YARD, FRONT - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (See Illustration 6)

YARD, REAR - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See Illustration 8)

YARD, SIDE - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (See Illustration 8)

ZERO LOT LINE DWELLING - See “Patio Home”.

ZONING DISTRICT - A classification applied to any certain land area within the city stipulating the limitations and requirements of land usage and development.

ZONING DISTRICT MAP - The official map upon which the boundaries of the various Zoning

Districts are drawn and which is an integral part of the Zoning Ordinance. (See Section 3, Zoning District Map and Section 4, Zoning District Boundaries).

ZOO (PRIVATE) - A facility housing and displaying live animals, reptiles or birds, privately-owned and operated for a fee or for the promotion of some other enterprise.

ZOO (PUBLIC) - A publicly-owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

ARTICLE 6. PENALTIES AND NONCONFORMITIES

SECTION 6.1 EFFECT OF INTERPRETATION

- 6.1.1 In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern.
-

SECTION 6.2 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES


- 6.2.1 By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the exiting zoning ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.
-

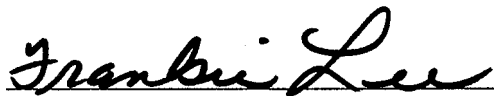
SECTION 6.3 PENALTY FOR VIOLATIONS

- 6.3.1 Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

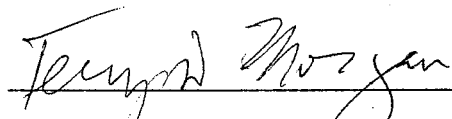
SECTION 6.4 VALIDITY

6.4.1 If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.





PASSED AND APPROVED by the City Council of the City of Cedar Hill, Texas on the 21st day of March, 2001.



Terry D. Morgan, City Attorney

Frankie Lee, City Secretary

ATTEST:

APPENDIX A RETAINED PLANNED DEVELOPMENT DISTRICTS

The following list of Planned Development Districts have been incorporated within this comprehensive zoning ordinance pursuant to Section 3.19.11 and are subject to any limitations set forth therein. Each district is identified by the number of the ordinance that originally created the district. Such ordinance number appears to identify the PD district on the City’s official zoning map. An asterisk (Ω) following the ordinance number indicates that only a portion of the land subject to the original ordinance establishing the district has been incorporated as a Planned Development District by this comprehensive zoning ordinance.

ORDINANCE #	LOCATION
82-625Ω	The Highlands
83-647	Bryan Place
83-670	Hillcrest #2
84-698Ω	High Pointe
84-713	Stonewood Heights
84-718Ω	Somerset Village
84-733Ω	Waterford Oaks
84-739	Bryan Place Replat
85-750Ω	Springfield
85-767	Parkerville Place
85-769	Highlands # 6
85-776Ω	Bear Creek Crossing
85-807Ω	High Point LR
86-834	Lake Ridge
86-862Ω	Lake Ridge Village I and II (Wildwood)
86-870Ω	Windsor Park
87-900	Hillcrest #3
87-944	High Pointe
94-190	Lake Ridge, Section 1
95-200	Waterford Oaks West
95-210Ω	Lake Ridge 2,3,4 & 8
95-221	Lake Ridge 5
95-247Ω	High Pointe
96-263Ω	High Pointe

APPENDIX B

REPEALED PLANNED DEVELOPMENTS AND PLANNED DEVELOPMENT COMBINING DISTRICTS

The following table contains the ordinances establishing Planned Development Districts have been repealed in whole or in part pursuant to Section 3.19.12 of this comprehensive zoning ordinance, the number that designates a Planned Development Combining District, which incorporates by reference the uses, standards and conditions applicable within the former Planned Development District, and which regulations combine with those of associated base districts listed in the last column, as set forth in Section 3.19.12. An asterisk (Ω) following the establishing Planned Development Districts ordinance number indicates that only a portion of the land subject to the original ordinance establishing the district has been incorporated within a Planned Development Combining District by this comprehensive zoning ordinance. A Planned Development Combining District number followed by a suffix indicates that more than one Planned Development Combining District has been established for the land originally subject to the ordinance creating the original Planned Development District. Such ordinance number appears to identify the Planned Development Combining District on the City's official zoning map. The last column contains the base district associated with the Planned Development Combining District.

Repealed PD Districts & Adopted PDC Districts

Ω = Only a portion of the PD district has been incorporated into a PDC district.

Planned Development Repealed in Whole or Part	Planned Development Combining (PDC) Districts	Associated PDC Base District
83-661	83-661	SF-E
84-694	84-694	SF-7
84-696	84-696	SF-E
84-697	84-697-A	SF-7
	84-697-B	LR
84-698 Ω	84-698	SF-22
84-704	84-704	SF-7
84-718 Ω	84-718-A	SF-8.5
	84-718-B	SF-8.5
84-733 Ω	84-733-A	SF-10
	84-733-B	SF-8.5
	84-733-C	SF-7
	84-733-D	LR
	84-733-E	LR

85-750 Ω	85-750-A	LR
	85-750-B	LR
85-770	85-770	SF-10
85-776 Ω	85-776-A	SF-10
	85-776-B	RR
85-803	85-803-A	SF-8.5
	85-803-B	SF-8.5
85-817	85-817-A	LR
	85-817-B	SF-10
85-817	85-817-C	LR
86-862 Ω	86-862-A	SF-E
	86-862-B	LR
	86-862-C	SF-E
	86-862-D	SF-7
	86-862-E	NS
	86-862-F	SF-22
	86-862-G	SF-E
	86-862-H	SF-E
	86-862-J	SF-22
86-870 Ω	86-870-A	LR
	86-870-B	LR
	86-870-C	SF-8.5
87-895	87-895-A	SF-10
	87-895-B	LR
87-944	87-944	SF-10
95-210 Ω	95-210-A	NS
	95-210-B	SF-7
95-244	95-244-A	SF-8.5
	95-244-B	SF-8.5
95-247 Ω	95-247-A	SF-8.5
	95-247-B	SF-8.5
95-248	95-248	SF-8.5
96-263 Ω	96-263-A	SF-8.5
	96-263-B	SF-8.5
96-277	96-277-A	RR
	96-277-B	LR
96-284	96-284	LR

97-317	97-317	SF-10
97-319	97-319	LR
98-364	98-364	SF-E
98-365 Ω	98-365-A	SF-E
	98-365-B	SF-E
99-452	99-452	LR

ORDINANCE #	LOCATION
96-284	Meadow Vista
96-287	Lake Ridge 6, 7 & 13
97-313	Lake Ridge 10, 10-I- A
98-372-A	Parkway Place
98-376	41.35 acres south of Bentle Branch (Preliminary Plat-Terrace Heights)
98-383	Covenant Group
99-405	The Reserves at High Pointe
99-406	Heritage II
99-413	Park Plaza
99-428	Winding Hollow I-A
99-431	High Pointe Manor
99-452	Lake Ridge 15
00-012	Lake Ridge 15-3
00-019	Lake Ridge 16
00-024	10.27 acres south of Crawford Park (Preliminary Plat - Sherwood Forest)
00-029	Cedar Crest II

APPENDIX C REPEALED ZONING DISTRICTS AUTHORIZING SPECIAL USES

The following ordinances establishing zoning districts authorizing special uses have been repealed pursuant to pursuant to Section 3.20.10 of this comprehensive zoning ordinance. Each district is identified by the number of the ordinance that originally created the district.

2000-42	95-208	88-979	85-802	73-339
2000-34	94-181	88-978	85-796	73-336
2000-28	94-173	88-964	85-795	67-246
2000-23	93-162	87-943	85-791	67-242
2000-18	93-161	87-942	85-784	63-187
2000-07	93-159	87-941	85-774	63-180
99-453	93-145	87-927	85-753	
99-441	92-135	87-916	84-700	
99-440	92-132	87-915	83-666	
99-433	92-131	87-914	83-659	
99-429	92-113	87-904	83-657	
99-427	91-095	87-903	81-584	
98-401	91-082	87-902	80-581	
98-386	91-049	87-892	80-576	
98-370	90-040	86-884	80-574	
98-353	90-024	86-878	80-546	
97-329	90-009	86-877	78-489	
96-300	90-006	86-866	78-479	
96-284	89-1025	86-865	75-386	
96-283	89-1011	86-863	74-372	
95-249	89-1004	86-832	73-352	
95-212	88-995	86-832	73-346	

APPENDIX D HIGH POINTE OVERLAY DISTRICT STANDARDS

STANDARDS, RESTRICTIONS AND SPECIAL CONDITIONS

I. RESIDENTIAL DEVELOPMENT

A. GENERAL

- 1. Garage Conversions.** Owners of homes may not alter or convert the 2-car garage in any way that would prevent the use of the garage as enclosed parking for two automobiles.
- 2. Building Line.** In Single Family residential detached districts, the width of lot listed shall be at the building line due to cul-de-sacs and irregular shaped lots.
- 3. Driveway Access.** Rear entry homes serviced by an alley cannot have a front entry access driveway.

B. PERIMETER FENCING AND LANDSCAPING

- 1. Perimeter Screening Fences.** A uniform perimeter screening fence shall be required along all public streets where residential lots back up to a public street. (If there is an alleyway between the residential lots and the public street, see section B-4 of this appendix below for alleyway screening requirements.) This fence shall be constructed on private property along the street right of way and shall be contained within a 10' wide fence easement. There shall be a minimum of 4' of sodded turf established between the required fence and the sidewalk. An underground automatic electric irrigation system shall be provided within the right of way along all required screening fences. The screening fence, landscaping and irrigation shall be placed in fence and landscape easements granted to the District for access for maintenance. Any warranty for said fence should be transferred over to the district.
- 2. Fence Design And Materials.** All required perimeter screening fences shall conform with one of the following options:
 - a) **OPTION A.** The perimeter-screening fence shall be an 8' masonry wall constructed of Granbury stone or approved equal with a buff color mortar and a cast stone cap. See Attachment A- I for wall detail.
 - b) **OPTION B.** The uniform screening fence shall be an 8' board on board wood fence

constructed of #1 premium grade cedar, with 2 '3/8" galvanized posts set on 8-foot centers, constructed with a minimum 30" footing depth. The fence shall include 2' x 2' x 8' 1/2" masonry columns of Granbury stone (or approved equal) with a buff color mortar. The columns shall be placed on a maximum of 27-foot centers with a capstone cap. See Attachment A-2-A for wood fence detail and Attachment A-2-B for column detail.

- c) **OPTION C.** The uniform screening fence shall be an 8-ft. tan vinyl privacy fence constructed of a quality, durable PVC vinyl material. The fence shall include 2' x 2' x 8' 1/2" masonry columns of Granbury stone (or approved equal) with a buff color mortar. The columns shall be placed on a maximum of 27-foot centers with a capstone cap. See Attachment A-3 for vinyl fence detail and Attachment A-2-B for column detail.

3. Fence Offsets. Offsets shall be provided in the perimeter fence to provide a look of interest and depth from the street. Offsets shall be a maximum of 27-feet wide and a minimum of 5-feet deep. There shall be no more than 80-feet of continuous fence run without an offset. See Attachment B for fence offset detail. Landscape improvements to include trees, shrubs, flowers, decorative lights and street furniture shall be installed in the offsets of the required screening fence described above. Trees planted should be minimum of 3-inch caliper, locally adaptable and drought tolerant. All trees shall be staked and guyed or kept vertical by other acceptable methods.

4. Screening For Alleyways. A uniform screening fence shall be required where alleys back up to a public street or are adjacent to public right of ways. All required alleyway screening fences shall conform with one of the following options:

- a) **OPTION A.** The perimeter-screening fence shall be an 8' masonry wall constructed of Granbury stone or approved equal with a buff color mortar and a cast stone cap. See Attachment A- I for wall detail.
- b) **OPTION B.** The uniform screening fence shall be an 8' board on board wood fence constructed of #1 premium grade cedar, with 2' 3/8" galvanized posts set on 8-foot centers, constructed with a minimum 30" footing depth. The fence shall include 2' x 2' x 8' 1/2" masonry columns of Granbury stone (or approved equal) with a buff color mortar. The columns shall be placed on a maximum of 27-foot centers with a capstone cap. See Attachment A-2-A for wood fence detail and Attachment A-2-B for column detail.
- c) **OPTION C.** The uniform screening fence shall be an 8-ft. tan vinyl privacy fence constructed of a quality, durable PVC vinyl material. The fence shall include 2' x 2' x 8' 1/2" masonry columns of Granbury stone (or approved equal) with a buff color mortar. The columns shall be placed on a maximum of 27-foot centers with a capstone cap. See Attachment A-3 for vinyl fence detail and Attachment A-2-B for column

detail.

