

Phase II MS4 Annual Report Transmittal for the City of Dalworthington Gardens, Texas

A. General Information

1. Provide the:

- Assigned Authorization Number: TXR040598
- Reporting Year 2
- Reporting Option Selected: Annual
- Beginning and End Dates: January 1, 2020 through December 31, 2020
- MS4 operator level: Traditional Small MS4
- Name of the permittee: City of Dalworthington Gardens
- Name, telephone number, mailing address, and e-mail address for the appropriate contact person:
 Jeff Chasteen
 817-275-1234
 2600 Roosevelt Drive, Dalworthington Gardens, Texas 76016
jchasteen@cityofdwtg.net

B. Status of Compliance with the MS4 GP and SWMP

1. Provide information on the status of complying with permit conditions: (TXR040000 Part IV.B.2)

	Yes	No	Explain
Permittee is currently in compliance with the SWMP as submitted to and approved by the TCEQ.	X		In compliance
Permittee is currently in compliance with recordkeeping and reporting requirements.	X		In compliance
Permittee meets the eligibility requirements of the permit (e.g., TMDL requirements, Edwards Aquifer limitations, compliance history, etc.).	X		In compliance
Permittee conducted an annual review of its SWMP in conjunction with preparation of the annual report	X		In compliance

2. Each MS4 is required to assess the appropriateness of each BMP in reducing the discharge of pollutants to the maximum extent practicable (MEP). Provide a detailed assessment of the appropriateness of the selected BMPs, including whether any of the selected BMPs are not appropriate. This information may be included in a tabular format as provided in the form

BMPs for Stormwater Pollution and Prevention start on next page

MCM 1: Public Education, Outreach, and Involvement

1.1 Construction Site and Waste Management Guideline:

This BMP contributes to cleaner construction sites and is given to every permitted construction job in the city. See example below of the handout to contractors.

Erosion & Pollution Controls

(Continuation)

- ☑ You are required to minimize offsite vehicle tracking of sediments and the generation of dust, including those caused by your contractors and suppliers.
- ☑ You (or other qualified personnel) are required to inspect the site and erosion and sediment controls at a frequency specified by the TCEQ permit. The SWP3 must be modified based on the results of inspections.

The SWP3 is a LIVING DOCUMENT and it must reflect the changes in the site. Any modifications in the site must be documented in the SWP3.

Help us to protect the water quality of our streams and lakes and

KEEP
DALWORTHINGTON
GARDENS BEAUTIFUL


Thanks to Tarrant County for information contained in this brochure.

Additional Resources for Developing a SWP3

- TCEQ Construction Storm Water Permit Home Page: www.tceq.state.tx.us/hav/permits/wq_construction.html
- Construction Industry Compliance Assistance Center: www.cicac-center.org
- North Central Texas Council of Government is™ Design Manual for Construction: www.nctcog.org/archives-resources.asp



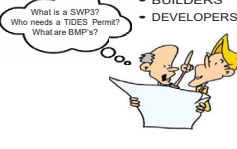
2600 Roosevelt Drive
 Dalworthington Gardens, TX
 76016
 817-275-1234 Phone
 817-285-4401 Fax



ATTENTION!

- CONTRACTORS
- BUILDERS
- DEVELOPERS




What is a SWP3?
Who needs a TIDES Permit?
What are BMP's?



Construction Activities could be:

- ☞ Grading
- ☞ Excavation
- ☞ Paving
- ☞ Utility Installation
- ☞ Site Development
- ☞ Building Construction

For Questions call: 817-275-1234

<p>Regulations Affecting Construction Activity <input type="checkbox"/></p>  <p>On March 5, 2008, the Texas Commission on Environmental Quality (TCEQ) renewed the General Permit to Discharge Waste from construction sites, under the Texas Pollutant Discharge Elimination System (TPDES). This permit applies to storm water and other discharges from construction sites. Under the Phase II storm water Regulations affecting small municipalities, Dalworthington Gardens is required to develop and implement a program to reduce pollutants in storm water from construction activities disturbing one or more acres of land. The following is a brief list of the requirements.</p> <ul style="list-style-type: none"> ☑ The TPDES permit separates construction sites into two categories: large construction sites that will disturb (by itself or as part of a common plan of development) 5 or more acres of land; and small construction sites that will disturb (alone or as part of a common plan of development) between 1 and 5 acres of land. Land disturbing construction is defined as the exposure of soil resulting from activities such as clearing, grading, and excavating. ☑ To apply for the permit, large construction sites: <ul style="list-style-type: none"> ☞ Must submit to the TCEQ a Notice of Intent (NOI), together with an application fee prior to commencing construction activities; ☞ Must develop and implement a Storm Water Pollution Prevention Plan (SWP3); ☞ Must post a copy of the NO at the construction site for public viewing and; ☞ Must provide a copy of the NOI to the City of Dalworthington Gardens, at least 2 days prior to commencing construction activities. ☑ To obtain permit coverage, <u>small</u> construction sites: <ul style="list-style-type: none"> ☞ Must submit a TCEQ Construction Site Notice to the City at least 2 days prior to commencing construction activities. ☞ Must develop and implement a Storm Water Pollution Prevention Plan (SWP3) and; ☞ Must post a signed copy of the TCEQ Construction Site Notice at the construction site for public viewing; ☞ Small construction sites are not required to submit a NOI or pay a fee. ☑ The SWP3 must identify and address all potential sources of pollution at the site, and describe and ensure control measures called Best Management Practices (BMP' s) will be used to reduce pollutants in storm water discharges from the site. It is recommended that you prepare your SWP3 following the guidelines found in the ISWM™ Design Manual for Construction. 	<p>Erosion & Pollution Controls <input type="checkbox"/></p>  <p>BMP' s such as silt fences and inlet protection must be working properly. Not all devices will work everywhere; you are responsible for cleaning and replacing any device as necessary. Inlet protection must be inspected regularly and cleaned when sediment has covered the fabric. Silt fences that have fallen or are damaged in any other way must be replaced immediately. Using only qualified personnel to install your BMP' s will save you troubles in the long run.</p> <ul style="list-style-type: none"> ☑ You are responsible for all the waste generated at your construction site. All waste must be placed in a trash container at all times. If your waste is deposited or blown into a creek or any other area outside your site, you are responsible for cleaning it immediately. Both onsite and offsite material storage areas and appropriate housekeeping practices must be included in your SWP3. If you are using a nearby lot for storage of materials, you are responsible for maintaining the sediment controls in that lot, even if the lots is not your own. ☑ You should preserve existing vegetation when possible, and must stabilize any disturbed area where construction activity has temporarily or permanently ceased. The stabilization must take place within 14 days of the end of activities unless construction will resume within 21 days. You have several options to accomplish temporary stabilization including revegetation, sod stabilization, mulching, geotextile fabric and others. You must make sure that the method you are using is effective; stabilization is not the mere application of grass seed! <p style="text-align: right;">(Continued...)</p>
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1.2 Fats, Oils, and Grease Education:

This BMP keeps cleaner sewer lines, leading to less S.S.O.'s and is on the City Website at <https://www.cityofdwg.net/stormwater-management> and is also posted to the Monthly newsletter.

Keeping Fats, Oils, and Grease out of the Sewer System

Fats, oils, and grease (FOG) comes from meat fats in food scraps, cooking oil, shortening, lard, butter and margarine, gravy, and food products such as mayonnaise, salad dressings, and sour cream. FOG poured down kitchen drains accumulates inside sewer pipes. As the FOG builds up, it restricts the flow in the pipe and can cause untreated wastewater to back up into homes and businesses, resulting in high costs for cleanup and restoration. Manholes can overflow into parks, yards, streets, and storm drains, allowing FOG to contaminate local waters, including drinking water. Exposure to untreated wastewater is a public-health hazard.

FOG discharged into septic systems and drain fields can cause malfunctions, resulting in more frequent tank pump-outs and other expenses.

Restaurants, cafeterias, and fast-food establishments spend tens of thousands of dollars on plumbing emergencies each year to deal with grease blockages and pump out grease traps and interceptors. Some cities also charge businesses for the repair of sewer pipes and spill cleanup if they can attribute the blockage to a particular business. Some cities also add a surcharge to wastewater bills if a business exceeds a specified discharge limit. These expenses can be significant.

Communities spend billions of dollars every year unplugging or replacing grease-blocked pipes, repairing pump stations, and cleaning up costly and illegal wastewater spills. Excessive FOG in the sewer system can affect local wastewater rates.

So, keeping FOG out of the sewer system helps everyone in the community.

Website: <https://www.cityofdwg.net/stormwater-management>

1.3 Household Hazardous Waste Program:

This BMP assures that less hazardous waste is disposed of incorrectly and is posted in a link from the city website at <http://hhwsolutions.com/> or residents are instructed to contact 972-440-2040 for HHW Solutions as we contract with them to take hazardous waste. They arrive at the resident's house and pick up from the doorstep making it easier for residents to dispose of hazardous waste.

1.4 Pet Waste Management:

This BMP helps control fecal contamination with storm water runoff and pet station are located at areas within the park to persuade residents and visitors to clean up after their pets. 1000 or more bags are used every year.



1.5 Recycling Program:

This BMP directly reduces pollutants as Recycle bins are enclosed and keep trash from getting into the storm ditch. Recycle Bins are given to every resident that starts a new water account with city or available upon request.

1.6 Storm Drain Inlet marking:

This BMP can reduce the amounts of pollution entering in the storm drain system. All storm drains in the city have these markers. Any new development these markers will added to storm drain inlets.



1.7 Stormwater Webpage:

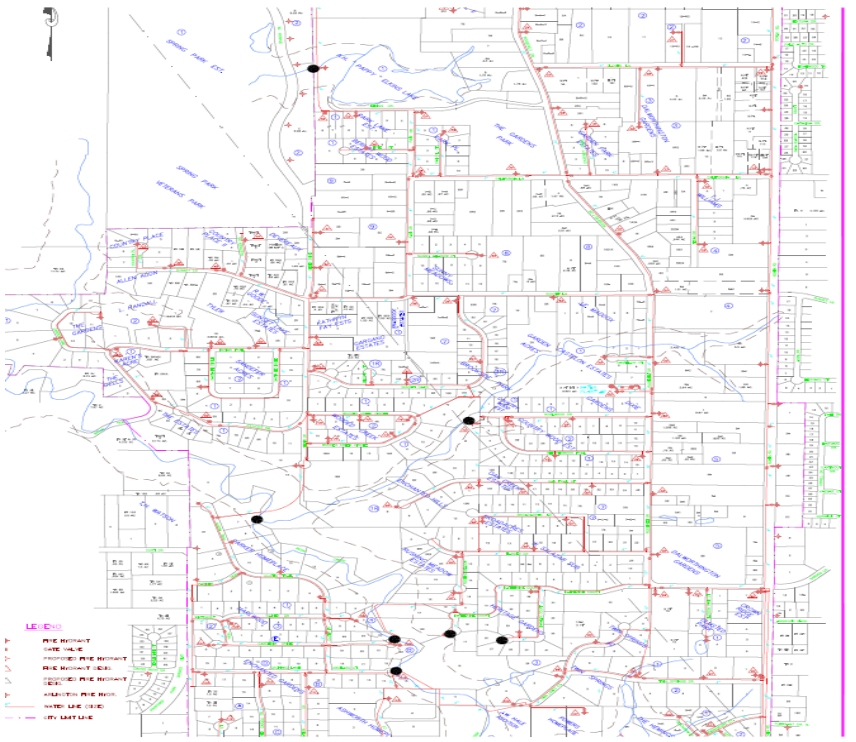
This BMP provides education to citizens and other stakeholders about stormwater pollutants.

<https://www.cityofdwg.net/stormwater-management>

MCM 2: Illicit Discharge, Detection and Elimination

2.1 Storm Drainage System Map:

This BMP allows city staff to easily track and address and illicit discharge if it occurs.



MCM 2: Illicit Discharge, Detection and Elimination

2.2 Education and Training on Illicit Discharges:

This BMP is conducted annually and provides continued education to maintain standards on stormwater pollutants.

Storm Water Training

Date: 8/19/20

Training videos : Illicit Discharge Detection and Elimination, Construction Stormwater Awareness, Preventing Stormwater Pollution, Stormwater: planning for the future N.C.T.C.O.G. :

Attendees:

Attendees: Marcus Day
MC BJ
JEFF CHASTEEN
DAVID FLORES
D
MAY HAY

2.3 Public Reporting and Response Procedures:

This BMP allows residents an easy way to communicate illicit discharges to the city. Once received response is usually within 1 day of notification. Residents have three ways to contact the city.

City Hall: 817- 275-1234

After hours emergency: 817-275-1234

Fix it form Online: <https://www.cityofdwg.net/contact-us>

2.4 Source Investigation and Elimination:

This BMP allows us to track illicit discharge areas. Program setup to report in emergency reporting and Incode work order system. No illicit Discharges were reported or investigated in year 2020

2.5 Detection and Elimination of Illicit Sanitary Sewer Discharges:

This BMP allows the city staff to reduce the volume of SSO's. When a believed SSO has occurred, steps are made to correct the issue and reported to the TCEQ.