- d) **OPTION D.** The uniform alleyway screening fence shall be a 6' solid wrought iron fence (no tubular) with solid wrought iron spears with 2' x 2' x 6'½" masonry columns of Granbury stone (or approved equal) with buff color mortar. See Attachment A-4 for wrought iron fence detail and Attachment A-2-B for column detail. A screening hedge shall be installed adjacent to and along the entire wrought iron fence. The screening hedge shall be a dense, evergreen hedge that is locally adaptable and drought tolerant. Plant material shall be able to achieve a minimum height of 4' within 3 years of planting. An underground automatic electric controlled irrigation system shall be provided along all required alleyway screening fences.

C. ADDITION ENTRY FEATURES

1. Signage.

a) Entry signs, which identify the residential project, shall be constructed at each major addition entryway. There shall be defined by the developer at least one (1) major addition entryway for approximately every 20 acres. Each major addition entryway shall have two (2) entry sign walls, one (1) on each corner of the entry into the addition. Each entry sign wall shall be a masonry wall, approximately 24' x 1' x 8' ½", constructed of Granbury stone (or approved equal) with buff color mortar. The entry wall shall contain a 2' x 8' cast stone sign with the name of the development in large letters with "at High Pointe" below in smaller letters. Sign wall shall be illuminated by upright from the grade in front of the wall. All electrical work needed to operate the sign wall lighting shall be provided by the developer. Sign walls shall be installed with a concrete foundation and quality stone masonry. See Attachment "C" for sign wall detail. All entry sign walls shall be constructed in fence and landscape easements granted to the district for maintenance purposes.

b) All other signage shall comply with Cedar Hill City codes.

2. Landscaping

a) A generously landscaped bed shall be constructed in front of each sign wall. See Attachment "D" for detail of landscaped bed. Required landscaping shall include an area for annual color and an area for other landscaping that is generally locally adaptable and drought tolerant. An underground automatic electric controlled irrigation system is required and is subject to approval from the Cedar Hill public works department.

b) The developer shall provide street furniture and lighting that is comparable in design and quality material to that existing in the neighborhood at each major addition entryway.

D. LANDSCAPED MAJOR INTERSECTION FEATURES

1. Signage

a) Feature sign walls, which identify the residential project, shall be constructed at each major intersection. Major intersections are defined on the map (see Attachment E). Each major intersection corner shall have one (1) feature sign wall with a landscaped bed. Each feature sign wall shall be a masonry wall, approximately 24' x 1' x 8'½" constructed of Granbury stone (or approved equal) with buff color mortar. The feature sign wall shall contain a 2' x 8' cast stone sign with the name of the development in large letters with "at High Pointe" below in smaller letters. Feature sign wall shall be illuminated by upright from the grade in front of the wall. All electrical work needed to operate the feature sign wall lighting shall be provided by the developer. Feature sign walls shall be installed with a concrete foundation and quality stone masonry. See Attachment "C" for feature sign wall detail. All major intersection feature sign walls shall be constructed in fence and landscaped easements granted to the district for maintenance purposes.

b) All other signage shall comply with Cedar Hill City codes.

2. Landscaping

a) A generously landscaped bed shall be constructed in front of each feature sign wall. See Attachment "D" for detail of landscaped bed. Required landscaping will include an area for annual color and an area for other landscaping that is generally locally available, adaptable and drought tolerant. An underground automatic electric irrigation system is required and is subject to approval from the Cedar Hill public works department.

b) The developer shall provide street furniture and lighting that is comparable in design and quality material as that existing in the neighborhood at each major intersection corner.

II. RETAIL DEVELOPMENT

A. DEVELOPMENT STANDARDS

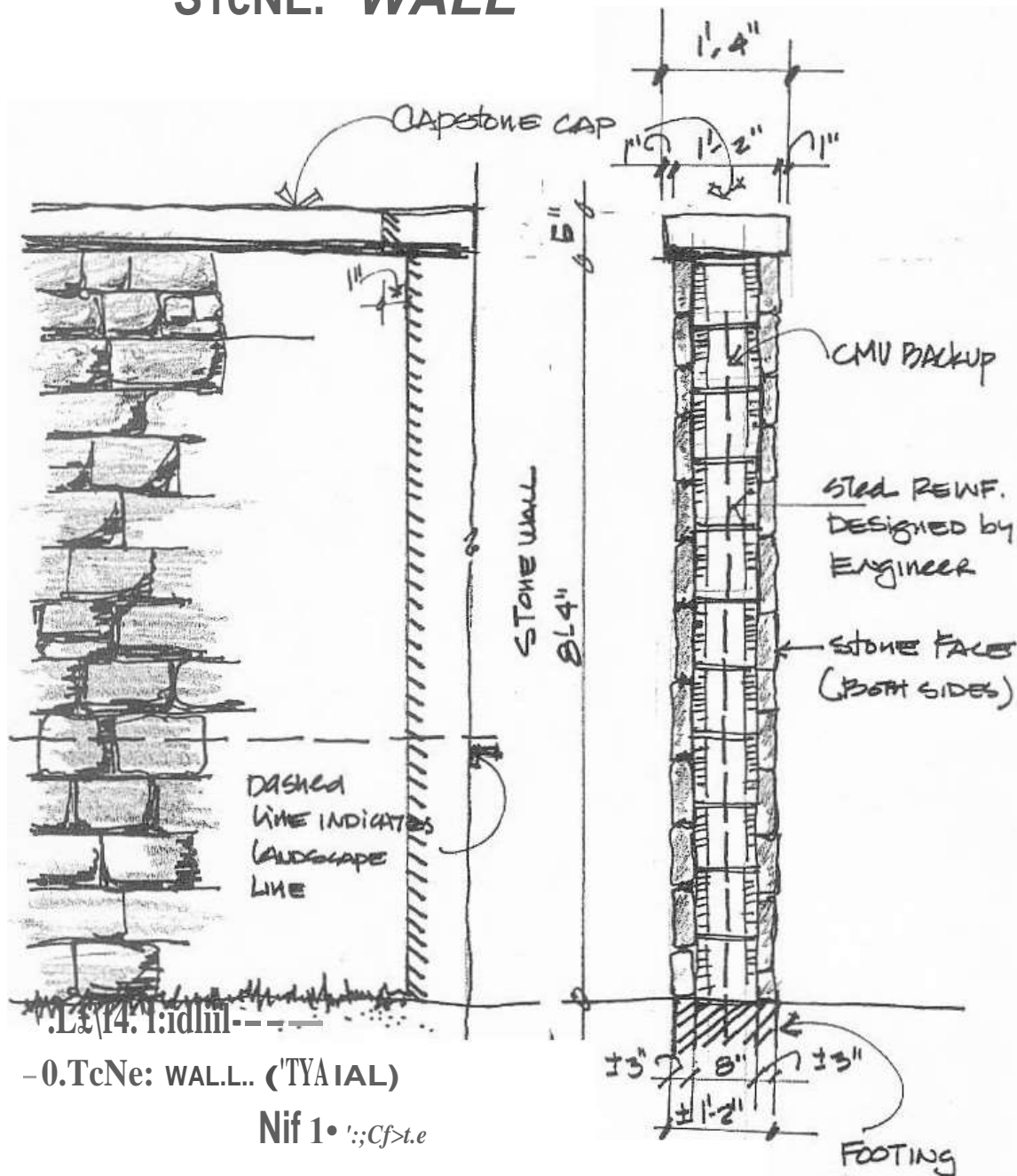
1. Storage. No outside storage is permitted for any use.

2. Exterior Finish. Building structure exterior masonry shall be 100% brick and/or stone, similar in color and style to that of surrounding residential entry and feature walls. Feature sign walls, columns and other landscape masonry structures shall be constructed of 100% brick and/or stone, similar in color and style as that of surrounding residential entry and feature walls.

- 3. Retail Buffer.** The developer should provide buffer areas between retail property and adjacent residentially zoned property by providing screening walls and landscaping.
- 4. Screening Walls.** The retail developer shall erect an 8' decorative masonry screening wall that is compatible in design to any existing masonry structures in the area when retail property is adjacent to residentially zoned property.
- a) Screening Wall Setback between Retail Property and Alleys. Where the retail property is adjacent to residential alleys, the masonry wall should have a 5' setback. The developer shall install and maintain a 5' irrigated and landscaped area adjacent to and along the entire length of the masonry wall on the retail property side of the masonry wall. Developer shall install and maintain drought tolerant and locally adaptable landscaping on the residential side of the masonry wall to act as a visual buffer. Screening wall shall prohibit retail or commercial traffic any access to residential alley.
- b) Screening Wall Setback between Retail Property and All Other Residential Property. Where the retail property is adjacent to other residentially zoned property, the masonry wall shall be placed on the retail property line. The developer shall install and maintain a 5' irrigated and landscaped area adjacent to and along the entire masonry wall on the retail property side of the masonry wall.
- 5. Building Setbacks.** Buildings shall have a 3-foot setback for every foot of building height with a minimum of 50' setback.
- 6. Additional Regulations.** All other regulations and requirements are found in the Cedar Hill Zoning Ordinance, Neighborhood Services District.

1\TfACHMCNT A-t

S1cNE. WALL



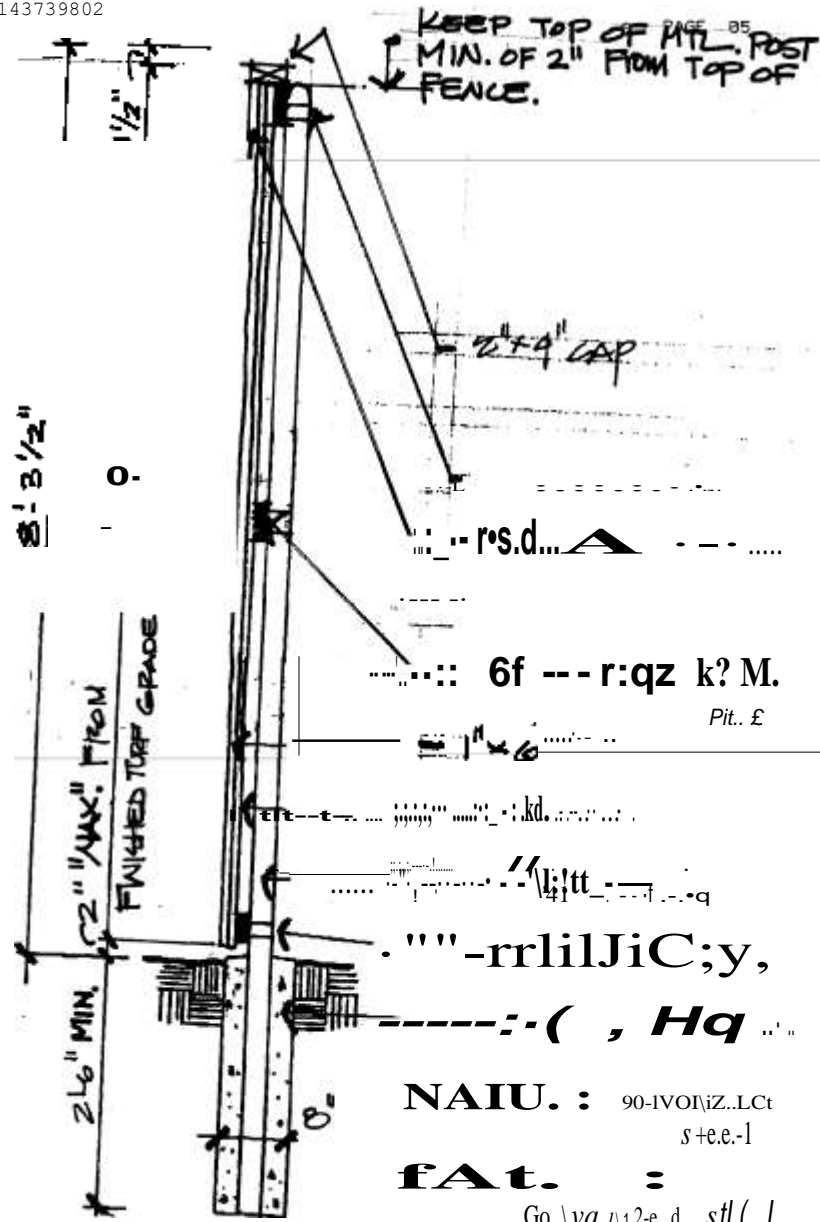
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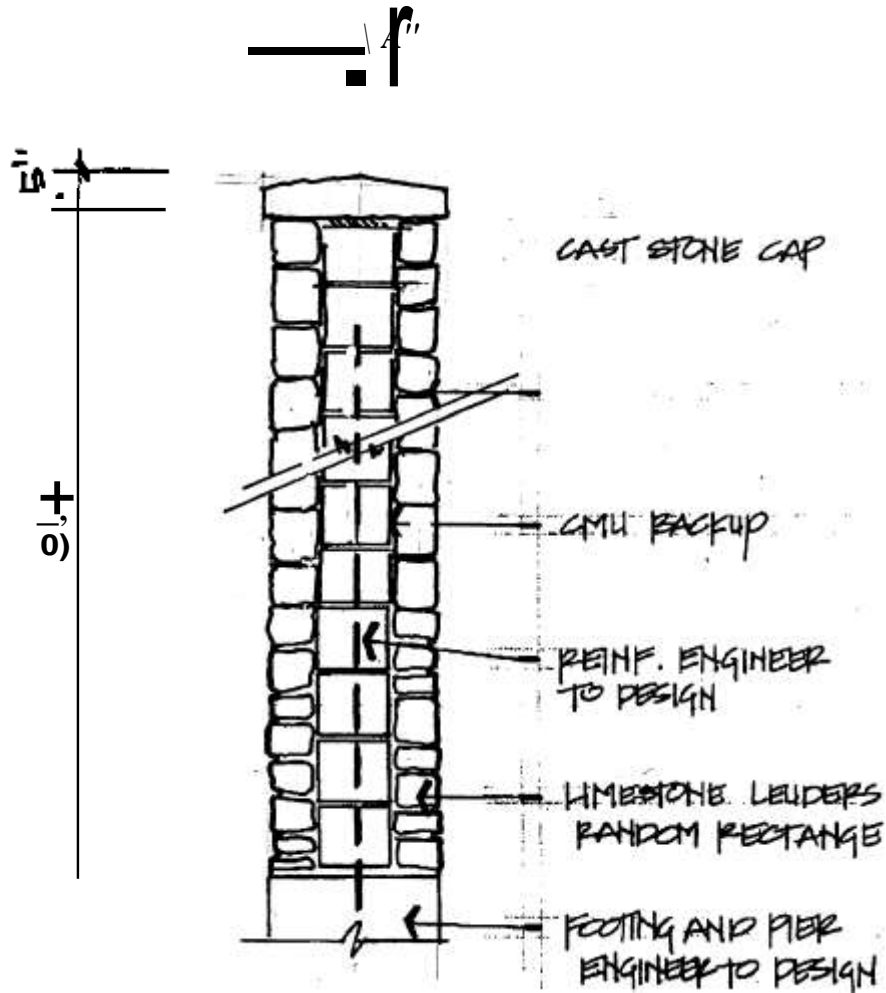