- 1- SSO occurred in 2020 and 1,850 LF of sewer pipe was cleaned in 2020

MCM 3: Construction Site Stormwater Runoff Control

3.1 Erosion and Sediment Control

This BMP allows controls in place for erosion and sediment control. Every contractor is given a handout educating them on erosion control. The below ordinance helps city staff enforce the policies. Copy of Ordinance can be found in back.

3.2 Construction Plan Review Procedure:

This BMP allows us to apply the proper procedure for reducing pollutants entering the water bodies. All construction sites are permitted and reviewed before ground is broke on the site. 144 plan reviews occurred this year.

3.3 Construction Site Inspections and Enforcement:

This BMP allows city staff the ability to enforce measures to prevent runoff pollution during the construction process.

Example Checklist below



CITY OF DALWORTHINGTON GARDENS EROSION PREVENTION & SEDIMENT CONTROL PLAN CHECKLIST

1. Location Map (small scale, 7 ½ minute U.S.G.S. quadrangle)

- Property lines of the project
- Critical natural or man-made features within 3000 feet of the project, including streams, ponds, wetlands, roads, buildings, and utilities
- Sufficient nearby features to allow reviewer to locate the site for an inspection

2. Existing Conditions Site Plan (scale 1"=100' or larger)

- Existing topographic contours (5 feet or smaller interval)
- Drainageway, water features
- General vegetative cover types within 200 feet of water features (e.g. field, hardwood forest, grass, etc.)
- Vegetative cover types in all proposed disturbance areas and areas receiving and treating runoff for the construction site
- Soil map and key
- Identified sensitive areas (e.g. steep slopes, erodible soils, wet areas)
- Structures, roads, utilities
- North arrow, scale, date, elevation datum
- Property lines

3. Grading Plan and Construction Timetable (scale 1"=100' or larger)

- Existing and proposed topographic contours
- Limits of soil disturbance and method to be used for demarcation of these limits on site
- Areas of various construction phases, including sequential and concurrent activities

- Proposed structures, roads, utilities
- Location of topsoil stockpiles, staging areas, equipment storage, and refueling/maintenance
- Location of disposal areas for excess soil (include map if off-site)
- Boundaries for undisturbed riparian buffers
- North arrow, scale, date, elevation datum
- Property lines

4. Erosion Prevention and Sediment Control Plan (scale 1"=100' or larger)

- Limits of soil disturbance
- Riparian conservation buffer limits and method to be used for demarcation
- Location of all structural erosion and sediment control measures and details
- Location of areas to be seeded and mulched
- Stormwater pathways
- Erosion control matting on slopes greater than 3:1
- No hay bales or silt fence running across contours or in areas of concentrated flow
- Chart of inspection and maintenance schedule of all control measures
- Name and phone number of on-site coordinator
- Storm sewer inlets adequately protected (detail required)
- Stabilized construction entrance shown (detail required)
- North arrow, scale, date, elevation datum

Note: If necessary to convey the sequential nature of construction activities and associated erosion and control implementation, several plan sheets showing successive site conditions are recommended.

5. Narrative

- General description of project

6. Site Inventory and Analysis

- Site drainage characteristics (up and down-gradient)
- Drainage, waterways, bodies of water
- Topography, existing roads, building, utilities
- Vegetation
- Soils
- Proximity to natural or man-made water features

7. Grading Plan and Timetable

- Description of proposed grading, seasonal limitations
- Timetable of all major construction and earth change activities, including stabilization methods for winter
- Description of the strategies of the control plan and why it will be effective in protecting water resources
- Description of seeding and mulching plan including:
 - Location of areas to be seeded
 - Lime and fertilizer application rates
 - Seed mixes (appropriate for soil types)
 - Types of mulch/matting materials and discussion of appropriateness of each measure for soil type, topography, etc.
 - Mulch/matting application rates
 - Mulch/matting anchoring methods (including discussion of windthrow and winter conditions)
 - Mulching/matting dates
- Description of all structural erosion and sediment control measures
- Design calculations for all temporary and permanent structural control measures
- Description of the inspection, maintenance, and records program for all control measures
- Identification, basic qualifications, and contact number for on-site coordinator

3.4 Construction Stormwater Training:

This BMP allows city staff to be properly trained to spot issues regarding construction stormwater. Training occurs annually. Training occurs annually. See training folder.

3.5 Construction Site Stormwater Education:

This BMP is given to every permitted construction site within the city. It helps educate contractors about stormwater runoff at the construction site. Over 144 guidelines were handed out in 2020

Erosion & Pollution Controls
 (Continuation)

You are required to minimize off-site vehicle tracking of sediments and the generation of dust, including those caused by your contractors and suppliers.

You (or other qualified personnel) are required to inspect the site and erosion and sediment controls at a frequency specified by the TCEQ permit. The SWP-3 must be modified based on the results of inspections.

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Help us to protect the water quality of our streams and lakes and

KEEP DALWORTHINGTON GARDENS BEAUTIFUL

Thanks to Tarrant County for information contained in this brochure.

Additional Resources for Developing a SWPs

- TCEQ Construction Storm Water Permit Home Page
www.tceq.state.tx.us/nrp/permits/swc_construction.html
- Construction Industry Compliance Assistance Center:
www.cicacenter.org
- North Central Texas Council of Government's™ Design Manual for Construction:
www.nctcog.org/br/dives-resources.asp



2800 Roosevelt Drive
 Dallas/Ft. Worth, TX 76016
 817-275-1234 Phone
 817-285-4401 Fax

DWG

ATTENTION!




- CONTRACTORS
- BUILDERS
- DEVELOPERS

What is a SWP-3?
 What are the TCEQ's Permit?
 What are SWP-3's?

Construction Activities could be:

- Grading
- Excavation
- Paving
- Utility Installation
- Site Development
- Building Construction

For Questions call: 817-275-1234

Regulations Affecting Construction Activity	Erosion & Pollution Controls
 <p>On March 5, 2008, the Texas Commission on Environmental Quality (TCEQ) renewed the General Permit to Discharge Waste from construction sites, under the Texas Pollutant Discharge Elimination System (TPDES). This permit applies to storm water and other discharges from construction sites. Under the Phase II storm water Regulations affecting small municipalities, Dalworthington Gardens is required to develop and implement a program to reduce pollutants in storm water from construction activities disturbing one or more acres of land. The following is a brief list of the requirements.</p> <ul style="list-style-type: none"> ☑ The TPDES permit separates construction sites into two categories: large construction sites that will disturb (by itself or as part of a common plan of development) 5 or more acres of land; and small construction sites that will disturb (alone or as part of a common plan of development) between 1 and 5 acres of land. Land disturbing construction is defined as the exposure of soil resulting from activities such as clearing, grading, and excavating. ☑ To apply for the permit, large construction sites; <ul style="list-style-type: none"> ☐ Must submit to the TCEQ a Notice of Intent (NOI), together with an application fee prior to commencing construction activities; ☐ Must develop and implement a Storm Water Pollution Prevention Plan (SWP3); ☐ Must post a copy of the NO at the construction site for public viewing and; 	 <p>BMP's such as silt fences and inlet protection must be working properly. Not all devices will work everywhere; you are responsible for cleaning and replacing any device as necessary. Inlet protection must be inspected regularly and cleaned when sediment has covered the fabric. Silt fences that have fallen or are damaged in any other way must be replaced immediately. Using only qualified personnel to install your BMP's will save you troubles in the long run.</p> <ul style="list-style-type: none"> ☑ You are responsible for all the waste generated at your construction site. All waste must be placed in a trash container at all times. If your waste is deposited or blown into a creek or any other area outside your site, you are responsible for cleaning it immediately. Both onsite and offsite material storage areas and appropriate housekeeping practices must be included in your SWP3. If you are using a nearby lot for storage of materials, you are responsible for maintaining the sediment controls in that lot, even if the lot is not your own. ☑ You should preserve existing vegetation when possible, and must stabilize any disturbed area where construction activity has temporarily or permanently ceased. The stabilization must take place within 14 days of the end of activities unless construction will resume within 21 days. You have several options to accomplish temporary stabilization including revegetation, sod stabilization, mulching, geotextile fabric and others. You must make sure that the method you are using is effective; stabilization is not there reapplication of grass seed.
<ul style="list-style-type: none"> ☐ Must provide a copy of the NOI to the City of Dalworthington Gardens, at least 2 days prior to commencing construction activities. ☑ To obtain permit coverage, small construction sites; <ul style="list-style-type: none"> ☐ Must submit a TCEQ Construction Site Notice to the City at least 2 days prior to commencing construction activities. ☐ Must develop and implement a Storm Water Pollution Prevention Plan (SWP3) and; ☐ Must post a signed copy of the TCEQ Construction Site Notice at the construction site for public viewing; ☐ Small construction sites are not required to submit a NOI or pay a fee. ☑ The SWP3 must identify and address all potential sources of pollution at the site, and describe and ensure control measures called Best Management Practices (BMP's) will be used to reduce pollutants in storm water discharges from the site. It is recommended that you prepare your SWP3 following the guidelines found in the ISVMM[®] Design Manual for Construction. 	(Continued)

MCM 4: Post- Construction Stormwater Management in New Development and Redevelopment

4.1 Post Construction Ordinance

This BMP allows the City inspector the ability to not finalize a permit until all stormwater BMP that need to be met are approved and in place at the construction site. This ordinance also gives the ability to levy fines if BMP are not up to standard or not in place.

4.2 Long- Term Maintenance and Post- Construction BMP's

This BMP allows the city staff to prevent stormwater runoff post construction by creating work order. City staff will assess the situation and determine the best approach or the best BMP to put into place. A specific budget is set aside to address any stormwater needs from post- construction.

4.3 Landscape Ordinance

This BMP ensures the city has compliance and can assist residents if any stormwater runoff is a concern. Copy of Ordinance can be found on page 26.

4.4 Zoning Ordinance

This BMP ensures compliance with impervious coverage requirements and allows the city to control potential stormwater runoff issues. Copy of Ordinance can be found on page 40.

MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

5.1 Facility and Stormwater Control Inventory

The BMP is necessary to provide information as to which facilities have stormwater runoff and the measures in place for prevention. No vehicle maintenance is done in house, all oil changes, or fluid changes are done at privately owned shop.

List of facilities and functions:

- City hall- 2600 Roosevelt dr.- Main P.O.C. for residents
- Public Works – 2600 Roosevelt dr.- Public works dept.
- Well station (not in use)- 3220 Roosevelt dr.- station not in use no chemicals stored
- Pumpstation- 3214 Arkansas ln. – purchased water only.
- City Park- 2600 Roosevelt dr

5.2 Municipal Employee Training Program

This BMP allow City to keep up to date on the best practices for reducing and preventing pollution. Training is done annually in the form of training videos.

5.3 Contractor Requirements and oversight

This BMP is used to ensure that contractors follow the steps given by the inspector to prevent pollution. Contractors are given a pre-construction packet that contains handouts for preventing pollution. Also, the inspector can inspect the site at any time to determine if the best practices are being used.

5.4 Municipal Operation and Maintenance Activities

This BMP is used to ensure that any maintenance activities that City staff is doing is in compliance with stormwater pollution prevention. All vehicle maintenance takes place off sight and performed by a third party at their business. If at any time maintenance takes place in the Public works yard, the appropriate measures are taken.

- Oil absorbents
- Oil catch basins
- Gasoline and other fuel kept off Ground

The main source of pollution to the stormwaters is the park and trash pickup is scheduled once a week by staff. As well as other prevention techniques like dog waste bags.

POLLUTANT REDUCTION ANALYSIS

- 3. Describe progress towards achieving the goal of reducing the discharge of pollutants to the maximum extent practicable (MEP). If no progress was made or the BMP did not result in a reduction in pollutants, provide an explanation. This information must be presented in a tabular format as provided in the form**

MCM 1.

1.1 BMP-Construction Site Waste management guidelines

This BMP is successful in reducing pollution. All Permitted construction sites receive a stormwater handout upon applying for the permit. Less Citations have been written for illicit discharges. Indicating that contractor are aware of the guidelines and are following them.

1.2 Fats, Oils, Grease Education

Although this BMP is difficult to quantify, it is our belief that educating the citizens and business owners of the ramifications of not following this BMP has directly related to less S.S.O.'s.

1.3 Household Hazardous Waste Program

This BMP is successful in reducing waste. Hazardous waste pick up is advertised on the City website and in the Monthly newsletter. By education and easy availability this has reduced the number of hazardous waste. The City has received less calls for hazardous waste, we believe this is directly related to the availability of our program.

1.4 Pet waste management

This BMP is successful in reducing stormwater pollutions. By providing dog waste bags less bacteria from fecal matter is coming into contact with stormwater runoff thus making our water bodies less contaminated. Approximately 1,000 dog waste bags are used in the park annually.

1.5 Recycling Program

This BMP is successful in reducing pollutants. The program has helped keep animals from tearing bags and causing pollution as the residents are given a bin that has to remain closed. We advertise the program on the city website and in the newsletters. Every home that has a water account with the city is given a recycling bin when applying for water account. Total of 1036 accounts.

1.6 Storm Drain inlet marking

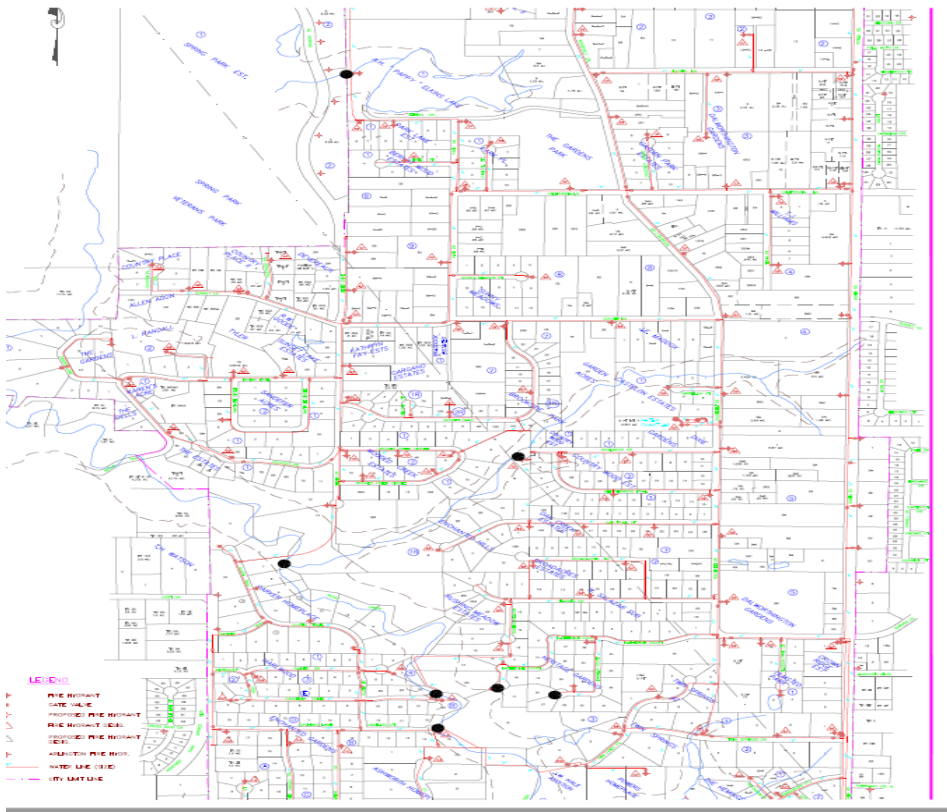
This BMP is not successful in reducing pollutants. Education is purpose of this BMP. Every storm drain within city limits has a marker.

1.7 Stormwater Webpage

This BMP does not reduce pollutants, but provides a vehicle for education to our residents and contractors.

1.8 Storm Drainage System map

This BMP is successful in reducing pollutants. The maps allow city staff to know where the drainage is leading, thus meaning the staff can go to those areas with outfalls and clean up if necessary.



MCM 2.

2.1 Education and Training on Illicit discharges

This BMP is successful at reducing pollutants. We have an annual training program that educates city staff on how to look for illicit discharges. None were found in 2020 but with educated staff we can clean or stop illicit discharge before it has a chance to enter into a waterbody.

2.2 Public reporting and response procedures

This BMP is successful in reducing pollutants. By giving three options for residents to call depending on the severity of the matter, it allows staff to conduct work orders, thus prevent any further pollution that may occur. The process is made simple as residents can call at anytime or contact us thru the website. Some one will contact the resident or a work order will be made for city staff to address the issue. No illicit discharges were reported in 2020.

2.3 Source Investigation and Elimination

This BMP is successful in reducing pollutants. See above public reporting and response procedures.

City staff will respond to any call or inquiry made and if pollution is found an immediate fix usually follows unless the severity requires us to call TCEQ or the EPA.

2.4 Detection and Elimination of Illicit Sanitary Sewer Discharges

This BMP is successful in reducing pollutants. When a S.S.O. occurs, we can calculate how much is flowing per minute and report to the TCEQ. In the report we state how we eliminated the source of the overflow.



Accidental Discharge or Spill Monthly Summary Form

See back of form for guidance for completion

General Information:

Permittee:

Subscriber:

Regulated Entity Name: City of Dalworthington gardens

EPA ID No: [Click here to enter text.](#)

Regulated Entity No: TX2200047

TCEQ Region: Region 4 - DFW

Permit No: [Click here to enter text.](#)

County: Tarrant

Start Date Start Time	End Date End Time	Volume (gallons)	Location	Cause	Steps taken to reduce, eliminate, and prevent recurrence	Description/Content	Standard Method for Volume Calculation
11/6/20 12:35 PM	11/6/20 1:35PM	100 gallons	3504 Estates	Blockage of Grease and Clorox wipes	Jetted line Maintenance	Grease and wipes flushed Notified residents that wipes and grease should not be put in sewer collection system	5 gallon bucket test Visually

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 Note: A copy of this form should be sent to your TCEQ Regional Office no later than the 20th day of the following month and the original to the TCEQ Compliance Monitoring Team (MC224), Enforcement Division, P.O. Box 13087, Austin, TX 78711-3087.
 *If the accidental spill or discharge occurs at a Subscriber system (collection system only), use the RN associated to the collection system. If you are uncertain of your RN, you may call the TCEQ Regional Office for assistance.

MCM 3.

3.1 Erosion and Sediment control

This BMP is successful at reducing sediment. Upon reviewing permits, the inspector will check for an Erosion Control Plan if it is deemed necessary by the type and scope of work being done. Erosion Control Inspections are done after the controls are put in place and after significant rain events.

3.2 Construction Plan Review Procedures

This BMP is successful at reducing sediment. Before a permit is given the review will take place. This helps the city and contractor determine if an Erosion control plan is needed and where it would be needed to minimize, if not eliminate sediment from entering water bodies.

3.3 Construction Site Inspections and Enforcement

This BMP is successful at reducing sediment. Because we are a small entity with limited large construction staff is able to have eyes on these sites. The Inspector checks sites upon installation and after significant rain events to ensure that no further work or maintenance is needed. If maintenance is needed the inspector can red flag a project to ensure that these BMP's are in place and working effectively. Below is an example of our Erosion Control and Sediment control plan checklist.



**CITY OF DALWORTHINGTON GARDENS
EROSION PREVENTION & SEDIMENT CONTROL PLAN CHECKLIST**

1. Location Map (small scale, 7 ½ minute U.S.G.S. quadrangle)

- Property lines of the project
- Critical natural or man-made features within 3000 feet of the project, including streams, ponds, wetlands, roads, buildings, and utilities
- Sufficient nearby features to allow reviewer to locate the site for an inspection

2. Existing Conditions Site Plan (scale 1"=100' or larger)

- Existing topographic contours (5 feet or smaller interval)
- Drainageway, water features
- General vegetative cover types within 200 feet of water features (e.g. field, hardwood forest, grass, etc.)
- Vegetative cover types in all proposed disturbance areas and areas receiving and treating runoff for the construction site
- Soil map and key
- Identified sensitive areas (e.g. steep slopes, erodible soils, wet areas)
- Structures, roads, utilities
- North arrow, scale, date, elevation datum
- Property lines

3. Grading Plan and Construction Timetable (scale 1"=100' or larger)

- Existing and proposed topographic contours
- Limits of soil disturbance and method to be used for demarcation of these limits on site
- Areas of various construction phases, including sequential and concurrent activities

- Proposed structures, roads, utilities
- Location of topsoil stockpiles, staging areas, equipment storage, and refueling/maintenance
- Location of disposal areas for excess soil (include map if off-site)
- Boundaries for undisturbed riparian buffers
- North arrow, scale, date, elevation datum
- Property lines

4. Erosion Prevention and Sediment Control Plan (scale 1"=100' or larger)

- Limits of soil disturbance
- Riparian conservation buffer limits and method to be used for demarcation
- Location of all structural erosion and sediment control measures and details
- Location of areas to be seeded and mulched
- Stormwater pathways
- Erosion control matting on slopes greater than 3:1
- No hay bales or silt fence running across contours or in areas of concentrated flow
- Chart of inspection and maintenance schedule of all control measures
- Name and phone number of on-site coordinator
- Storm sewer inlets adequately protected (detail required)
- Stabilized construction entrance shown (detail required)
- North arrow, scale, date, elevation datum

Note: If necessary to convey the sequential nature of construction activities and associated erosion and control implementation, several plan sheets showing successive site conditions are recommended.

5. Narrative

- General description of project

6. Site Inventory and Analysis

- Site drainage characteristics (up and down-gradient)
- Drainage, waterways, bodies of water
- Topography, existing roads, building, utilities
- Vegetation
- Soils
- Proximity to natural or man-made water features

7. Grading Plan and Timetable

- Description of proposed grading, seasonal limitations
- Timetable of all major construction and earth change activities, including stabilization methods for winter
- Description of the strategies of the control plan and why it will be effective in protecting water resources
- Description of seeding and mulching plan including:
 - Location of areas to be seeded
 - Lime and fertilizer application rates
 - Seed mixes (appropriate for soil types)
 - Types of mulch/matting materials and discussion of appropriateness of each measure for soil type, topography, etc.
 - Mulch/matting application rates
 - Mulch/matting anchoring methods (including discussion of windthrow and winter conditions)
 - Mulching/matting dates
- Description of all structural erosion and sediment control measures
- Design calculations for all temporary and permanent structural control measures
- Description of the inspection, maintenance, and records program for all control measures
- Identification, basic qualifications, and contact number for on-site coordinator

3.4 Construction Stormwater Training

This BMP is successful in reducing sediment. City staff trains annually on all SWMP including Construction Stormwater. See training folder

3.5 Construction Site Stormwater Education

This BMP is successful in reducing sediment. Contractors are given a Storm water education handout when applying for a permit as part of the permitting process. Every permit gets a handout. 144 handouts were given in 2020

MCM 4.

4.1 Post-Construction Ordinance

This BMP is successful at reducing pollutants. This ordinance is also known as landscape ordinance and helps us enforce issues we may see after construction has ended. No violations occurred in 2020. See ordinance attached to the back.

4.2 Long-Term Maintenance and Post-Construction BMP's

This BMP is successful in reducing pollutants. City staff maintains to long term maintenance plans if necessary. We have a several locations with storm drains that get maintenance done on a regular basis and after major rain events. Example area below. Storm drains in the area are clogging with dirt. A long plan was put into action to ensure the reduction of pollutants.



4.3 Landscape Ordinance

This BMP is successful at reducing pollutants. Although we have no reports of violations, the ordinance allows us to levy fines or stop work if necessary.

4.4 Zoning Ordinance

This BMP is successful at reducing pollutants. This ordinance helps city staff levy fines and correct issues of polluted runoff from residential and commercial property caused by zoning violations. None occurred in 2020

MCM 5.

5.1 Facility and Stormwater Control Inventory

This BMP is successful at reducing pollutants. City staff has Right to Know policy and MSDS's can be found in City Hall. In it contains all possible chemical materials that public works or any dept may be using. Inventory is kept continually as most of the chemicals we use are repeatedly used. Update to the Right to Know book is made when new chemicals or harmful items are used or stored in any facility.

5.2 Municipal Employee Training Program

This BMP is successful at reducing pollutants. Annual training occurs on all SWMP related items. This training helps us recognize issues and get them corrected quickly. Trash is picked up daily by the public works team not all is reported.

5.3 Contractor Requirements and Oversight

This BMP is successful at reducing pollutants. 144 SWMP handouts were given this year to contractors or residents and were sought to have the correct implementations in place by inspections from city staff. Once the construction is completed the final C/O is only given if all criteria is met including erosion control and the Inspector is satisfied.

5.4 Municipal Operations and Maintenance Activities

This BMP is successful at reducing pollutants. City staff is continually following and monitoring potential situations that could cause pollutions whether its at the yard and/or at a location.

MEASURABLE GOAL STATUS

- 4. Measurable goals are objective markers or milestones the MS4 will use to track the progress and effectiveness of BMPs in reducing pollutants to the MEP. Provide an assessment of the appropriateness of the implementation of the measurable goals of each minimum control measure (MCM) and an evaluation of the success of implementation, including any obstacles or challenges in meeting the SWMP schedule, etc.**

MCM 1.

1.1 Construction Site Waste Management Guideline

This BMP is successful. The city has incorporated the guidelines in our construction permit package, this will continue

1.2 Fats, Oils, Grease education

This BMP is successful. The city has added the education to the city website and in the monthly newsletter. This will continue

1.3 Household Hazardous Waste Program

This BMP is successful. The city contracts with HHW solutions to pick up waste from resident's doorsteps. This program will continue

1.4 Pet Waste Management

This BMP is successful. The city will continue to provide pet waste bags stations in the city park and more may be added in the future.

1.5 Recycle Program

This BMP is successful. The city will continue provision of the recycling program with curbside pickup for residents. Info included on the city website.

1.6 Storm Drain Inlet Marking

This BMP is successful. The city will continue to add inlet markers to any new development in the city.

1.7 Stormwater Webpage

This BMP is successful. The city will continue providing a stormwater education page in the website and advertise the webpage annually through the city newsletter.

MCM 2.

2.1 Storm Drainage System Maps

This BMP is successful. The city will update the drainage map using records and GIS of any new development or redevelopment.

2.2 Education and Training on Illicit discharges

This BMP is successful. The City will continue to provide training in illicit discharges.