ATTACHMENT A-2A W Dob F6NCE D&Tail

Fence Section

HJgh Pointe Public Improvement District No. 1

Scale 3/4" = 1'-0"



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Column Section

High Pointe Public Improvement District No. 1
Scale 3/4" = 1'.Q"

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12" wide pier hole

6ft Privacy Fence

REQD MATERIAL PER 8' SECTION

POSTS:
(1) 5' X 5' X 6" b"
PCIST" OF'S:
(11) 5' X 5'

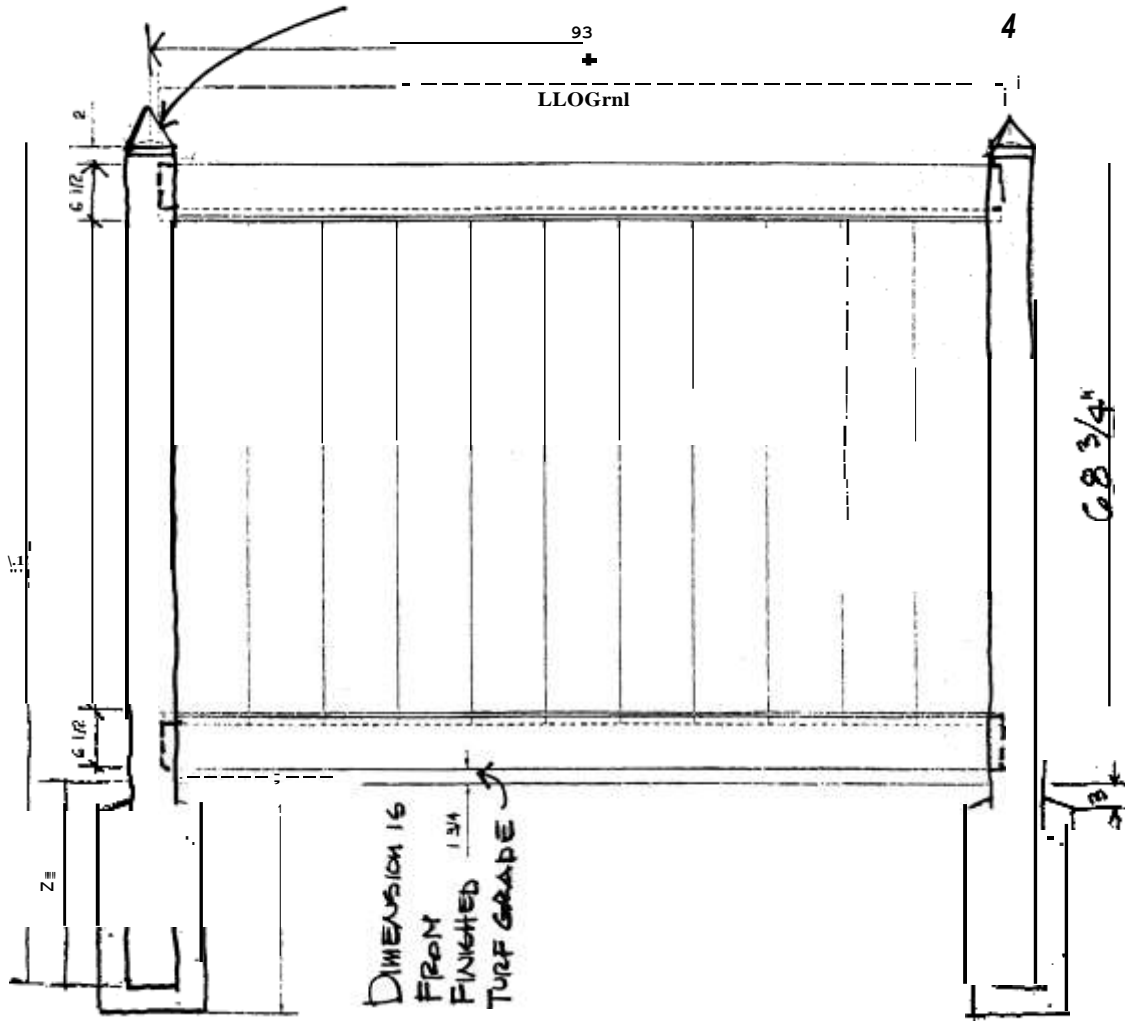
LS:
(2) 2" X 1/2" X 6"
= (11) 1' X 1/2" (TIG) X 57 3/4"



Kroy

Building Products, Inc.

CAPS SPEC: Gothic



ATTACHMENT A.3 VINYL FENCE

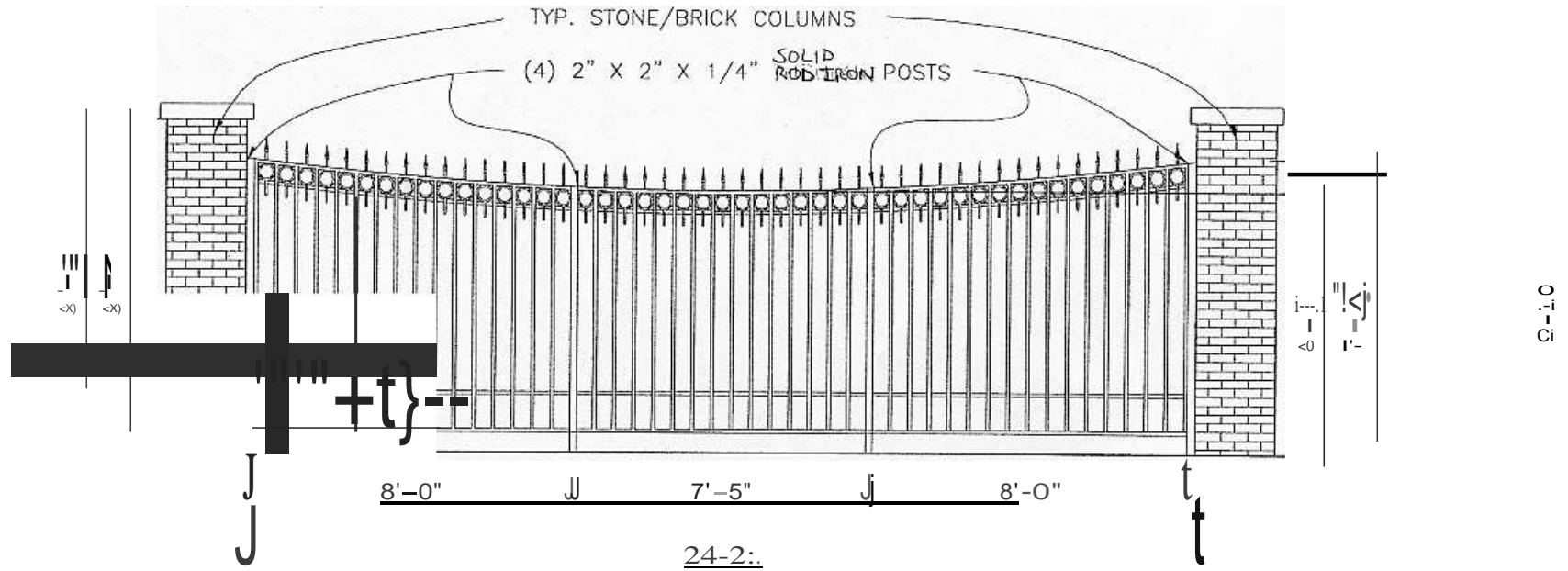
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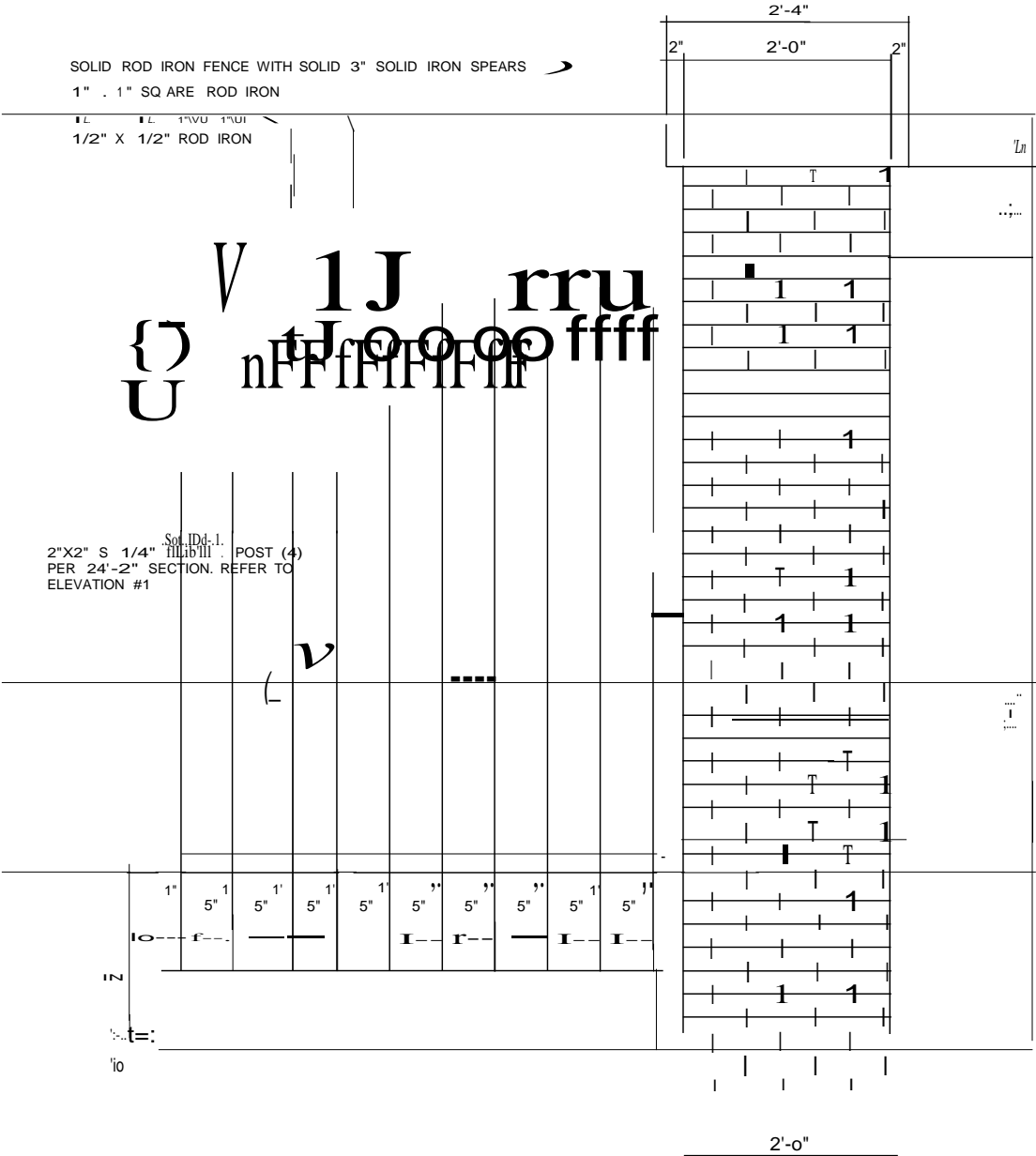
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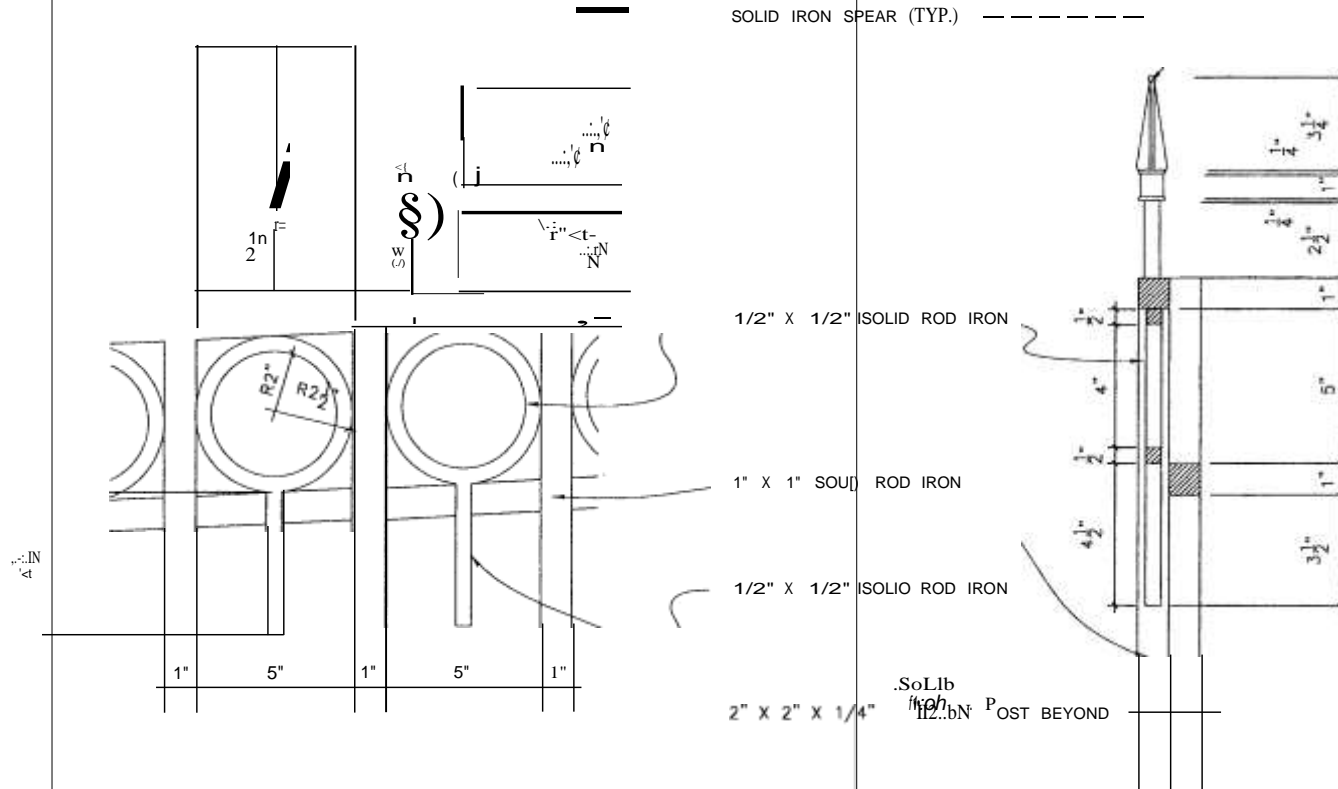
ATTACHMENT A-46