2.3 Public Reporting and Response Procedures

This BMP is successful. The City has a public reporting tool on the website and will add a central P.O.C. to contact regarding stormwater concerns.

2.4 Source Investigation and Elimination

This BMP is successful. The city will continue to implement source investigation and elimination procedures also document all reports and responses.

2.5 Detection and Elimination of Sanitary Sewer Discharges

This BMP is successful. The city will continue to perform sanitary line inspections, rehabilitations and replacement as the budget allows.

MCM 3.

3.1 Erosion and Sediment Control

This BMP is successful. The city will keep updates on enforcement of the construction erosion and sediment control ordinance.

3.2 Construction Plan Review Procedures

This BMP is successful. The city will review and amend, if necessary, existing erosion control plan review procedures for compliance with the renewed TCEQ permit.

3.3 Construction site Inspections and Enforcement

This BMP is successful. The city will review and amend, if necessary, the existing inspection procedures for erosion and sediment controls in compliance with the renewed TCEQ permit.

3.4 Construction Stormwater Training

This BMP is successful. The city will update the current training program, as necessary, to include employees to be trained, a training schedule and training materials and methods.

3.5 Construction Site Stormwater education

This BMP is successful. The city will continue to provide the erosion control guidelines to educate contractors and residents when applying for permits.

MCM 4.

4.1 Post- Construction Ordinance

This BMP is successful. The city will modify the existing post-construction ordinance, if necessary, based on renewed permit requirements.

4.2 Long- Term Maintenance and Post-Construction BMP's

This BMP is successful. The city will update the requirements for the long-term operation and maintenance of structural controls installed on development sites.

4.3 Landscape Ordinance

This BMP is successful. The city will continue to administer the existing landscape ordinance and document and maintain enforcement actions.

4.4 Zoning Ordinance

This BMP is successful. The city will continue to administer the existing zoning ordinance and document and maintain enforcement actions.

MCM 5.

5.1 Facility and Stormwater Control Inventory

This BMP is successful. The city will continue to maintain an inventory of city owned and operated facilities and stormwater controls.

5.2 Municipal Employee Training Program

This BMP is successful. The city will implement the municipal employee training program and maintain a training attendee list with signatures.

5.3 Contractor Requirements and Oversight

This BMP is successful. The city will continue implementing the oversight procedures and execute revised contractual agreements as applicable.

5.4 Municipal Operation and Maintenance Activities

This BMP is successful. The city will perform an assessment of municipal operations and/or activities that have a potential for the pollutant discharges.

C. Stormwater Data Summary

Provide a summary of the results of information collected and analyzed during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP. For example, did the MS4 conduct monitoring of stormwater quality, conduct visual inspections, clean the inlets, look for illicit discharge, etc.

The City of Dalworthington Gardens uses the Stormwater protection plan to ensure that there are minimal effects to water bodies in Texas. The city has handed out over 144 SWMPP guidelines to contractor and residents, providing education to contractor of the importance of a good site plan. We are a small community and the inspectors for the city can keep eyes on most construction jobs in the city on a regular basis, meaning that less pollutants enter water bodies. We have no enforcements for 2020 but will continue to monitor construction sites Post and pre construction and after rain events. Inspector notes are kept in our emergency reporting system. Also, thru or Incode work order service. Furthermore, the City of Dalworthington Gardens Public Works does clean inlets and storm drains when needed that information is kept the Incode system for work orders. In final summary it is my belief that the City of Dalworthington gardens go above and beyond in making sure our contractors and employees understand the importance stormwater pollutants and how to correct the issues.

D. Impaired Waterbodies and Total Maximum Daily Loads

The City of Dalworthington Gardens discharges into segments 0841 Lower West Fork Trinity River and 0841R Rush Creek each segment has a TMDL for Bacteria. Annual report previously sent in have provided the TMBL required information. The TMDL is attached.

The stormwater waste load allocation for the benchmark for the TMDL

0841R WLASW	678.7 billion MPN/day
0841_01 WLASW	589.6 billion MPN/day
0841_02 WLASW	1,920 billion MPN/day

SegID: 0841	Lower West Fork Trinity River From a point immediately upstream of the confluence of the Elm Fork Trinity River in Dallas County to a point immediately upstream of the confluence of Village Creek in Tarrant County		
<u>Parameter(s)</u>		<u>Category</u>	<u>Carryforward</u>
bacteria			
0841_01	From confluence of the Elm Fork Trinity River to the confluence with Johnson Creek.	4a	No
0841_02	From the confluence with Johnson Creek upstream to the confluence of Village Creek.	4a	No
<u>Parameter(s)</u>		<u>Category</u>	<u>Carryforward</u>
dioxin in edible tissue			

SegID: 0841R	Rush Creek A 5 mile stretch of Rush Creek running upstream from confluence with Village Creek to confluence with Kee Branch in Arlington, Tarrant Co.		
<u>Parameter(s)</u>		<u>Category</u>	<u>Carryforward</u>
bacteria			
0841R_01	Entire segment.	4a	No

1. Determine each year if any receiving water body within the permitted area was added to the latest EPA-approved 303(d) list or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)*. Within two years following the approval date of the new list(s) of impaired waters, include any newly listed waters in the annual report and SWMP.

0841 - Lower West Fork Trinity River—bacteria

Dioxin in edible tissue

0841R- Rush Creek—bacteria

2. If applicable, explain in the worksheets any activities taken to address the discharge to impaired waterbodies, including any in-stream or outfall sampling results or other available data (include the source of the data) and a summary of the small MS4's BMPs used to address the pollutant of concern. Data may be acquired from the TCEQ, local river authorities, partnerships, and/or other local efforts as appropriate.

- Report SSOs – report to TCEQ
- Online citizen complaint forms- recorded thru website and scanned into files when completed.
- Ordinances – specific to dumping
- Citizen awareness- social media, water bills, newsletter
- Construction waste management – given to new construction permit applicants.

3. Include information about implementing targeted controls as required in Part II. D.4(a).

Not applicable

4. Report the benchmark and assessment activities. Annual reports should include the benchmark and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities as required in Part II.D.4(a).

Benchmark Parameter <i>(Ex: Total Suspended Solids)</i>	Benchmark Value	Description of additional sampling or other assessment activities	Year(s) conducted
Bacteria 0841-01	598.6 Billion MPN/Day	Perform visual inspections throughout the city, including construction sites	Years 1-5
Bacteria 0841-02	1,920 Billion MPN/day	Perform visual inspections throughout the city, including construction sites	Years 1-5
Bacteria 0841R-01	678.7 Billion MPN/day	Perform visual inspections throughout the city, including construction sites	Years 1-5

5. Add an analysis of how the selected BMPs will be effective in contributing to achieve the benchmark as required in Part II.D.4(a)(2).

Benchmark Parameter	Selected BMP	Contribution to achieving Benchmark
<i>Bacteria</i>	Visual throughout city including construction sites	Construction areas cleaner resulting in less pollutants
<i>Bacteria</i>	Community outreach	Residents call in more construction sites not permitted by the city
Bacteria	Construction site waste management guidelines	Construction areas cleaner resulting in less pollutants

6. Implement focused BMPs to address impairment for bacteria as required in Part II.D.4(a)(5).

Benchmark Indicator	Description/comments
<i>Amount of pipe cleaned or maintained</i>	The city rehabilitated approximately 300 LF and cleaned approximately 1,850 LF of sanitary sewer line.
<i>Reduction in sanitary sewer overflows</i>	The city tracks this information and is still in the process of determining the effect of sanitary sewer pipe maintenance versus reduction in SSOs

7. Assess progress in achieving the benchmark as required in Part II.D.4(a)(6).

Benchmark Indicator	Description/Comments
Number of illegal dumping	Citations written and recorded with DPS and records kept with emergency reporting Through code enforcement
Number of educational opportunities conducted	Monthly in the DWG newsletter. 12 issues a year.

E. Stormwater activities next reporting year

Use the table provided to describe any stormwater activities the MS4 operator has planned for the next reporting year as required in Part II.B.2(d).

MCM	BMP	Stormwater Activity	Description/Comments
1	Construction Site Waste Management Guideline	Provide the construction site erosion control education guideline to contractors and homebuilders at preconstruction meetings or with the building permit.	The City will continue to provide educational guidelines to contractors and homebuilders
1	Fats, Oils, and Grease Education	Continue provision of a link to Fog educational material on the City website. Include information in city newsletter.	The City will provide information to residents about FOG

1	Household Hazardous Waste Program	Continue educating the public about household hazardous wastes through the City website and city newsletter .	The City will continue to educate the public and HHW.
1	Pet Waste Management	Continue to provide pet waste bag stations in City Park	The City will continue to provide pet waste bag stations in City Park
1	Recycling Program	Continue provision of the recycling program with curbside pickup for residents. Include information on City website.	The City will continue to provide a recycling program with curbside pickup for residents.
1	Storm Drain Inlet Marking	Continue requiring inlet markers to be placed on new development in the City.	The City will require inlet markers to be placed on any new development.
1	Stormwater Webpage	Continue providing a stormwater education page on the City website. Continue advertising the webpage annually in the City newsletter.	The City will continue to provide a stormwater webpage and update as necessary.
2	Storm Drainage System Map	Annually update the storm drainage system map using record drawings submitted for any new development or redevelopment projects	The City will continue to update the MS4 map as new outfalls are constructed.
2	Education and Training on Illicit Discharges	Continue providing training for City staff and document attendees and training materials used.	The City will continue to provide training for City staff.
2	Public Reporting and Response Procedures	Post a public reporting/input phone number and information on the City website with a central contact point.	The City will document any reports/calls received.
2	Source Investigation and Elimination	Implement illicit discharge source investigation and elimination procedures. Document all reports and responses.	The City will review and make any necessary updates to the ordinance.

2	Detection and Elimination of Illicit Sanitary Sewer Discharges	Perform sanitary sewer line maintenance, rehabilitations and replacement projects as the budget allows.	The City will continue to perform sanitary sewer line maintenance and replacement projects.
3	Erosion and Sediment Control	Update enforcement of the construction erosion and sediment control ordinance.	The City will review and amend the current erosion and sediment control ordinance.
3	Construction Plan Review Procedure	Review and amend, if necessary, existing erosion control plan review procedures for compliance with the renewed TCEQ permit.	The City will review and amend the existing erosion control plan.
3	Construction Site Inspections and Enforcement	Review and amend, if necessary, the existing inspection procedures for erosion and sediment controls in compliance with the renewed TCEQ permit.	
3	Construction Stormwater Training	Update the current training program, as necessary, to include employees to be trained, a training schedule, and training materials and methods.	
3	Construction Site Stormwater Education	Provide the construction site erosion control education guideline to contractors and homebuilders at preconstruction meetings, or with the building permit, and make the guideline available at the City permitting office.	
4	Post-Construction Ordinance	Modify the existing post-construction ordinance, if necessary, based on the renewed permit requirements.	
4	Long-Term Maintenance and Post-Construction BMPs	Update the requirements for the long-term operation and maintenance of structural controls installed on development sites.	
4	Landscape Ordinance	Continue to administer the existing landscape ordinance. Document and maintain enforcement actions.	
4	Zoning Ordinance	Continue to administer the existing zoning ordinance. Document and maintain enforcement actions.	

5	Facility and Stormwater Control Inventory	Continue to maintain an inventory of City-owned and operated facilities and stormwater controls.	
5	Municipal Employee Training Program	Implement the municipal employee training program and maintain a training attendee list with signatures.	
5	Contractor Requirements and Oversight	Continue implementing the oversight procedures and execute revised contractual agreements as applicable.	
5	Municipal Operation and Maintenance Activities	Perform an assessment of municipal operations and/or activities that have the potential for pollutant discharges.	

F. SWMP Modifications and Additional Information

- 1. The SWMP and MCM implementation procedures are reviewed each year. Yes No
- 2. Changes have been made or are proposed to the SWMP since the NOI or the last annual report, including changes in response to TCEQ’s review. Yes No

G. Additional BMPs

Provide a description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans.

No additional BMPs are necessary for the City of Dalworthington Gardens at this time.

H. Additional Information

- 1. Is the permittee relying on another entity to satisfy any permit obligations? Yes No
- 2.a. Is the permittee part of a group sharing a SWMP with other entities? Yes No

I. Construction Activities

- 1. The number of construction activities that occurred in the jurisdictional area of the MS4 (Large and Small Site Notices submitted by construction site operators): 1
- 2a. Does the permittee utilize the optional seventh MCM related to construction? Yes No

J. Certification

If this is this a system-wide annual report including information for all permittees, each permittee shall sign and certify the annual report in accordance with 30 TAC §305.128 (relating to Signatories to Reports).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (printed): _____ Title: _____

Signature: _____ Date: _____

Name of MS4: City of Dalworthington Gardens

LANDSCAPE ORDINANCE

Division 11. Landscape Standards

Sec. 14.02.471 Purpose and intent

(a) The purpose of this division is to establish minimum standards for landscaping in the city in order to enhance property values, improve the appearance of the city, and enhance the community's ecological, environmental and aesthetic qualities.

(1) It is the intent of these standards to insure that landscaping shall not be limited to the application of turf or grass; but shall include also the coordinated planting (or retention) of grass, shrubs, ground cover, flowering plants, and trees and the grading or moving of earth to form a visually aesthetic and pleasing environment.