2 ENLARGE ELEVATION ROD IRON FENCE
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3

IRON FENCE DET.

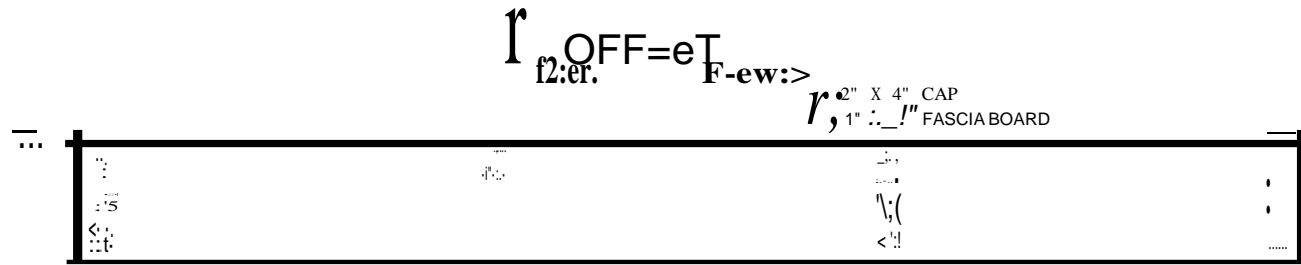
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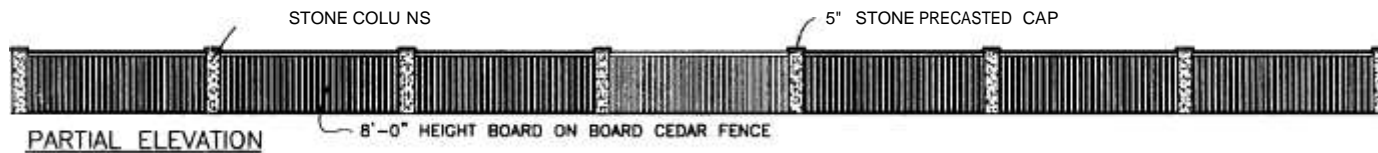
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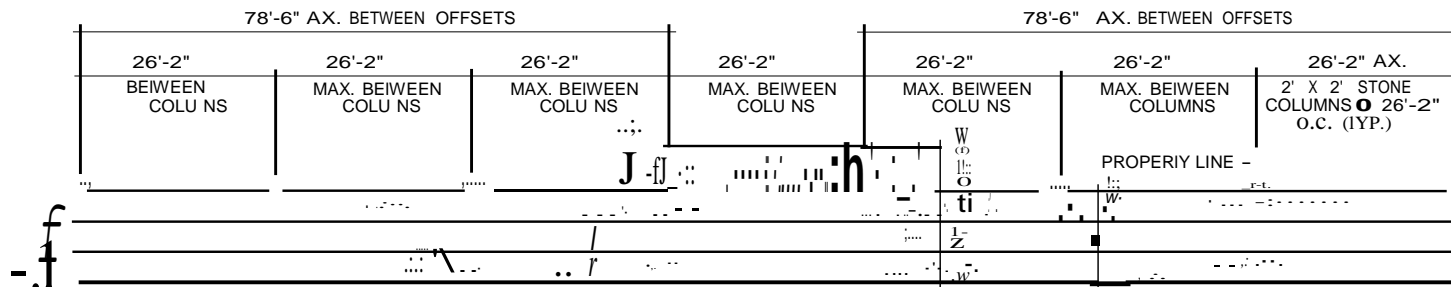