(2) It is the intent of these standards to reduce the negative effects of increases in air temperatures, glare, noise, erosion and sedimentation caused by expanses of impervious and unvegetated surfaces within the urban environment.

(3) It is the intent of these standards to recognize that the use of landscaping elements can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, stormwater runoff retardation, and the abatement of noise, glare and heat.

(4) It is the intent of these standards to maximize the preservation of existing trees of a size and type that are beneficial to the environment.

(b) The review of all site plans pursuant to this division shall include the consideration of the plan applicant's efforts in coordinating a variety of plant material with the physical features of the property.

(Ordinance 08-01, sec. 1 (17.11.01), adopted 2/28/08)

Sec. 14.02.472 Scope of division; definitions

(a) Scope of division. The standards contained in this division are minimum standards.

(1) All of the provisions of this division shall apply in all zoning districts to any unimproved tract or platted lot to be used for any purpose other than single-family residences regardless of tract or lot size.

(2) The provisions of section 14.02.483 shall apply to tracts and/or platted lots to be used for single-family residential purposes; and

(3) Nothing herein shall be deemed to regulate the removal of trees located in street right-of-way or other permanent public easements when such removal is reasonably necessary to the use of the easement by the city or other easement owner.

(b) Definitions. As used in this division, the following words or terms shall have the meanings herein provided.

Caliper. For newly installed trees, the diameter of the trunk measured 6" above ground level. For existing trees, the diameter of the trunk 4-1/2 feet above the ground. The caliper of a multi-trunk tree shall be the full caliper of the largest trunk plus one-half the caliper of the other trunks.

Ornamental tree. A perennial woody plant generally having a height of 25 feet or less at maturity, which may branch to the ground and has significant seasonal color, texture or other ornamental characteristics.

Protected tree. Any existing tree of at least 6" caliper.

Replacement tree. A tree planted or preserved to mitigate the loss of a protected tree. A preserved tree shall have a minimum caliper of 3" in order to be considered a replacement tree. Newly planted trees shall have a minimum caliper of 3" at planting.

Tree. A perennial woody plant with a single trunk or multiple trunks that at maturity will obtain a minimum 6" caliper.

(Ordinance 08-01, sec. 1 (17.11.02), adopted 2/28/08)

Sec. 14.02.473 Administration and enforcement

(a) The provisions of this division shall be administered and enforced by the zoning administrator (in this division called the administrator). Administrative fees shall be as prescribed in the fee schedule in appendix A of this code.

(b) No permits for the use or improvement of property within the scope of this division shall be issued or development contracts executed by the city until a landscape plan conforming to provisions of this division has been submitted and approved by the city. (1) A plan shall be submitted and approved at the time of submission of a preliminary plat or application for plat revision. (2) If the property is already finally platted, the plan shall be submitted and approved before the issuance of any building permit on the property.

(3) With approval of the planning and zoning commission, plan submission may be deferred prior to development, but in any event, a plan shall be submitted and approved prior to the removal from the property of any protected tree, as herein defined. The city shall review a submitted site plan and respond to the applicant within thirty (30) days after submission. If not approved, the response will include written, specific comments setting forth the changes to the plan necessary to conform to this division.

(c) Prior to issuance of an initial certificate of occupancy for any building or structure, or, in the case of a residential lot for which no certificate of occupancy is otherwise required, prior to the approval of the property for utility service, all screening and landscaping shall be in place in accordance with the approved landscape plan. If an initial certificate of occupancy is sought at a season of the year in which the administrator determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a conditional occupancy certificate may be issued, notwithstanding the fact that the landscaping required by the landscape plan has not been completed, if the applicant shall escrow with the city a sum of money, in cash, reasonably sufficient, in the opinion of the administrator, to pay all of the costs of implementation of the plan as of the commencement of the planting season next following the date of escrow.

(Ordinance 08-01, sec. 1 (17.11.03), adopted 2/28/08)

Sec. 14.02.474 Content of landscape plan

The landscape plan shall be prepared by a landscape architect, landscape contractor or landscape designer. Landscape plans shall be drawn to a minimum scale of (no smaller than) one (1) inch = fifty (50) feet. A plan shall be on a standard drawing sheet of a size not to exceed 24" x 36". A plan that cannot be drawn in its entirety on a single sheet must be drawn with appropriate match lines on two or more sheets. The plan shall contain the following:

(1) Date, scale, north point and the names, addresses and telephone numbers of the property owner and the person preparing the plan.

(2) The location of existing boundary lines and dimensions of the lot, the zoning classification of the lot and of adjacent properties; and, a vicinity map.

(3) Project name, address and lot and block description of all property in the project.

(4) An inventory and location of all trees of 6" and greater caliper. Trees shall be identified by size and species and classification as canopy or ornamental tree.

(5) An inventory and location of all trees proposed for removal and the reasons for removal, together with a plan for tree replacement and preservation conforming to section 14.02.483 hereof.

- (6) An inventory of protected trees and how they will be protected from damage during construction on the property.
 - (7) The location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues and other landscape features.
 - (8) Size, species, quantity and spacing of all plant materials to be used.
 - (9) A general layout and description of irrigation, sprinkler or water systems, including placement of water sources as designed by a licensed irrigator.
 - (10) Description of maintenance provisions for the landscape plan.
 - (11) Planting and irrigation specifications as part of the landscape plan.
 - (12) A general grading and drainage plan.
 - (13) Projected date of completion.
- (Ordinance 08-01, sec. 1 (17.11.04), adopted 2/28/08)

Sec. 14.02.475 Required landscape mixture

Twenty percent (20%) of the total land area in any proposed development in the SF, MF, B-1 and B-2 districts, and fifteen percent (15%) in the B-3 and LI districts shall be landscaped. At least fifty percent (50%) of the total required landscaped area shall be located in the street yard(s) (exhibit A). The following are minimum requirements for grass, shrubs, and trees to be provided by an applicant pursuant to an approved plan:

- (1) All ground surfaces not used for buildings, sidewalks, roadways or other impermeable surfaces shall be covered with live grass, turf, shrubbery, trees, ground cover, flowering plants or appropriate mulching.
- (2) Shrubs not less than eighteen (18) inches in height or five (5) gallons in container size shall be planted on-site, one shrub for each five (5) lineal feet of the public street right-of-way located adjacent to the property.
- (3) Landscaping shall include the retention or planting of one (1) three (3) inch caliper tree per each fifty (50) feet of street frontage which may be credited toward satisfying the requirement of trees in parking lot perimeter areas contained in section 14.02.479(1)(B) hereof. Planting locations on the street frontage will be at the applicant's discretion.
- (4) Minimum spacing of required plants shall be based upon 75% of the expected width of the plant at maturity.

(Ordinance 08-01, sec. 1 (17.11.05), adopted 2/28/08)

Sec. 14.02.476 Description of planting material

- (a) Plant materials used in conformance with the provisions of this division shall conform to the standards of the American Standard for Nursery Stock, or equal thereto. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- (b) Appendix A is a list of recommended landscape plant material. The applicant may use other plant material not listed if it is determined to be an appropriate and functional element of the landscape plan. Plant materials recommended by the Texas Extension Service, Tarrant County office, shall be deemed appropriate under this division.
- (c) The following is a list of plant materials which shall not be incorporated in a landscape plan:

TABLE 14.02.476

Arizona Ash	<i>Fraxinus velutina</i> ‘Arizona’
Bois D’arc	<i>Maclura pomifera</i>
Cottonwood	<i>Populus deltoids</i>
Siberian Elm	<i>Ulmus pumila</i>
Hackberry	<i>Celtis occidentalis</i>
Silver Maple	<i>Acer saccharinum</i>
Mimosa	<i>Albizzia julibrissen</i>
Mulberry	<i>Morus alba</i>
Lombardy Poplar	<i>Populus nigra italica</i>
Sycamore	<i>Platanus occidentalis</i>
Chinese Tallow	<i>Sapium sebiferum</i>
Arborvitae	<i>Thuja occidentalis</i>
Euonymus	<i>Euonymus japonicus</i>
Weeping Willow	<i>Salix babylonica</i>
Wax Ligustrum	<i>Ligustrum japonicum</i>
Pittosporum	<i>Pittosporum tobira</i> ‘Variegata’ or ‘Wheeler’s Dwarf’
Loquat	<i>Eriobotraya japonica</i>
Oleander	<i>Nerium oleander</i>

(Ordinance 08-01, sec. 1 (17.11.06), adopted 2/28/08)

Sec. 14.02.477 Landscaping credit

Landscape credits may be applied to the overall landscape requirement, as provided in section 14.02.475, Required landscape mixture. However, in no instance shall the credits reduce the total amount of landscaping on a lot to less than ten (10) percent of the total lot area. Credits will only be allowed if they are maintained as a permanent element of the landscape plan. Credits may be obtained as follows:

- (1) For each one (1) square foot of area that is landscaped in the public street right-of-way, one (1) square foot of landscape credit will be applied to the overall landscaping requirement.

(2) For each one (1) square foot of area that is landscaped with flowering seasonal color, two (2) square feet of landscape credit will be applied to the overall landscaping requirement.

(3) In addition to the required shrub planting, for each newly planted shrub 18" in height or contained in a five (5) gallon container, which is maintained in a living and growing condition fifteen (15) square feet of landscape credit will be applied to the overall landscape requirement.

(4) In addition to the required tree planting, for each newly planted or acceptable existing tree of at least three (3) inches in trunk diameter, measured twelve (12) inches above grade, which is maintained in a living and growing condition, one hundred (100) square feet of landscape credit will be applied to the overall landscape requirement. Planting of two (2) ornamental trees of eight (8) feet height shall receive the same landscape credit as one (1) three (3) inch caliper tree.

(5) In addition to the required tree planting, for each newly planted or acceptable existing tree of at least six (6) inches in trunk diameter, measured twelve (12) inches above grade, which is maintained in a living and growing condition, two hundred fifty (250) square feet of landscape credit will be applied to the overall landscape requirement. Each additional one (1) inch diameter of tree over six (6) inches shall receive twenty (20) square feet of landscape credit.

(Ordinance 08-01, sec. 1 (17.11.07), adopted 2/28/08)

Sec. 14.02.478 Maintenance of landscaping

All landscaping maintenance shall be the responsibility of the property owner, occupant, or person otherwise in charge of the property. The following are minimum standards for landscaping maintenance:

(1) All landscaping shall be permanently maintained and shall include an underground irrigation system installed by a licensed irrigator and meeting all applicable requirements of the city.

(2) Irrigation systems may be buried on public street rights-of-way. The city or any franchised utility will not be responsible for damage to any landscaping material or equipment while performing repairs or maintenance to its systems. However, landscaped rights-of-way shall be irrigated.

(3) Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping.

(4) All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

(5) Plant materials which die shall be replaced with plant material of similar variety and size within a six (6) month period.

(Ordinance 08-01, sec. 1 (17.11.08), adopted 2/28/08)

Sec. 14.02.479 Landscaping of parking lots

It is the intent of this section to encourage the design and construction of parking areas so as to landscape areas within a parking lot as well as areas considered unusable for parking or maneuvering space. The following are the minimum requirements for parking and vehicle use areas exceeding 9,000 square feet or 16 parking spaces, whichever is greater. Landscaping of parking lots shall be credited toward satisfying minimum lot landscaping as provided in section 14.02.474 [14.02.475] hereof.

(1) Perimeter landscaping. Off-street parking and vehicular use areas shall be screened from all abutting properties and/or public rights-of-way with a thirty (30) inch high screen, hedge, berm or other durable landscape barrier. Perimeter landscape areas shall be protected from vehicle encroachment by six (6) inch concrete curbs and shall conform to the following criteria and standards:

(A) Whenever an off-street parking or vehicular use area abuts a public right-of-way, except a public alley, a perimeter landscape area of at least fifteen (15) feet in depth, which may include landscaped right-of-way, shall be maintained between the abutting public street and off-street parking or vehicular use area.

(B) Plants and materials used in living screens shall be at least 18 inches high at time of planting and shall be of an evergreen type and species that will attain a maximum height of thirty (30) inches at maturity. Spacing should be calculated to obtain a seventy-five (75) percent screen two (2) years after planting. Other barriers or screening devices shall be thirty (30) inches in height. The remaining areas shall be landscaped with shrubs, grass or other ground cover in accordance with criteria contained in section 14.02.476, above, except they shall include at least one (1) tree for each fifty (50) lineal feet, or fraction thereof, of the lot perimeter. Trees required by section 14.02.474(3) [14.02.475(3)] which are also located in perimeter areas may be applied to satisfy this requirement.

(C) Necessary accessways from the public right-of-way and between adjacent lots shall be permitted through all such landscaping. The maximum width for accessways shall be: fifty (50) feet for nonresidential two-way movements; thirty (30) feet for residential two-way movements; twenty (20) feet for one-way movements.

(D) Whenever an off-street parking or vehicular use area abuts an adjacent property line, a perimeter landscape area at least ten (10) feet in width shall be maintained between the edge of the parking area and the adjacent property line except in those areas where off-street parking is continuous, or is planned to be continuous, across lot boundaries. Shrub centers shall be offset from the property line a distance of not less than fifty percent of the mature width of the shrub. Landscaping criteria contained in subsections (1)(B) and (C) of this section shall apply.