ENLARGED ELEVATION



PARTIAL ELEVATION

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PARTIAL PLAN

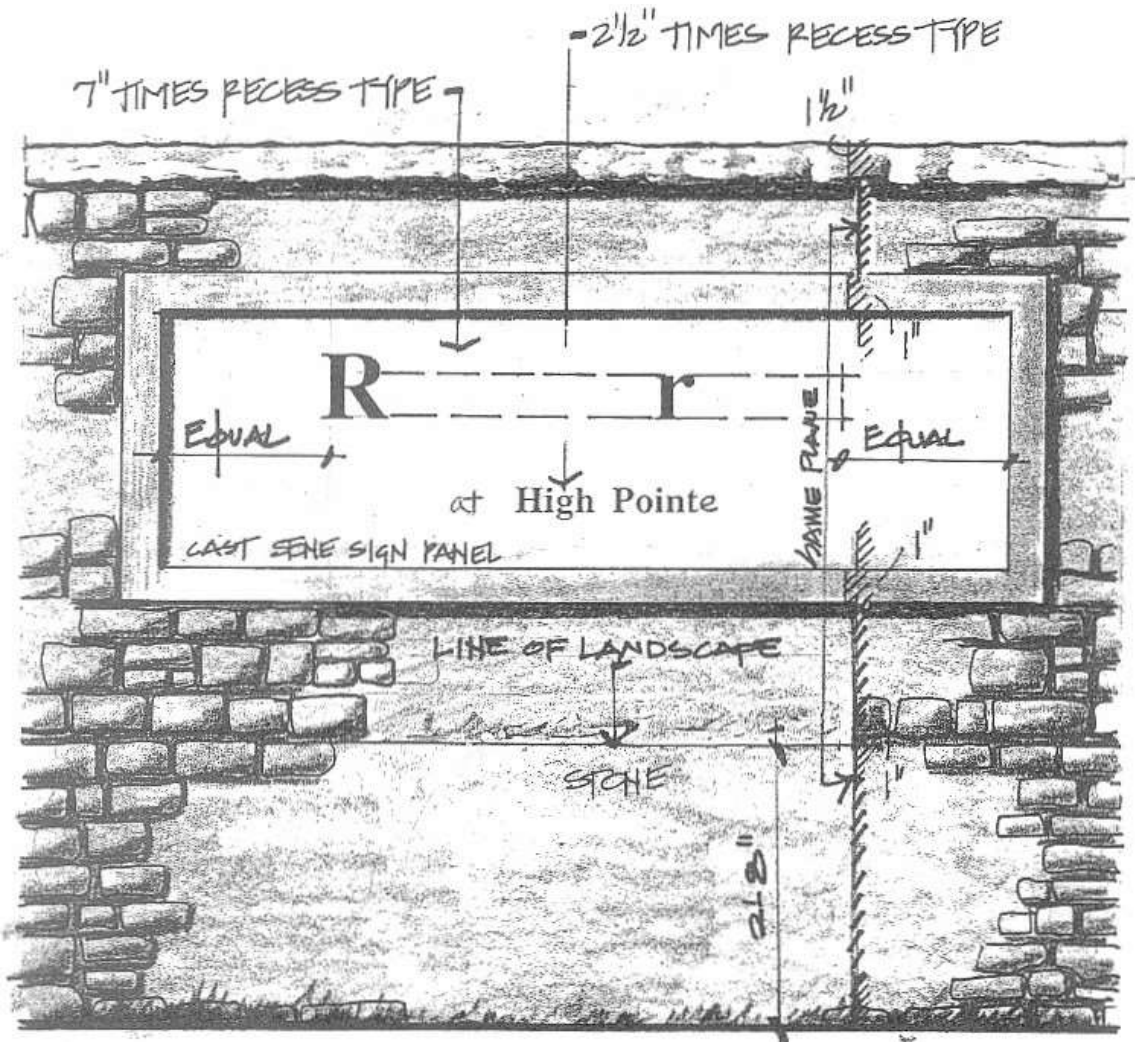
4'-0" MIN. IRRIGATED ZONE

TYPICAL FENCE OFFSET
PUBUC I PROVE ENT. DISTRICT NO. 1
DESIGN GUIDEUNES

ATTACH-rvIErNT 1Q

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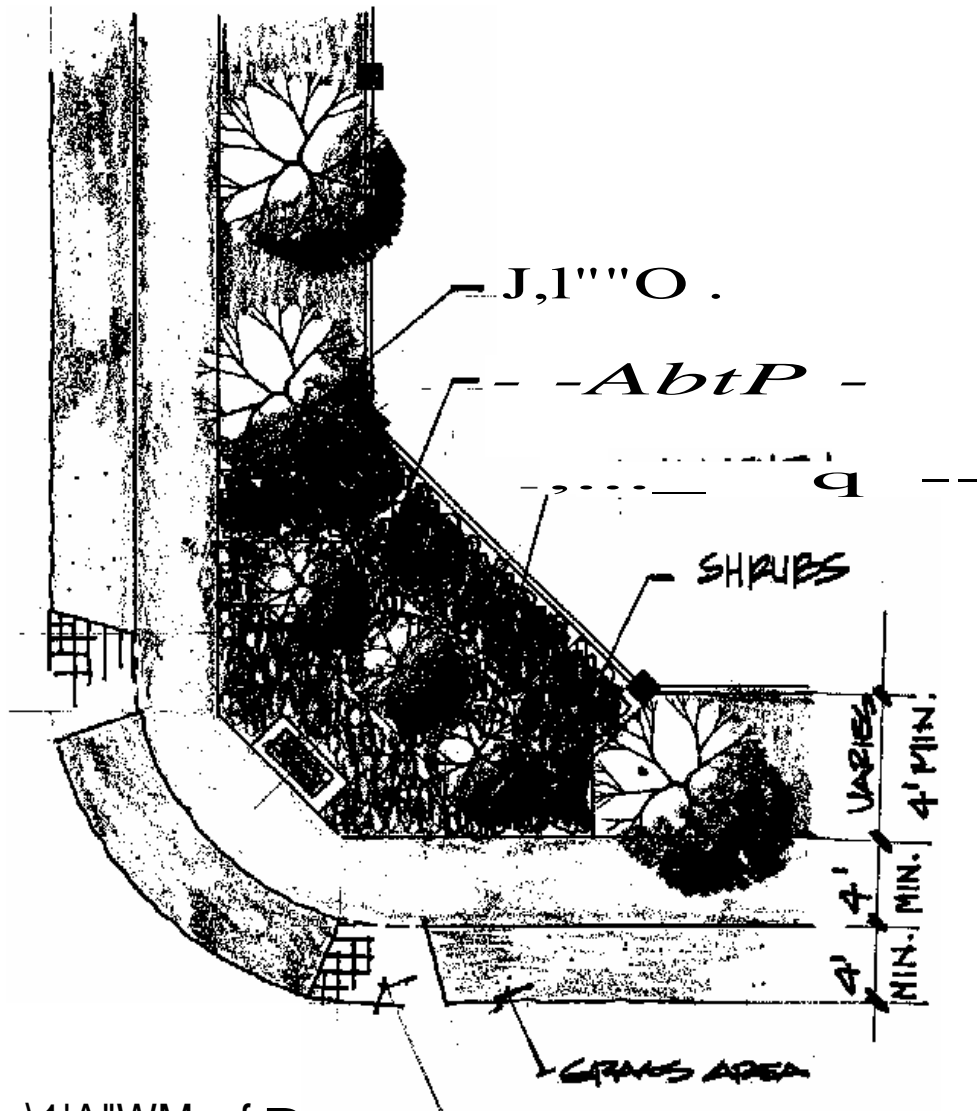
ATTACHMENT (.) SIGN WALL



FRONT ELEVATION
NOT TO SCALE.

Retail or Residential Signwall

High Pointe Public Improvement District 1
Design Guidelines- Page



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Inter.section Feature/
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High Pointe Public Improvement District No. 1
Design Guidelines-Page

APPENDIX E - APPROVED PLANT LIST

"Y": Denotes Yes

Plant Name		Plant Type	Size at Maturity		Plants Acceptable for Specific Areas				Water Use		Wet Areas	Sun Needs		
		Evergreen / Deciduous	Height	Spread	Building Proximity	Screening	Parking Lot	Street Yard	Low	Med		Full Sun	Part Shade	Full Shade
Scientific Name	Common Name													
Shade Trees														
Acer saccharum var. caddo	Caddo Maple	D	60'	30'			Y	Y	Y	Y		Y		
Acer x freemanii 'Autumn Blaze'	Autumn Blaze Maple	D	40'	30'			Y	Y						
Carya illinoensis	Pecan	D	100'	70'			Y	Y	Y			Y		
Fraxinus texensis	Texas Ash	D	50'	40'			Y	Y	Y			Y		
Magnolia grandiflora	SoutherN Magnolia	E	60'	30'	Y	Y				Y		Y		
Pistacia chinensis	Chinese Pistachio	D	35'	30'	Y		Y	Y		Y		Y		
Planttanus mexicana	Mexican Sycamore	D	60'	40'			Y	Y		Y		Y		
Quercus buckleyi	Texas Red Oak	D	30'	30'			Y	Y	Y			Y		
Quercus fusiformis	Live Oak	E	50'	60'		Y		Y	Y			Y		
Quercus macrocrapa	Bur Oak	D	80'	70'				Y	Y			Y		
Quercus muhlenbergii	Chinquapin Oak	D	80'	60'				Y	Y			Y		
Quercus shumardii	Shumard Oak	D	80'	80'				Y	Y			Y		
Quercus virginiana	Southern Live Oak	E	50'	60'		Y		Y	Y			Y		
Taxodium distichurn	Bald Cypress	D	80'	50'	Y	Y		Y		Y	Y	Y		
Ulmus crassifolia	Cedar Elm	D	80'	60'			Y	Y	Y			Y		
Ulmus parvifolia	Lacebark Elm	D	60'	40'	Y		Y	Y	Y			Y		
Screening Trees														
Cedrus deodera	Deodera Cedar	E	40'	30'		Y				Y		Y		
Cupressocyparis leylandii	Leyland Cypress	E	30'	12'	Y	Y			Y	Y		Y	Y	
Ilex x attenuata 'Fosteri'	Foster Holly	E	20'	15'	Y	Y				Y		Y	Y	
Ilex x. 'Nellie R. Stevens'	Nellie R. Stevens Holly	E	20'	15'	Y	Y						Y	Y	
Juniperus chinensis 'Blue Point'	Blue Point Juniper	E	15'	8'	Y	Y			Y			Y		
Juniperus virginiana	Eastern Red Cedar	E	40'	20'		Y			Y			Y		
Juniperus virginiana 'Brodie'	'Brodie'	E	25'	12'	Y	Y						Y		
Juniperus virginiana 'Taylor'	'Taylor'	E	30'	4'	Y	Y						Y		
Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	E	20'	10'	Y	Y				Y	Y	Y		
Pinus Eldarica	Eldarica Pine	E	30'	30'		Y				Y		Y		
Pinus thunbergiana	Japanese Black Pine	E	20'	15'		Y			Y			Y		

APPENDIX E - APPROVED PLANT LIST

"Y": Denotes Yes

Plant Name		Plant Type	Size at Maturity		Plants Acceptable for Specific Areas				Water Use		Wet Areas	Sun Needs		
		Evergreen / Deciduous	Height	Spread	Building Proximity	Screening	Parking Lot	Street Yard	Low	Med		Full Sun	Part Shade	Full Shade
Scientific Name	Common Name													
Ornamental Trees														
Cersis canadensis	Red Bud	D	20'	15'	Y		Y	Y	Y			Y	Y	
Cersis canadensis var. mexicana	Mexican Redbud	D	15'	15'	Y		Y	Y	Y			Y	Y	
Cersis canadensis var. texensis	Texas Redbud	D	20'	20'	Y		Y	Y	Y			Y	Y	
Chilopsis linearis	Desert Willow	D	25'	15'	Y		Y	Y	Y			Y		
Crataegus reverchonii	Hawthorn	D	20'	15'	Y				Y			Y	Y	
Ilex vomitoria	Yaupon Holly	E	20'	20'	Y	Y			Y	Y		Y	Y	Y
Lagerstroemia indica	Crape Myrtle (tree form)	D	20'	15'	Y				Y			Y		
Ligustrum lucidum	Japanease Ligustrum	E	20'	20'	Y	Y			Y	Y		Y	Y	
Vitex agnus-castus	Vitex	D	20'	15'	Y				Y			Y	Y	

APPENDIX E - APPROVED PLANT LIST

"Y": Denotes Yes

Plant Name		Plant Type	Size at Maturity		Plants Acceptable for Specific Areas					Water Use		Sun Needs		
		Evergreen / Deciduous	Height	Spread	Building Proximity	Parking Lot Screening	Other Screening	Parking Lot	Street Yard	Low	Med	Full Sun	Part Shade	Full Shade
Scientific Name	Common Name													
Shrubs														
Abelia x grandiflora 'Confetti'	Confetti Abelia	E	3'	3'	Y	Y		Y	Y		Y	Y	Y	
Abelia x grandiflora 'Prostrata'	Prostrate Abelia	E	1.5'	3'	Y			Y	Y		Y	Y	Y	
Abelia x. 'Edward Goucher'	Eward Goucher Abelia	E	5'	5'	Y	Y		Y	Y		Y	Y	Y	
Abelia x. grandiflora	Glossy Abelia	E	6'	6'	Y	Y		Y	Y		Y	Y	Y	Y
Abelia x. grandiflora 'Kaleidoscope'	Kaleidoscope	E	3'	4'	Y	Y		Y	Y		Y	Y	Y	
Agave ovatifolia	Whale's Tongue	E	3'	4'	Y			Y	Y	Y		Y	Y	
Berberis thunbergii 'atropurpurea'	Purpleleaf Japanese Barberry	D	5'	4'	Y			Y	Y		Y	Y	Y	
Buxus microphylla japonica	Boxwood	E	5'	5'	Y	Y		Y	Y		Y	Y	Y	
Callicarpa americana	American Beautyberry	D	5'	5'	Y			Y	Y	Y	Y	Y	Y	Y
Chaenomeles japonica	Flowering Quince	D	4'	6'	Y			Y	Y			Y	Y	
Cleyera japonica	Cleyera	E	10'	8'	Y		Y	Y	Y		Y	Y	Y	
Contoneaster glaucophylla	Cotoneaster	E	4'	4'	Y			Y	Y		Y	Y	Y	
Dasyllirion texanum	Texas Sotol	E	5'	5'	Y			Y	Y	Y		Y		
Dasyllirion wheeleri	Wheeler Sotol	E	5'	5'	Y			Y	Y	Y		Y		
Eleagnus pungens 'fruitiandi'	Eleagnus	E	6'	6'	Y		Y	Y	Y	Y		Y	Y	
Gardenia jasminoides	Gardenia	E	5'	5'	Y			Y	Y		Y		Y	
Ilex cornuta burfordi 'Pygmy'	Dwarf Burford Holly	E	5'	3'	Y	Y		Y	Y		Y	Y	Y	Y
Ilex vomitoria 'nana'	Dwarf Yaupon Holly	E	3'	3'	Y			Y	Y	Y	Y	Y		
Lagerstroemia indica	Dwarf Crepe Myrtle (shrub form)	D	5'	6'	Y			Y	Y	Y	Y	Y	Y	
Leucophyllum candidum 'Silver Cloud'	Silver Cloud Texas Sage	E	4'	4'	Y	Y		Y	Y	Y		Y	Y	
Leucophyllum candidum 'Thunder Cloud'	Thunder Cloud Texas Sage	E	3'	4'	Y	Y		Y	Y	Y		Y	Y	
Leucophyllum frutescens 'Compacta'	Compact Texas Sage	E	5'	5'	Y	Y		Y	Y	Y		Y	Y	
Leucophyllum sp	Texas Sage	E	5'	5'	Y	Y		Y	Y	Y		Y		
Lonicera albiflora	Texas Honeysuckle	D	4'	4'	Y			Y	Y	Y		Y	Y	
Lonicera fragranissima	Winter/Bush Honeysuckle	E	15'	10'	Y		Y	Y	Y	Y		Y	Y	

APPENDIX E - APPROVED PLANT LIST

"Y": Denotes Yes

[illegible]

APPENDIX E - APPROVED PLANT LIST

"Y": Denotes Yes

[illegible]

ILLUSTRATIONS

(Reserved)