(2) Interior landscaping.

(A) Parking lots shall contain a minimum of one hundred forty (140) square feet of landscaped island per each sixteen (16) contiguous parking spaces required. The landscape island shall include one (1) three (3) inch caliper tree. Islands at the end of parking rows abutting vehicle accessways qualify for this purpose and are encouraged.

(B) Landscaped islands shall be irrigated by an underground system as provided in section 14.02.478 hereof. Irrigation of all landscaped areas adjacent to any parking and/or driving surfaces shall be so designed, operated and maintained that a minimum of water is applied to parking and/or driving surfaces.

(C) All shrubbery, flowering plants, and trees planted in parking lot islands or adjacent to parking lots shall be set back three (3) feet from any curb that provides for "head-in" automobile parking, as illustrated in exhibit A to this division.

(D) Landscape material in parking lots shall include shrubs and trees or a combination thereof, which in turn may be planted with a combination of grass, ground cover and/or flowering plants.

(E) All landscaping within the parking lot shall be located within a landscaped island or module, delineated from the surrounding paved area by a curb or barrier, constructed of masonry or concrete, not less than six (6) inches in height around the perimeter of the island or module.

(F) At least three-fourths (3/4) of the tree drip line (at maturity) area must be in permeable area, as illustrated in exhibit B to this division.

(G) For larger existing trees located in the parking area, which are being retained and incorporated into the landscape plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.

(Ordinance 08-01, sec. 1 (17.11.09), adopted 2/28/08)

Sec. 14.02.480 Landscaping adjacent to residential districts

(a) For any development in commercial districts, and those institutional uses including churches, schools and governmental facilities in all zoning districts which abut districts zoned residential, there shall be a minimum twenty (20) foot wide green belt of “live plant material of the evergreen variety” which is expected to grow to six (6) feet in height at maturity, a minimum of three (3) feet in height at the time of installation and planted on five (5) foot centers, for the entire distance along which the development abuts the residential district. Where a fire lane is required, the green belt may be reduced to five (5) feet, as illustrated in exhibit C to this division. Shrub centers shall be offset from the line of the abutting district a distance of not less than fifty percent of the mature width of the shrub.

(b) These requirements are in addition to requirements for screening devices required by sections 14.02.125 and 14.02.171(c)(4) of this article.

(Ordinance 08-01, sec. 1 (17.11.10), adopted 2/28/08)

Sec. 14.02.481 Conflict with traffic

Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard. Visibility triangles required by article 10.02 shall apply to intersections of vehicle accessways and public streets. (Ordinance 08-01, sec. 1 (17.11.11), adopted 2/28/08)

Sec. 14.02.482 Existing nonconforming uses

All uses existing at the time of adoption of this division which do not meet the standards provided herein will be considered as nonconforming to city landscape standards. Effective conformance with these standards may be approved by accomplishment of the following within four (4) years of the adoption of this division; otherwise, the nonconforming uses will be subject to provisions of division 12 of this article.

(1) The owner shall provide a landscape plan to the city for approval in accordance with provisions of section 14.02.475, addressing landscaping of existing open areas and parking facilities. The standards of this division shall be applied to the extent that existing physical layouts and improvements will permit without making major modification thereto.

(2) Landscape work shall be completed in accordance with the approved plan. The administrator will inspect completed work and upon approval shall issue a conditional certificate of occupancy noting the effective compliance with landscape standards. The certificate shall remain valid as long as landscaping is protected and maintained in accordance with provisions of this division.

(Ordinance 08-01, sec. 1 (17.11.12), adopted 2/28/08)

Sec. 14.02.483 Tree preservation

This section provides a methodology for tree preservation. Tree preservation is required with respect to any tract or platted lot on which there exists at least one protected tree. The intent is to protect a percentage of protected trees from being destroyed.

(1) Before any live protected tree can be removed, cut down or destroyed, a tree removal permit must be obtained from the city. It shall be unlawful for any person to remove, cut down or destroy any protected tree without first having obtained a tree removal permit therefor. Each protected tree removed without a permit shall constitute a separate violation of this section. The city shall prescribe the form and content of the permit and the application therefor.

(2) Tree point accumulation. Tree points shall be determined when there are protected trees to be destroyed or removed. One point shall be equal to one caliper inch. Fractions shall be rounded upward to the nearest one-half inch. Compliance with this section shall exist when the number of tree points earned through tree replacement or retention equals or exceeds the number of tree points lost for trees removed or destroyed, subject to the following requirements:

(A) Tree points lost on a lot shall be determined by combining the total caliper inches of all protected trees that are to be removed and that are: (i) located within the proposed building pad plus ten (10) feet around the perimeter of the proposed structure and are at least 30" or greater caliper; or (ii) located elsewhere on the site and are at least 6" or greater caliper.

(B) Tree points shall be separated into caliper inches of removed ornamental trees and caliper inches of trees that are not classified as ornamental trees. Tree points lost through removal or destruction of trees that are not ornamental trees must be replaced with tree points from replacement trees which are not ornamental trees. Replacement trees for ornamental trees may be either ornamental or non-ornamental trees.

(C) Newly planted replacement trees shall be of a type listed in appendix A of this division.

(3) Protection of preserved trees.

(A) All trees to be preserved shall be flagged by the permittee prior to commencement of construction on the site (including pre-construction clearing of a site or any portion thereof) and maintained until completion of construction. Flagging shall be done with brightly colored vinyl tape wrapped around the main trunk at a height of 4' or more above the ground so as to be visible to workers on foot or driving equipment.

(B) All preserved trees shall have protective fencing installed at the permittee's expense prior to commencement of construction on the site (including pre-construction clearing of a site or any portion thereof) and maintained until completion of construction. The fencing shall be located at approximately the tree's drip line. The protective fencing may be brightly colored vinyl, chain link or similar fencing with an approximate height of four (4) feet.

(4) Any newly planted replacement tree that dies shall be replaced with a new tree meeting the same requirements as were applicable to the tree being replaced. The new tree shall be planted within six months of notice from the city requiring such replacement.

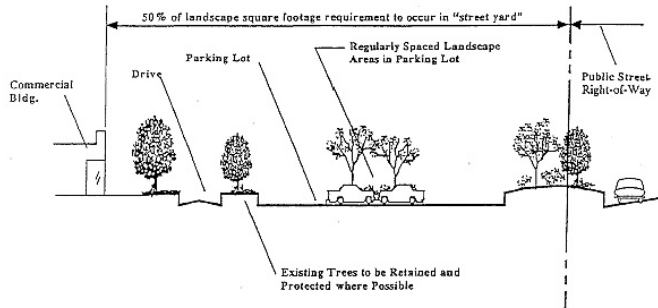
(5) A permit for removal of a tree suffering damage or disease may be issued by the city if, in the reasonable judgment of the city's code enforcement official, the failure to remove the tree would create a health or safety hazard.

(6) With reference to a single-family residence, the provisions of this section 14.02.483 shall be deemed satisfied if the property complies with all applicable tree replacement requirements 90 days after the

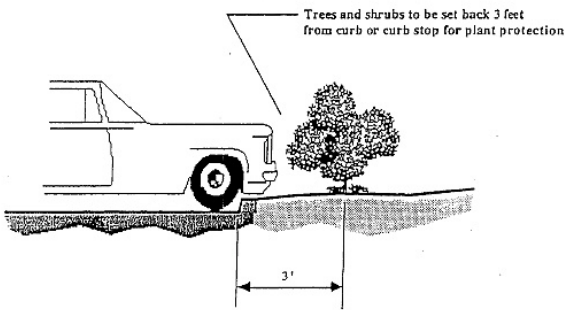
residence has been approved by the city for utility service; provided, that subsection (4) of this section shall remain effective for one year following the planting of any replacement tree.

(Ordinance 08-01, sec. 1 (17.11.13), adopted 2/28/08)

EXHIBIT A. STREET YARD LANDSCAPING REQUIREMENTS AND LANDSCAPING REQUIREMENTS FOR HEAD-IN PARKING



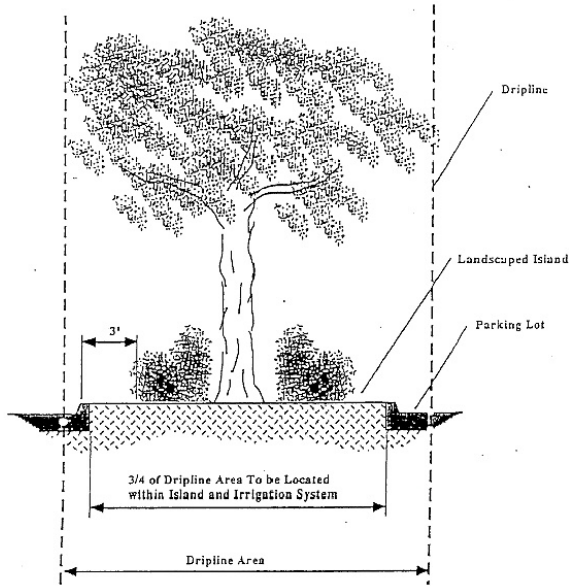
Street Yard Landscaping Requirements



Landscape Requirement for Head-in Parking

(2005 Code, ch. 17.11.12, exhibit A)

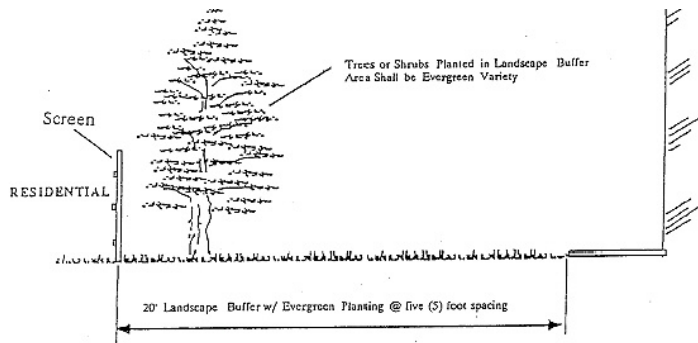
EXHIBIT B. DESCRIPTION OF DRIPLINE



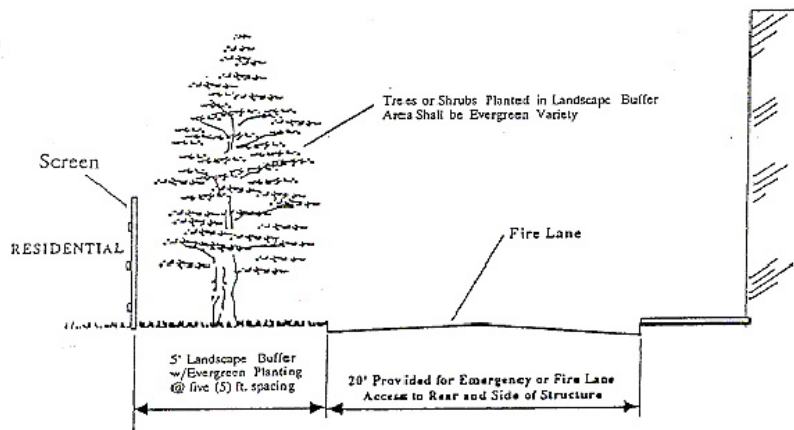
Description of Dripline

(2005 Code, ch. 17.11.12, exhibit B)

EXHIBIT C. REAR AND SIDE LANDSCAPE BUFFER REQUIREMENT WITHOUT FIRE LANE PROVIDED AND REAR AND SIDE LANDSCAPE BUFFER REQUIREMENT WITH FIRE LANE PROVIDED



Rear and Side Landscape Buffer Requirement without Fire Lane Provided



Rear and Side Landscape Buffer Requirement
with Fire Lane Provided

(2005 Code, ch. 17.11.12, exhibit C)

APPENDIX A. RECOMMENDED PLANT MATERIAL

(a) Overstory trees (range from 30 to 60 feet).

Bald Cypress	Taxodium distichum
Cedar Elm	Ulmus crassifolia
Lacebark Elm	Ulmus parvifolia
Pecan	Carya illinoensis
Chinese Pistache	Pistacia chinensis
Bur Oak	Quercus macrocarpa
Red Oak	Quercus shumardii
Sweet Gum	Liquidambar styraciflua
Green Ash	Fraxinus pennsylvanica
Live Oak	Quercus virginiana
Western Soapberry	Sapindus drummondii

Post Oak	<i>Quercus stellata</i>
Black Jack Oak	<i>Quercus marilandica</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Slash Pine	<i>Pinus elliotii</i>
Japanese Black Pine	<i>Pinus thunbergi</i>
Austrian Pine	<i>Pinus nigra</i>
Afghan Pine	<i>Pinus eldarica</i>

(b) Accent trees (range from 10 to 20 feet).

Redbud	<i>Cercis Canadensis</i>
Crape Myrtle	<i>Langerstroemia indica</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Bradford Pear	<i>Pyrus calleryana 'Bradford'</i>
Texas Sophora	<i>Sophora affinis</i>
Wild Plum	<i>Prunus Americana</i>
Crab Apple	<i>Malus Augstifolia</i>
Deciduous Holly	<i>Ilex decidua</i>
Flameleaf Sumac	<i>Rhus copallina</i>
Cherry-Laurel	<i>Prunus caroliniana</i>
Chaste Tree	<i>Vitex angus-castus</i>

(c) Shrubs (range from 3 to 5 feet).

Dwarf Crape Myrtle	<i>Langerstoemia indica nana</i>
Dwarf Buford Holly	<i>Ilex cornuta 'Burfordii Nana'</i>

Dwarf Chinese Holly	<i>Ilex cornuta</i> 'Rotunda'
Dwarf Yaupon Holly	<i>Ilex vomitoria</i> 'Nana'
Fraser's Photinia	<i>Photinia fraseri</i>
Purple Sage	<i>Leucophyllum frutescens</i>
Purple Leaf Japanese Barberry	<i>Berberis thunbergi</i> 'Atropurpurea'
Pampas Grass	<i>Cortaderia selloana</i>
Nandina	<i>Nandina domestica</i>
Juniper	<i>Juniperus chinensis</i>
Fountain Grass	<i>Pennisetum</i>

(d) Ground cover (ranges from 18 inches).

Juniper, Creeping	<i>Juniperus horizontalis</i> or <i>procumbens</i>
Periwinkle	<i>Vinca major</i>
Liriope	<i>Liriope muscari</i>
Asian Jasmine	<i>Trachelospermum asiaticum</i>
Confederate Star Jasmine	<i>Trachelospermum jasminoides</i>
Monkey Grass	<i>Ophiopogon Japonicus</i>

(e) Vines.

Coral Honeysuckle	<i>Lonicera sempervirens</i>
Carolina Yellow Jasmine	<i>Gelsemium sempervirens</i>
Lady Banksia Rose	<i>Rosa banksiae</i>
Cross Vine	<i>Bignonia capreolata</i>
Sweet Autumn Clematis	<i>Clematis paniculata</i>
Virginia Creeper	<i>Parthenociss quinquefolia</i>

Boston Ivy	Parthenociss tricuspidata
(f) <u>Perennial and annual flowers.</u>	
Chrysanthemum	Chrysanthemum
Canna	Canna generalis
Copper Leaf	Acalyopha wilkesiana
Periwinkle	Catharanthus roseus
Iris	Iris
Lantana	Lantana camera
Daffodil	Narcissus Jonquil, Tazetta, & King Alfred
Petunia	Petunia hybrida
Marigold	Tagetes
Tulip	Tulipa
Zinnia	Zinnia
Caladium	Caladium hortulanum 'Candidum' 'Pink Beauty'
Moss Rose or Portulaca	Portulaca grandiflora
Wild flowers	

(2005 Code, ch. 17.11.12, app. A)

Secs. 14.02.484–14.02.530 Reserved

ZONING ORDINANCE

ARTICLE 14.02 ZONING ORDINANCE[±]

Division 1. Generally

Sec. 14.02.001 Reference

This article shall be known, cited and referred to as the zoning ordinance of the city. (2005 Code, sec. 17.1.01)

Sec. 14.02.002 Purpose and intent

The zoning regulations and districts provided herein have been established in accordance with a comprehensive plan, for the purpose of promoting the health, safety, and general welfare of the citizens of the City of Dalworthington Gardens. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and, to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the districts and for their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, consistent with a comprehensive plan. (2005 Code, sec. 17.1.02)

Sec. 14.02.003 Interpretation of article

(a) Interpretation. When interpreting and applying the provisions of this article, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.

(b) Conflict with other laws. Nothing in this article shall be construed as repealing any existing ordinances regulating nuisances or as permitting or requiring uses which are now prohibited by law. This article does repeal and replace Ordinances #13 and 18 which were temporary zoning ordinances.

(c) District boundaries. When definite distances in feet are not shown on the zoning district map, the district boundaries on the map are intended to be along existing streets, alleys or property lines or extensions of or from the same. Where boundaries are shown to follow streets or alleys, the centerline of such streets or alleys shall be the zoning boundary. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the map measured from a given line.

(d) Discrepancies in map. If, because of error or omission on the zoning district map, any property in the city is not shown and included in a zoning district, such property shall be classified as "SF" residential district until changed by amendment.

(e) Discrepancies in meaning or implication. In case of any difference of meaning or implication between the text of this article and any caption, illustration, chart or [or] table, the text shall control.

(2005 Code, sec. 17.1.03)

Sec. 14.02.004 Severability of provisions

(a) It is hereby declared to be the intention of the city council that the several provisions of this article are severable.

(b) If any court of competent jurisdiction shall judge any provision of this article to be invalid, such judgment shall not affect any other provision of this article not specifically included in said judgment.

(c) If any court of competent jurisdiction shall judge invalid the application of any provision of this article to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

(2005 Code, sec. 17.1.04)

Secs. 14.02.005–14.02.040 Reserved

Division 2. Districts and Boundaries Thereof

Sec. 14.02.041 Districts established

The zoning regulations and districts as herein set forth are approved and established. The city is hereby divided into classes of use districts, such districts being of the shape and area deemed best suited to carry out the purpose and intent of this article. Within such districts, this article hereby regulates and restricts the erection, construction, reconstruction, alteration, repair and use of buildings, structures and land as herein set forth.

(1) Residential districts.

“SF” Residential District

“MF” Residential District

“GH” Residential District

(2) Commercial districts.

“B-1” Business District

“B-2” Business District

“B-3” Business District

“LI” Light Industrial District

(3) Overlay districts.

“PD” Planned Development District

“PD-R” Redevelopment District

(2005 Code, sec. 17.2.01)

Sec. 14.02.042 Purposes of districts

(a) “SF” residential district (single-family). This district is intended to be composed of single-family dwellings on large-sized lots, together with the public and parochial schools, churches, public parks and other public facilities essential to create basic neighborhood units, particularly along existing streets and

thoroughfares of the city. This district is also considered to be the proper classification for large areas of undeveloped land appropriate for future single-family use, in order to protect and encourage the continued development of such areas for such use.

(b) “GH” residential district (single-family). This district is designed to accommodate detached single-family dwellings in a medium density setting allowing for innovation in development designed to encourage individual home ownership either on platted conventional lots or in a clustered site-plan configuration.

(c) “MF” residential district (multifamily). This district is designed for attached multifamily dwellings on moderate-sized lots, to provide in appropriate locations an orderly transition from neighborhoods of exclusively single-family dwellings to less restrictive use districts.

(d) “B-1” business district. This district is designed for limited, low-intensity offices, financial institutions and governmental buildings and facilities not involving retail trade, located in close proximity to and compatible with residential uses. The regulations of this district require a high standard of development in order to protect and provide an orderly transition from more restrictive adjacent districts.

(e) “B-2” business district. This district is provided to accommodate convenience retail sales and personal service activities as well as limited general business activities. The district regulations are designed for the types of commercial uses which do not typically generate high volumes of vehicular traffic. Nevertheless, it is not anticipated that development of land in this district will take place other than at or near the intersection of major thoroughfares.

(f) “B-3” business district. This district is intended to accommodate general business uses, offices, banking, governmental, utility and institutional business services, community shopping centers and some automobile-related uses, primarily in appropriate areas along major highways.

(g) “LI” light industrial district. The “LI” light industrial district is characterized by industrial development of a warehousing, distribution and light processing type. The regulations of this district are intended to preserve a light industrial nature, particularly with regard to noise, odors, dust and other noxious conditions. This district may be appropriate adjacent to commercial districts or on major highways.

(h) “PD” planned development district. The classification, procedures and regulations of this district are designed to be used in combination with and superimposed upon the geographical area of other districts (one or more) in large area developments so as to permit creative land use design, the flexible location of buildings and other structures, and the maximizing of open space and public amenities. The overlay district may be used with both residential and commercial districts.

(i) “PD-R” redevelopment district. This district is to be used in areas where existing development has deteriorated substantially and there is need for the redevelopment of the land and its infrastructure. Using the PD processes, this district may be overlaid on either residential or commercial districts.

(2005 Code, sec. 17.2.02)

Sec. 14.02.043 Zoning district map

The boundaries of the districts are as shown on the official zoning district map, which is hereby adopted and made a part of this article as if the boundaries of the district, notations and information shown thereon were fully contained and described herein. It shall be the duty of the city secretary to keep two complete sets of the official zoning district maps, one of which shall be kept in its original condition as a permanent record; and, the second of which shall indicate the dates and locations of all revisions subsequent to the adoption of the map in its original condition. The city secretary shall also keep any other maps used for

administration purposes up to date, clearly indicating thereon all changes, variances and special exceptions. These maps shall be maintained in the city hall and shall be available to the public during normal business hours. (2005 Code, sec. 17.2.03)

Sec. 14.02.044 Cumulative nature of districts

- (a) The uses of the districts listed in section 14.02.041(1) shall not be cumulative.
- (b) The districts listed in section 14.02.041(2) shall be deemed a hierarchy of districts in the order in which they are there listed, the most restrictive use being “B-1” and the least restrictive being “LI”. The city council may, upon proper application to zone property to a particular district, zone the property to such district or any more restrictive district within the hierarchy of districts.

(2005 Code, sec. 17.2.04)

Sec. 14.02.045 Amendments to zoning district map

Upon the effective date of this amendment, the zoning map, as heretofore amended, shall be changed as follows:

- (1) All districts designated “SF-1” and SF-2” shall be redesignated “SF”.
- (2) All districts designated “MF-1” and “MF-2” shall be redesignated “MF”.
- (3) All districts designated “LB” shall be redesignated “B-2”.
- (4) All districts designated “B” shall be redesignated “B-3”.

(2005 Code, sec. 17.2.05)

Sec. 14.02.046 Vacated streets and alleys

Whenever a street or alley that forms a district boundary is vacated by the council, adjacent district boundaries shall extend to the centerline of the street or alley vacated. (2005 Code, sec. 17.2.06)

Secs. 14.02.047–14.02.090 Reserved

Division 3. Definitions

Sec. 14.02.091 Rules for definition

- (a) For the purposes of this article, certain words and terms that apply to this article are defined in section 14.02.092 hereof. As to words and terms not defined in this article, the same shall be as defined elsewhere in this code; or, if not elsewhere herein defined, then as defined in the most recently published edition of Webster’s New Collegiate Dictionary.
- (b) Words used in the present tense shall include the future, words used in the singular number shall include the plural number, and words used in the plural shall include the singular.
- (c) The word “shall” is mandatory and not discretionary.
- (d) The word “may” is permissive.
- (e) The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” “occupied for,” and shall apply exclusively to physically existing uses.

(2005 Code, sec. 17.3.01)

Sec. 14.02.092 Defined terms

For the purposes of this article, certain terms, words, and phrases shall have the meanings assigned thereto in this division.

Access. A means of passage to and from a place.

(2005 Code, sec. 17.3.02)

Accessory dwelling. An accessory structure intended for habitation that contains at least one bathroom and a kitchen. Accessory dwellings shall not be permitted without a principal structure in existence.

Accessory storage structure. An accessory storage structure is an accessory structure that is less than 300 square feet, has no electricity, plumbing and no permanent foundation. An accessory storage structure may not be used for habitation.

Accessory structure. A subordinate use or building incident to and located on the lot occupied by the main use or structure. When a substantial part of the wall of an accessory structure is a part of the wall of the principal structure in a substantial manner, as by a roof, such accessory structure shall be deemed a part of the principal structure. Accessory structures are subject to applicable zoning district regulations.

(Ordinance 2020-02, sec. 1, adopted 2/20/20)

Adjoining or adjacent lot. Any lot, parcel or piece of land that shares with the lot under consideration a common lot line, alley or any point of tangency.

Alley. A public way less in size than a street, designed for the special accommodation of abutting property, and not intended for general travel or primary access.

Amusement, commercial. An establishment offering entertainment or games of skill to the general public for a fee or charge.

Apartment. A dwelling unit in an apartment house.

Apartment house. A building or portion thereof arranged, designed or occupied as two or more dwelling units not for transient use.

Auto wrecking. The collecting and dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles or their parts.

Block. A tract of land bounded by streets or by a combination of streets, and public parks, cemeteries, or corporate boundaries of the city.

Board. The board of adjustment of the city.

(2005 Code, sec. 17.3.02)

Brewpub. An establishment permitted under the local option alcohol laws in place at the location of the establishment, which holds a valid brewpub license from the Texas Alcoholic Beverage Commission (“TABC”). A brewpub may conduct all activities permitted by individuals holding a valid TABC brewpub license. (Ordinance 2019-05, sec. 1, adopted 7/18/19)

Buffer area. An area of land, together with specified planting and/or structures thereon, which may be required between land uses of different intensities to eliminate or minimize conflicts between such uses.

Build. To erect, convert, enlarge, reconstruct, restore or alter a building or structure.

Building. Any structure which is built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind.

Building line. A line established, in general parallel to the front curbline, between which and the front curbline in which no part of a building shall project, except as otherwise provided in this article.

Business park. An office and warehouse complex that meets the standards of section 14.02.224(a)(12) of this article.