Illustration 1

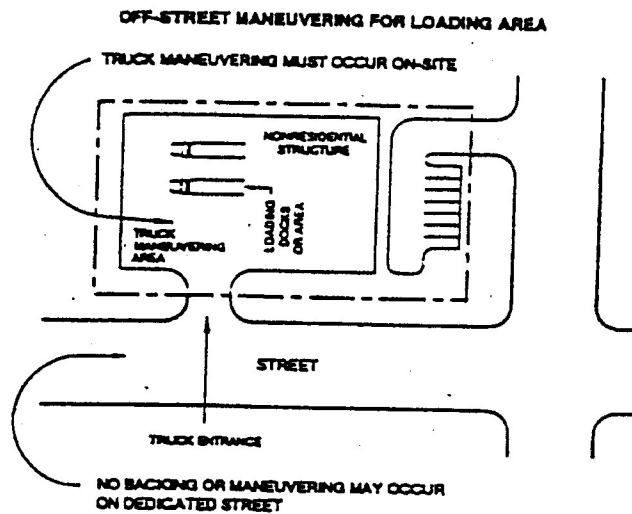
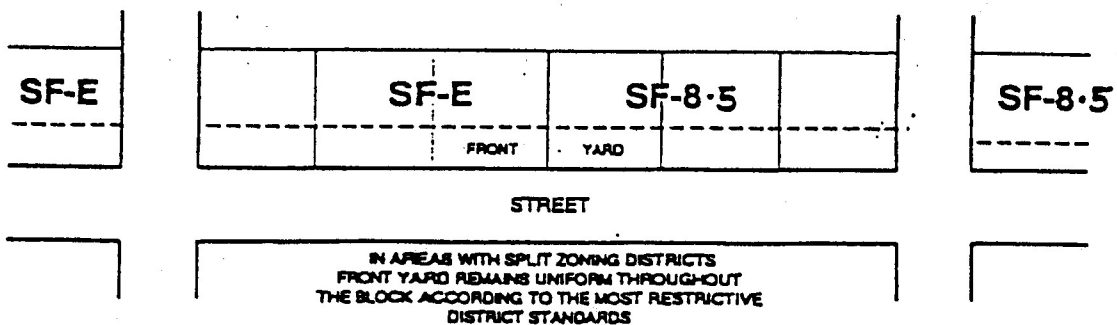
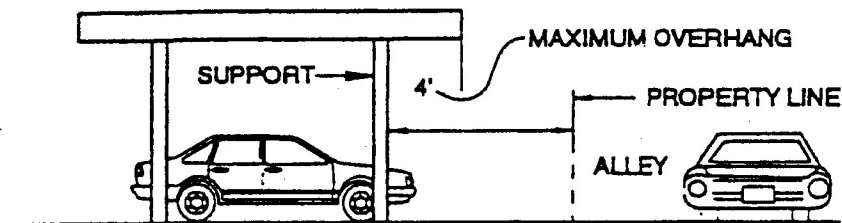
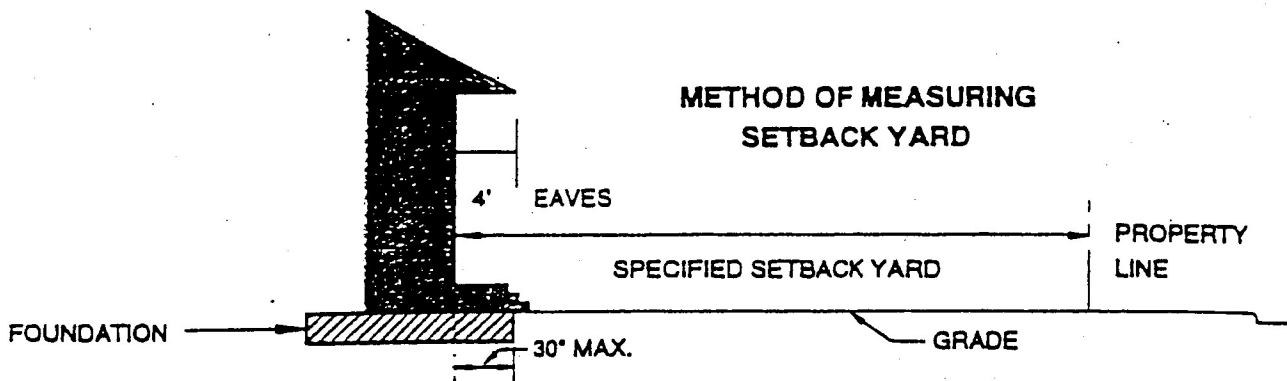


Illustration 2



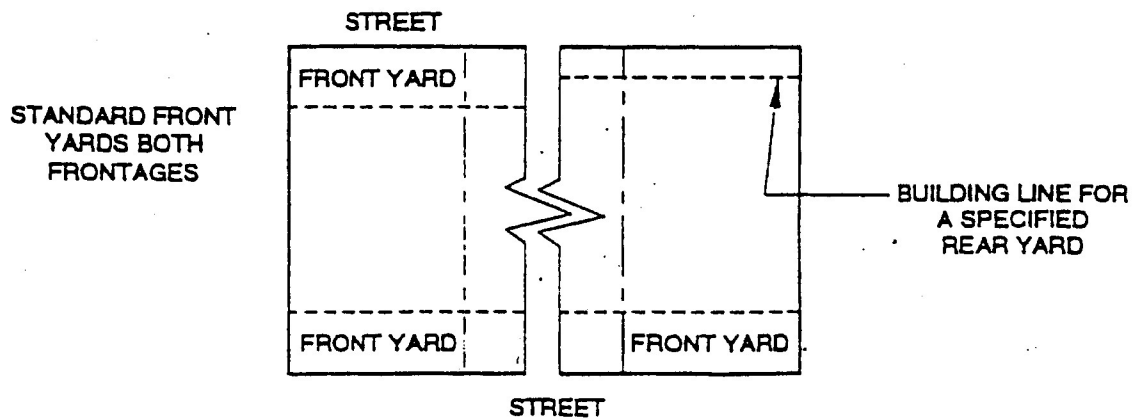
FRONT YARD WHERE ZONING CHANGES IN A BLOCK

Illustration 3



**METHOD OF MEASURING
CARPORT SETBACK**

Illustration 4



DOUBLE FRONTAGE LOTS

Illustration 5

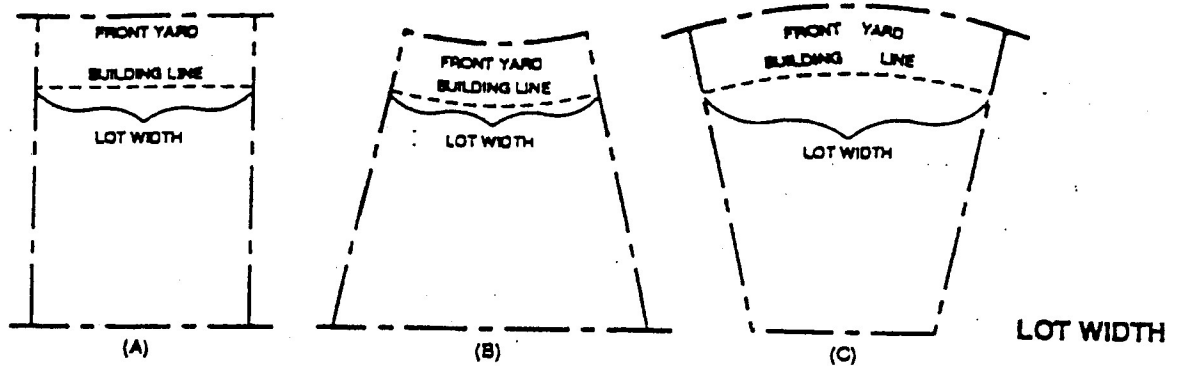


Illustration 6

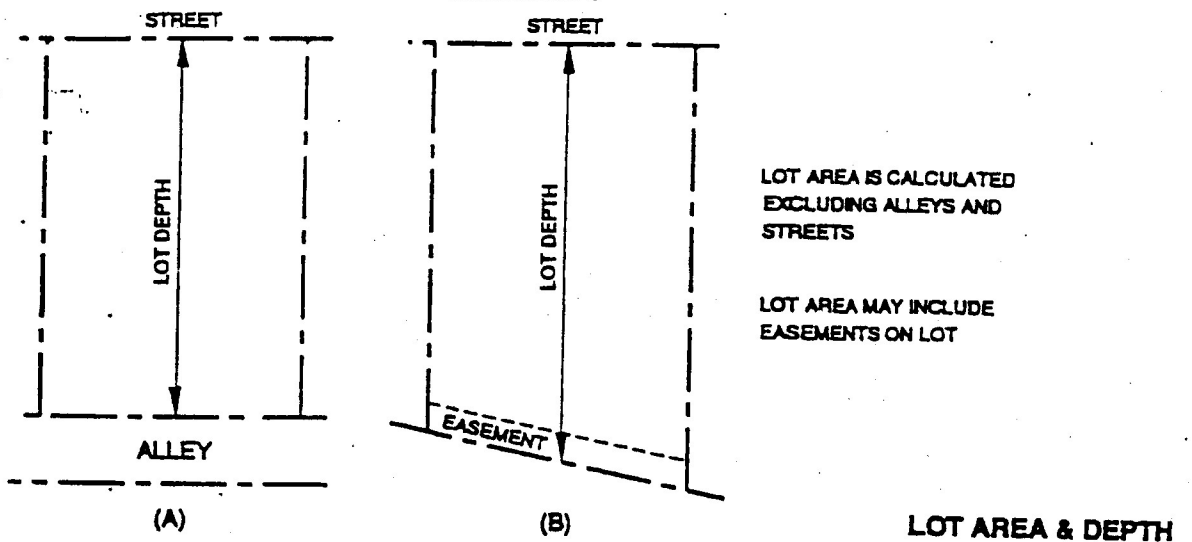
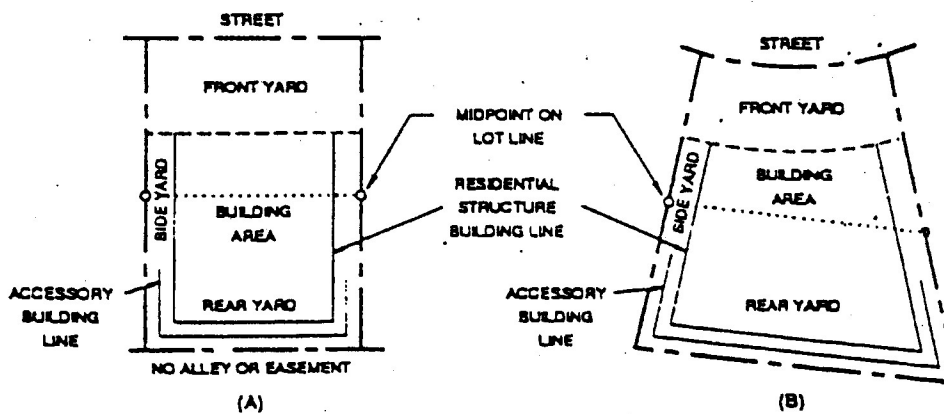


Illustration 7



YARDS
Illustration 8

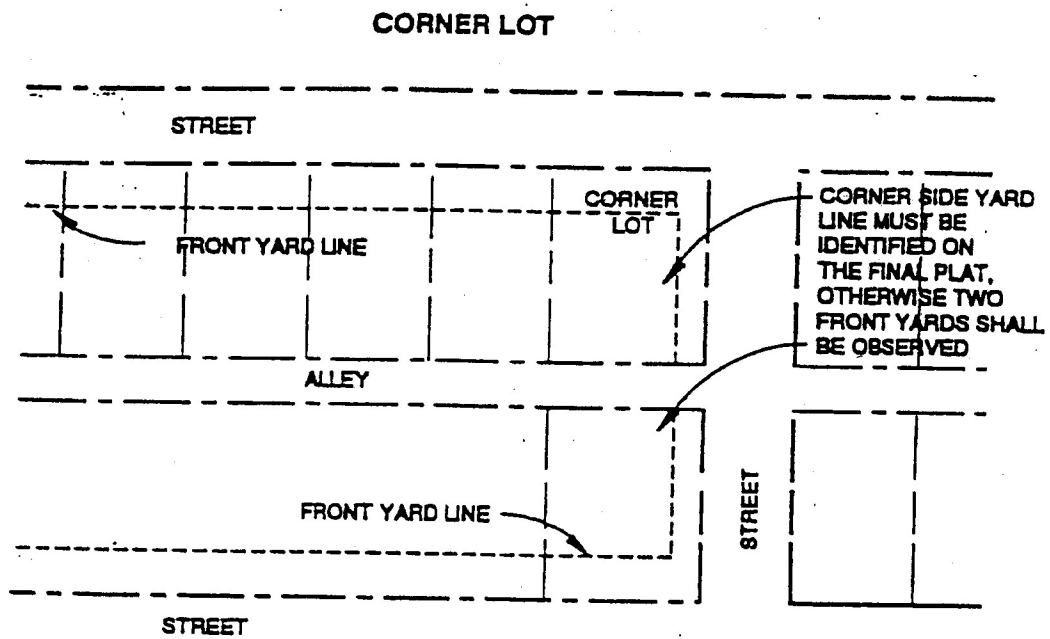
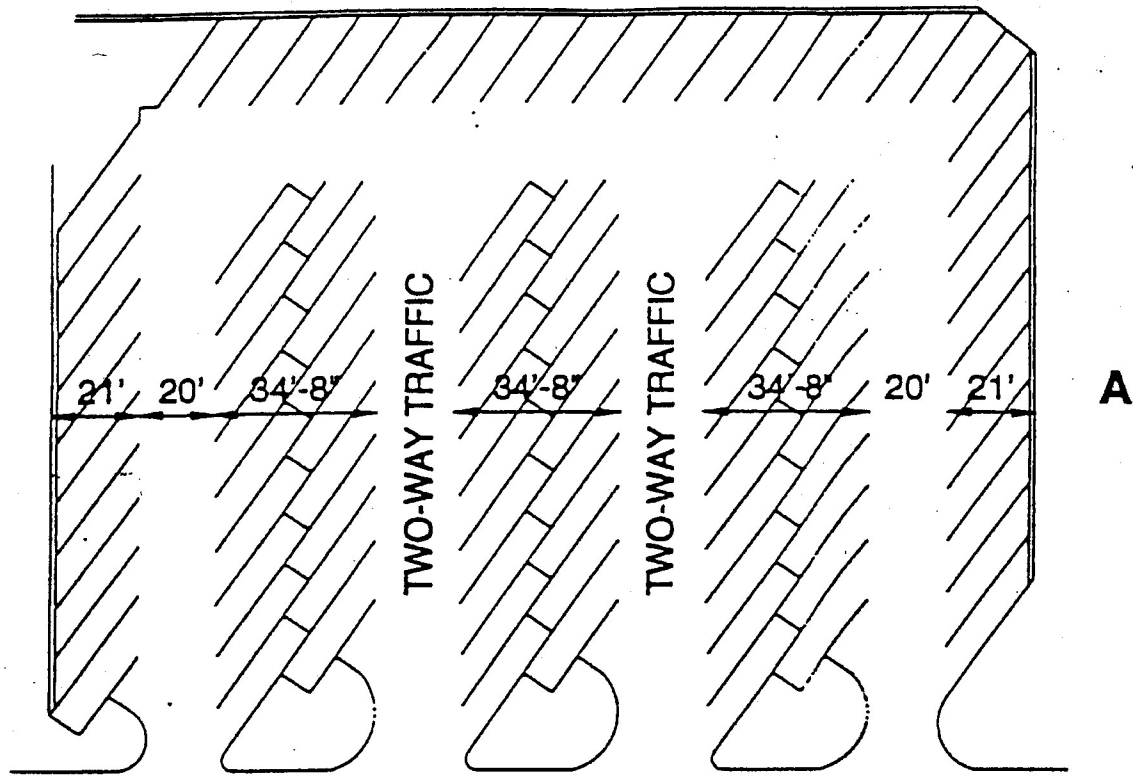
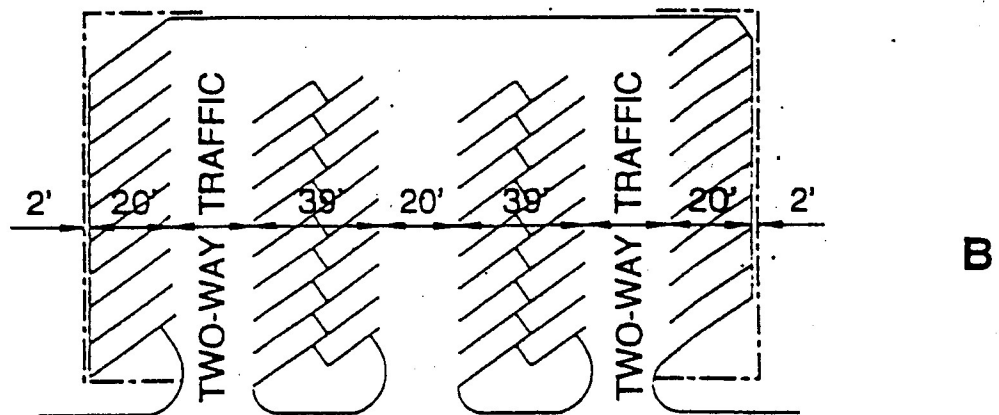


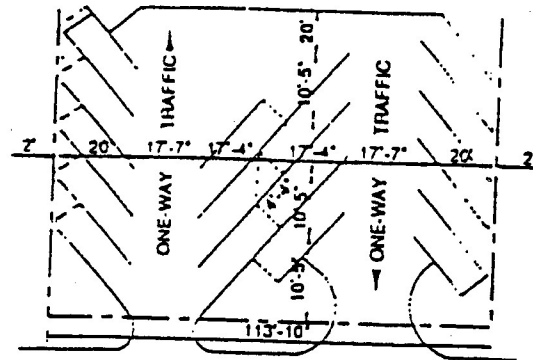
Illustration 9



60° LAYOUT WITH TWO-WAY TRAFFIC

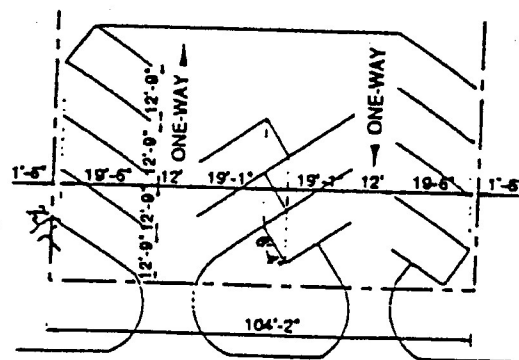


45° LAYOUT WITH TWO-WAY TRAFFIC



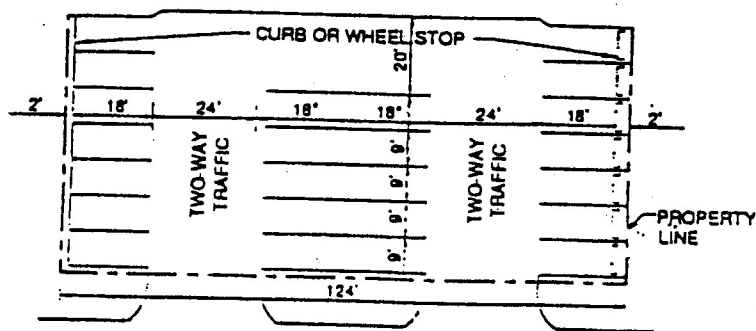
C

60° LAYOUT WITH ONE-WAY TRAFFIC



D

45° LAYOUT WITH ONE-WAY TRAFFIC



E

90° LAYOUT

Illustration 10

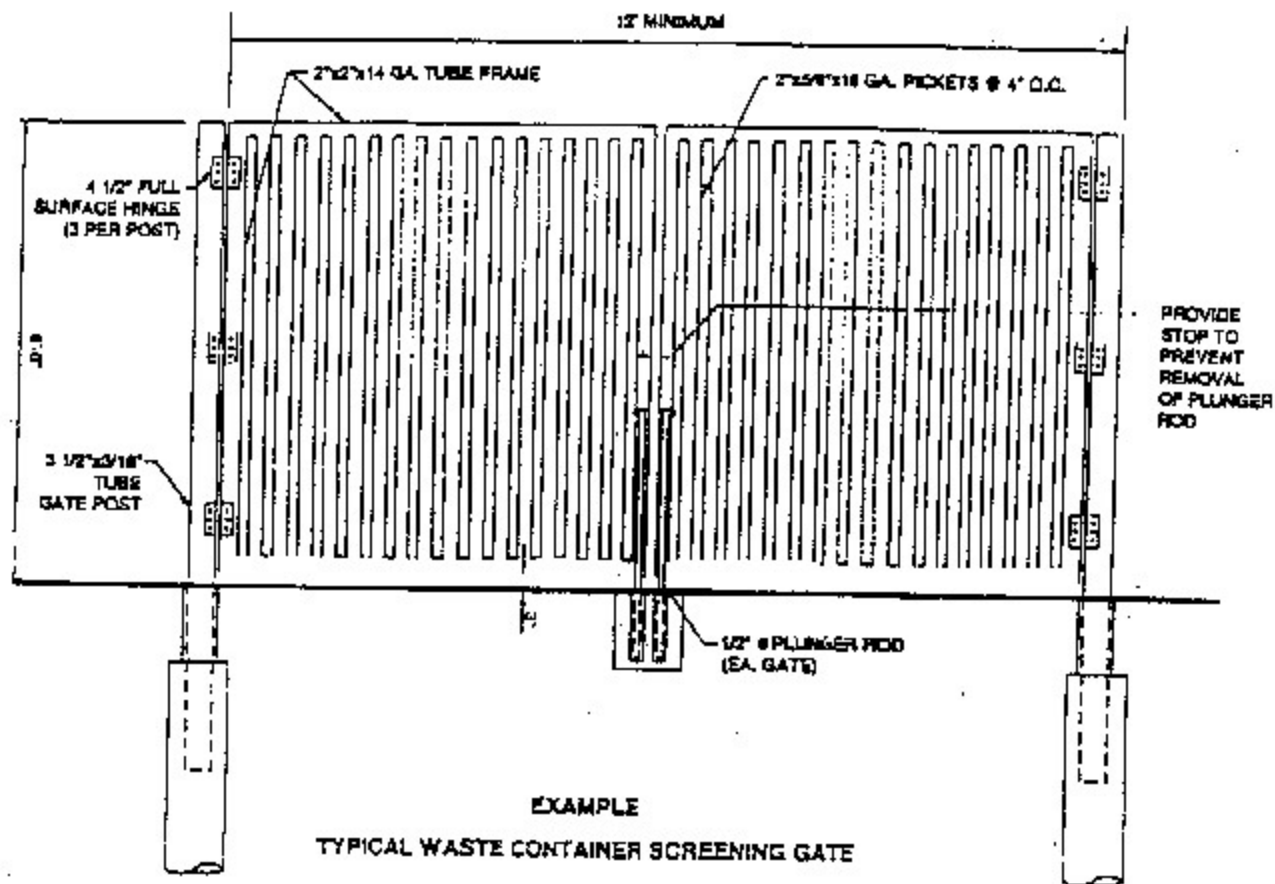


Illustration 11

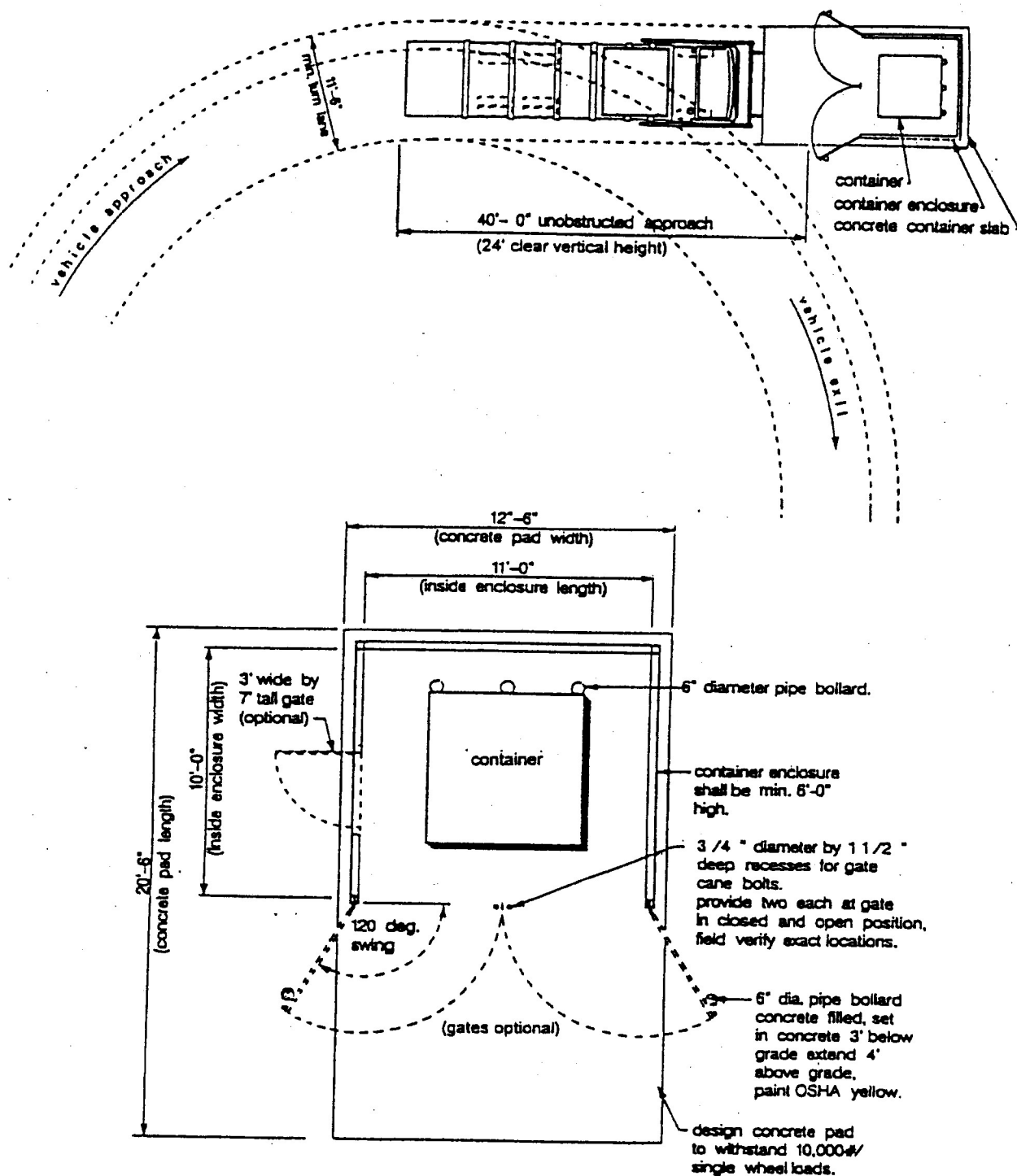
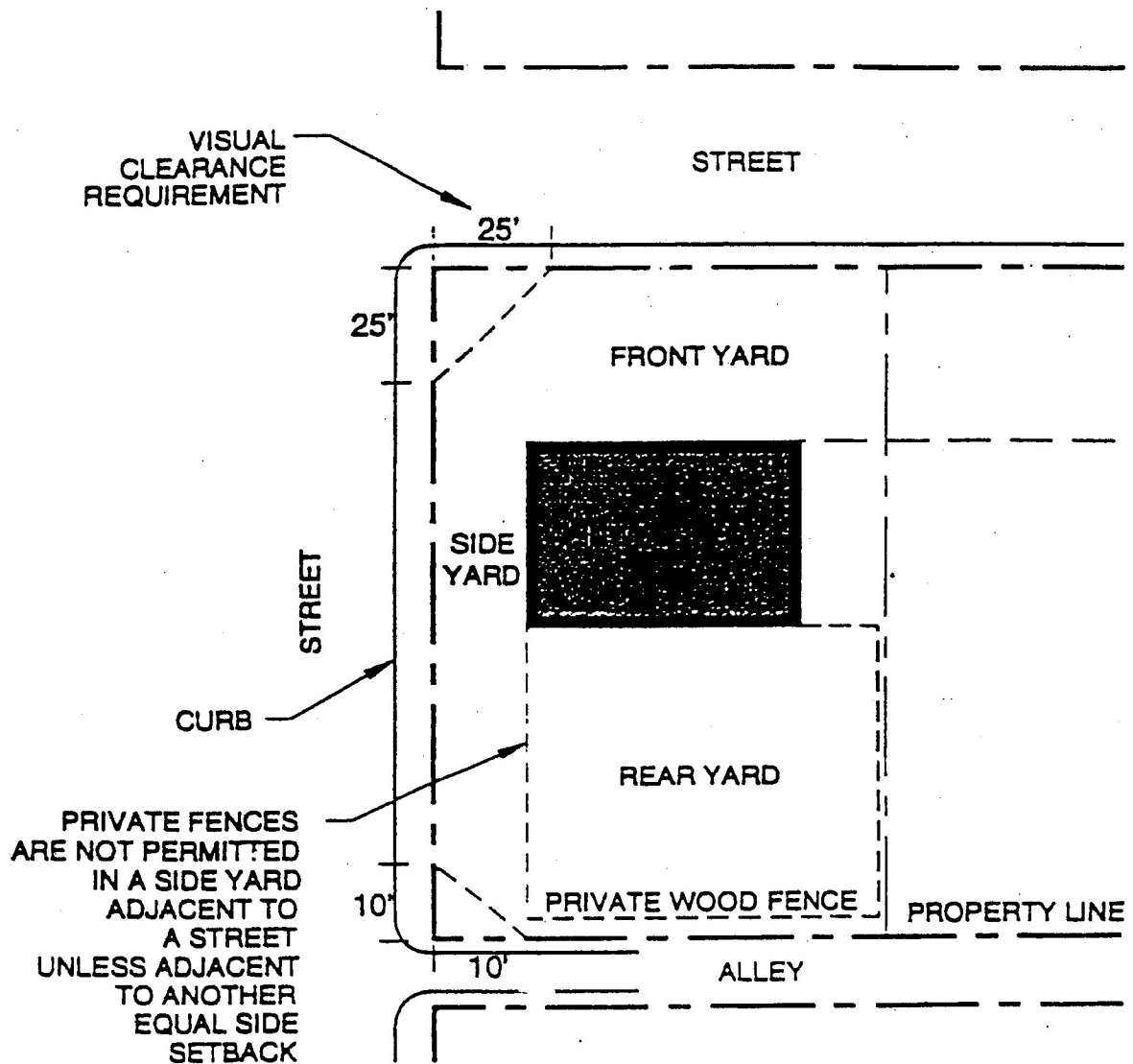
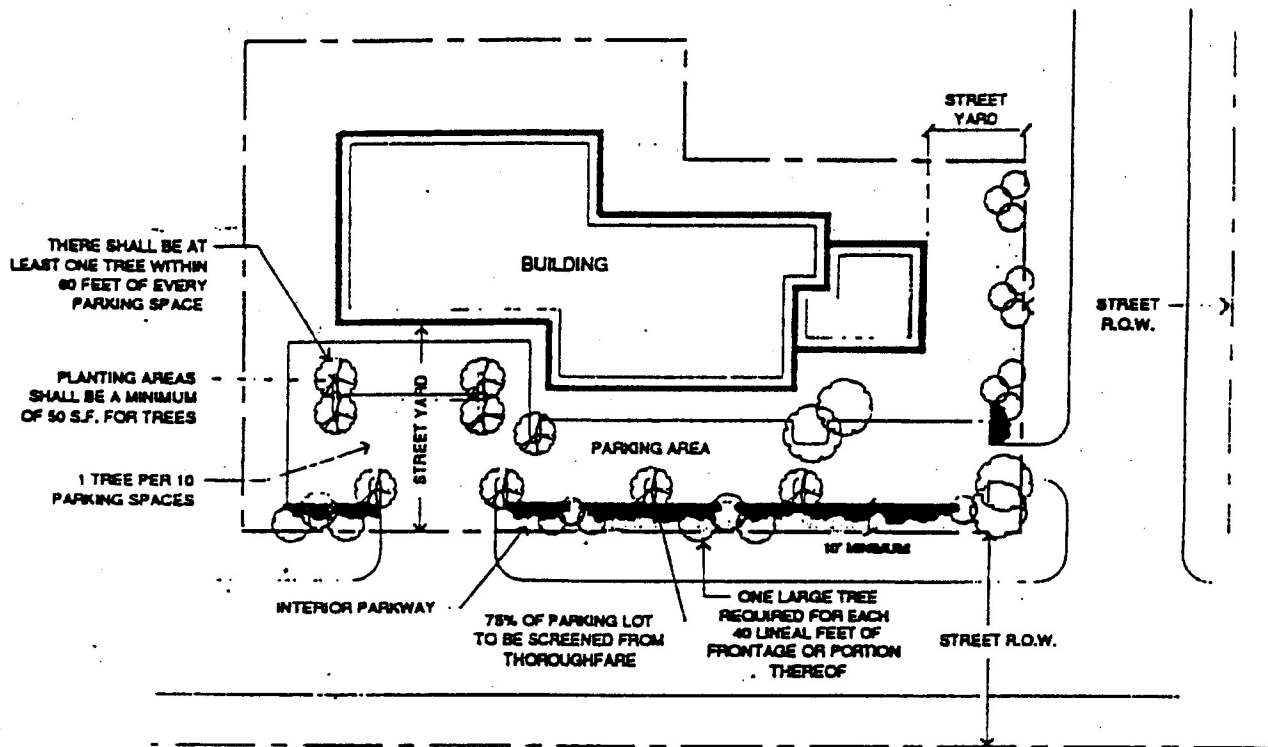


ILLUSTRATION #11



**FENCE & SIGHT REQUIREMENTS
FOR CORNER LOTS**

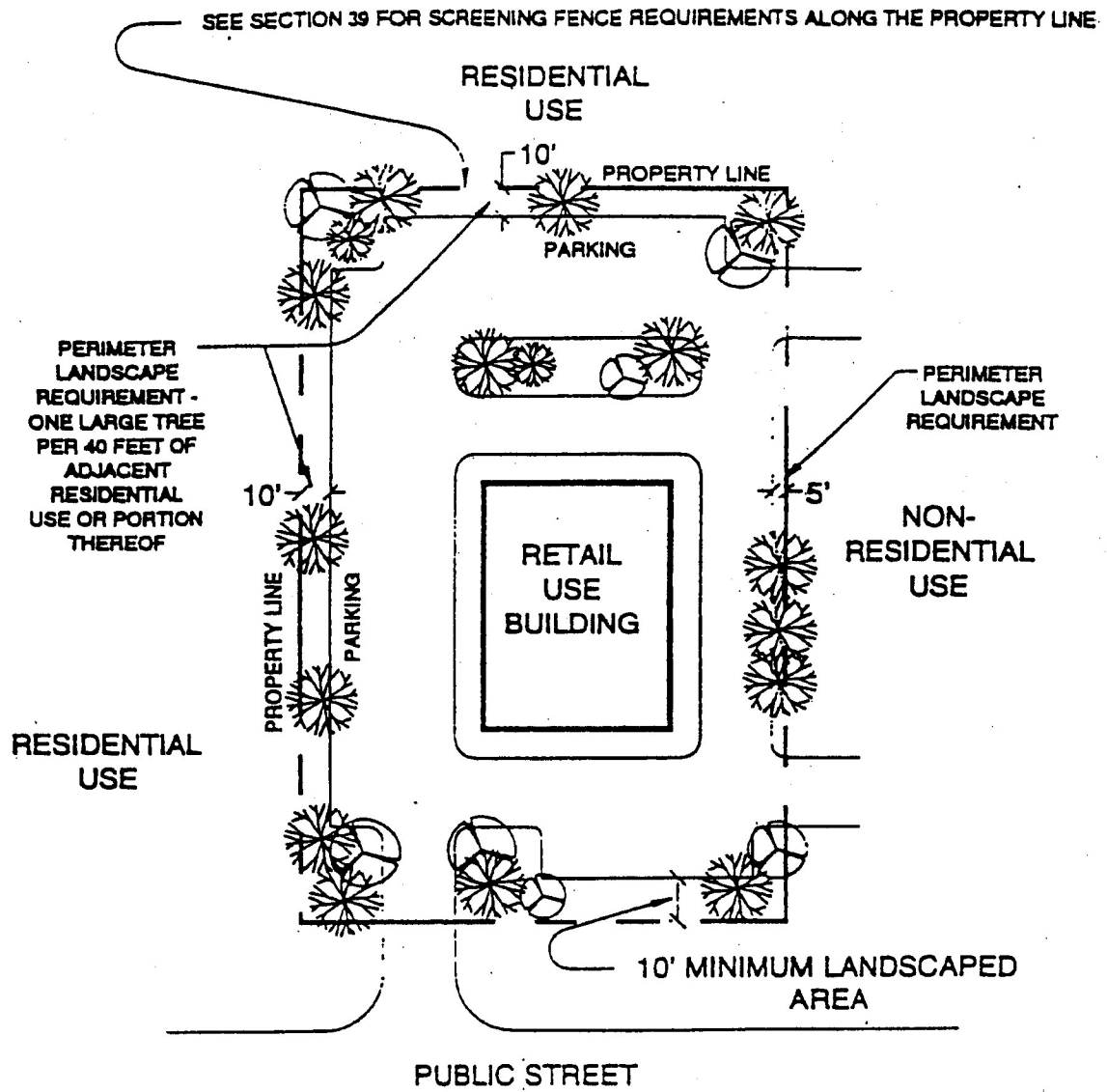
Illustration 12



LANDSCAPE REQUIREMENTS

EXAMPLE

Illustration 13



PERIMETER LANDSCAPE REQUIREMENT

Illustration 14