(2005 Code, sec. 17.3.02)

Cargo container. Generally, an all steel container with strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car; truck trailer or loaded on a ship. (Ordinance 2020-02, sec. 1, adopted 2/20/20)

Child care facility. A facility used for any type of group child care program, including without limitation nurseries for children of working parents, nursery schools for children under the minimum age for education in public schools, privately conducted kindergartens not a part of a public or parochial school, and programs for after-school care of more than six (6) children exclusive of children in the immediate family of the operator of the facility.

City. The City of Dalworthington Gardens.

Clinic. A building in which a group of physicians, dentists, or physicians and dentists and allied professional assistants are associated for the purpose of treating and diagnosing ill or injured outpatients. A clinic may include a dental or medical laboratory or dispensing apothecary.

Commercial parking. A place for the storage or parking of motor, man-powered or unpowered vehicles for a fee.

Commission. The planning and zoning commission of the city.

Council. The city council of the city.

Court. An open, unoccupied space bounded on more than one side by the walls of a building or buildings and used as a primary means of access to all or any part of said buildings. For the purpose hereof, an alcove or entranceway less than twenty (20) feet in depth shall not be considered a court.

(2005 Code, sec. 17.3.02)

Credit access business. An organization that obtains for a consumer or assists a consumer in obtaining an extension of credit in the form of a deferred presentment transaction or a motor vehicle title loan, particularly as those terms are defined in the Texas Finance Code, Chapter 393 as amended. (Ordinance 2020-12 adopted 12/17/20)

Customarily incidental use. A use of a building or premises, not involving the conduct of a business, which use is only secondary to the principal use and is indispensably necessary to the enjoyment of the premises

for any of the principal uses permitted within a zoning district. A customarily incidental use may include a customary home occupation.

Customary home occupation. (See “Home occupation” [in] this division.)

Development or to develop. “Development” shall mean the construction of one or more new buildings or structures on one or more building lots, the location of an existing building on another building lot, or the use of open land for a new use. “To develop” shall mean to create a development.

District. A zoning district; a section of the city for which the regulations governing the area, height, and use of buildings and land are uniform.

Duplex. A detached building having separate accommodations for and occupied as, or to be occupied as, a dwelling for only two families.

Dwelling. A building or a portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels or motels.

Dwelling, attached. A dwelling which is joined to another dwelling at one or more sides by a partial wall or walls.

Dwelling, detached. A dwelling which is entirely surrounded by open space on its building lot.

Dwelling, multiple. A building used or designed as a residence for three or more families or households living independently of each other.

Dwelling, one-family. A detached dwelling having accommodations for and occupied by only one family.

Dwelling unit. One or more rooms arranged, designed, or used as separate living quarters for an individual family. Kitchen facilities, including at least a stove or cooking device, and a permanently installed sink, plus bathroom facilities, shall always be included for each dwelling unit.

Easement. Authorization by a property owner of the use by another, including the city and/or public agencies, for a specified purpose, of any designated portion of property. A “surface” easement describes an easement for which the authorization of use includes activities which occur at or above ground level and which the use of such property for other above-ground uses limits.

Educational institution. Elementary, junior high, high schools, junior colleges, colleges, or universities or other schools giving general academic instruction in the several branches of learning and study required by the State of Texas.

Establishment. A place of business.

Family. An individual or two or more persons related by blood, marriage or adoption; or a group of not more than five persons, excluding servants, who need not be related by blood or marriage, living in a dwelling unit.

Fence. A masonry wall or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land. The term “fence” does not include retaining walls.

Finished floor elevation (F.F.). The finished surface of the floor of the first story of a structure - i.e., the story, the floor of which is closest in vertical elevation to the most adjacent grade of the structure.

Garage[.] private. A building used for the storage of motor vehicles for the private use of the occupants of the premises.

Garage[.] public. Any building not a private garage, used for housing motor vehicles; or, a place where vehicles are repaired for operation or kept for remuneration, hire or sale. A commercial motor vehicle parking facility.

Grade. The lowest point of elevation of the finished surface of the ground between the exterior of a structure and a point five (5) feet therefrom.

Gross floor area. When applied to a building, the area in square feet measured by taking outside dimensions of the building at each floor, excluding however, the floor area of basements or attics when not occupied or used.

Health care facility. A facility, other than a hospital, for the care of the chronically ill, aged or infirm residents of the premises, and typically not containing equipment or facilities for surgical care.

Hobby. The engagement of a person in a branch of the fine arts or sciences for pleasure, conducted as a spare-time activity. Such activity shall not be engaged in for business profit, and any remuneration shall be secondary and incidental to the pursuit. Such activity shall be carried on within an enclosed or screened area and shall not involve any activity that requires open storage of automobiles, building materials, glassware or antiques, used furniture or other materials or goods.

Home occupation. Any occupation or activity which is clearly incidental and secondary to the use of premises for dwelling purposes, is carried on within the dwelling, and is not detrimental or injurious to the economic or aesthetic value of adjoining property. Customary home occupations shall include the sale of farm produce grown on the same premises as the primary residence, but shall not include: barber or beauty shops, carpenters', electricians', or plumbers' shops; radio shops, auto repairing, auto painting, furniture repairing, sign painting, or any other form of merchandising activity; or, child care in excess of four (4) children not members of the family residing in the home.

Hospital. An institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, nursing, and the prolonged care of bed patients.

Hotel. A building or buildings used as the more or less temporary abiding place of individuals who are lodged with or without meals, in which the rooms are occupied for hire, and there is generally a common kitchen.

(2005 Code, sec. 17.3.02)

HUD-code manufactured home.

- (1) A structure:
 - (A) Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
 - (B) Built on a permanent chassis;
 - (C) Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
 - (D) Transportable in one or more sections; and

(E) In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet.

(2) Includes the plumbing, heating, air-conditioning, and electrical systems of the home; and

(3) Does not include a recreational vehicle.

(Ordinance 2018-05, sec. 1, adopted 3/27/18)

Impervious surface. A surface which does not absorb water, including all building roofs, paved parking areas and driveways, roads, sidewalks, structures, and any other areas of concrete, asphalt or similar surface.

Institution. A building occupied by a nonprofit corporation; a nonprofit establishment for public use.

Junk or salvage yard. Premises on which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles and used building materials. This term shall also include an automobile wrecking yard and automobile parts yard.

Kennel. An establishment for the breeding, raising or boarding of four (4) or more dogs, cats or other domestic household animals, at which establishment provisions are made for the enclosure of such animals in runs, cages, yards, or pens.

Lot. Land occupied or to be occupied by a building and its accessory buildings and including such open spaces as are required under this article and having its principal frontage upon a public street or officially approved place, the boundaries of which have been fixed by plat pursuant to chapter 212 of the Local Government Code of Texas.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection.

Lot line. A boundary of a building lot.

Lot of record. An area of land designated as a lot on a plat of a subdivision recorded pursuant to statute with the county clerk of Tarrant County, Texas.

Lot, panhandle. A panhandle lot is a lot, other than a cul-de-sac lot, which is not of a buildable width when measured at the street frontage of the lot.

Lot wide [width], commercial. The length of a line extending from side lot line to side lot line of a nonresidential lot, measured along the street frontage of the lot.

Lot width, residential. The length of a line extending from side lot line to side lot line of a residential lot, parallel to the street frontage of the lot.

Masonry. Referring to building exterior walls and screening devices, fired clay brick or natural stone.

(2005 Code, sec. 17.3.02)

Mobile food establishment. A vehicle mounted or a trailer or food concession apparatus intended to be pulled by a vehicle that provides a fee based, licensed food service operation that may require utility access in order to operate and is meant to be left in place longer than the time period permitted for a mobile food unit. A human pushed or pulled cart or trailer or mobile device is not a permissible form of a mobile food establishment.

Mobile food unit. A self-contained, licensed, motorized vehicle, fee based food service operation designed to be readily movable and commonly referred to as a “food truck.” A mobile food unit shall not require utility access in order to operate. A human pushed or pulled cart or trailer or mobile device is not a permissible form of mobile food unit.

(Ordinance 2018-01, sec. 1, adopted 2/15/18)

Mobile home.

- (1) A structure:
 - (A) Constructed before June 15, 1976;
 - (B) Built on a permanent chassis;
 - (C) Designed for use as a dwelling with or without permanent foundation when the structure is connected to the required utilities;
 - (D) Transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and
- (2) Includes the plumbing, heating, air-conditioning, and electrical systems of the home.

(Ordinance 2018-05, sec. 1, adopted 3/27/18)

Motel. A hotel with accommodations for the parking of motor vehicles in close proximity to guest rooms.

Motor vehicle sales. An area, other than a street, used for the display, sale or rental of new or used automobiles, trucks or trailers, where no repair work is done, except minor reconditioning of motor vehicles or trailers to be displayed, sold or rented on the premises. Such area shall not include automobile wrecking or dismantling or the sale of salvaged parts, nor shall it include the storage of either new or used motor vehicles or trailers.

Museum. An establishment operated as a nonprofit, noncommercial repository for a collection of scientific, natural or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

Nonconforming use. A use that does not conform to the regulations or use in the zoning district in which it is located but which may legally continue because such use predated the application of the zoning ordinance to it and has not since been abandoned.

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

Open storage. The storage of any equipment, machinery, building materials or commodities, including raw, semi-finished and finished materials, the storage of which is not accessory to a residential use, and which is visible from ground level; provided, however, that vehicular parking shall not be deemed to be open storage.

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

Pawnshop. The business location of a pawnbroker, as defined by and licensed pursuant to state law.

Personal service shop. An establishment supplying limited personal services such as: cleaning and laundry collection, self-service laundry, interior decorating, watch and jewelry repair, art gallery, library, museum, studio for professional artwork, photography, dance or fine arts, including teaching of applied and fine arts.

(2005 Code, sec. 17.3.02)

Principal structure. The primary or predominant building on a lot. The principal structure must meet the minimum requirements for structures in the zoning district in which the structure is located. (Ordinance 2020-02, sec. 1, adopted 2/20/20)

Print shop. An establishment utilizing offset, letter press, or other duplicating equipment.

Private school. A non-governmental educational institution accredited by a national or regional association of institutions of like kind; or, a privately owned, state-licensed vocational or technical training school.

Professional office. An office occupied by a doctor, lawyer, dentist, engineer, or any other vocation involving predominately mental or intellectual skills and requiring state licensure, but specifically excluding any activity involving sales of personal property; and, excluding also veterinary clinics.

Recreational area. An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses.

Recreational vehicle or RV. A vehicular, portable structure built on a chassis, either self-powered or trailer, and designed to be used as a temporary dwelling. An RV shall include a travel trailer, motor home, pickup camper, or any variation thereof.

Residential recreation facility. A private recreation facility located within a single- and/or multi-family residential development, designated and intended for the use in common of residents of the development and/or members of the operating club or association and their guests, but not the general public, and including such recreational amenities as a swimming pool, tennis courts, racquetball courts, sauna, exercise room and similar facilities, and food and beverage service.

RV park. Any premises on which one or more RVs may be parked or situated and used for the purpose of supplying to the public a parking space therefor.

Screening device. A barrier of stone, brick, pierced brick or block, uniformly colored wood or other permanent material of equal character, density and design, not more than six (6) feet in height.

Secondary use. A collateral use of land or buildings which is customarily done or performed in conjunction with a permitted principal use, but not constituting a majority of either the employment, area or revenues of the combined uses.

Shopping center. A composite arrangement of shops and stores which provide a variety of goods and services to the general public, when the same are developed as an integral unit.

Sign. A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land, which sign directs attention to an object, project, place, activity, institution or business; provided, however, that this term shall not include a display of an official court or public notice nor the flag, emblem or insignia of a nation, political unit, school or religious group.

Sign[,] illuminated. Any sign designed to give forth any artificial light or to reflect light from one or more sources, natural or artificial.

(2005 Code, sec. 17.3.02)

Smoking establishment. A business establishment that is dedicated, in whole or in part, to the use or consumption of smoking products, including but not limited to establishments known variously as cigar lounges, hookah lounges, cigar cafes, hookah cafes, cigar bars, hookah bars, tobacco bars, cigar clubs, hookah clubs, tobacco clubs, etc. and includes any establishment that allows:

- (1) The on-site purchase of smoking products or the on-site purchase or rental or furnishing of accessories intended or adapted or provided for the use or consumption of smoking products; and
- (2) The on-site smoking or consumption of smoking products.

Smoking product. Tobacco, tobacco substitutes, any similar substances, or any type of material designed, adapted, or intended to be smoked.

(Ordinance 12-07 adopted 10/18/12)

Stable, private. A stable with a capacity for not more than four (4) horses, mules or other domestic animals.

Storage. The retention and housing of goods, wares and merchandise preliminary to the sale or use thereof. As such term is applied to open storage the use as described above or, if at the location of retail sale, rental or lease, the exhibition of goods, wares or merchandise for a period of more than three (3) consecutive business days.

Story. That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above.

Street. Any public thoroughfare dedicated to the public use and not designated as an alley or officially approved place.

Thoroughfare, major. A street designated as a major thoroughfare on the last officially adopted "Plan for Major Thoroughfares" of the city.

Townhouse. A row of single-family attached dwelling units which constitute an architectural whole.

Use. When applied to land or buildings, the purpose or activity for which such land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Variance. An adjustment in the application of the specific regulations of this article to a particular piece of property, which property because of special circumstances uniquely applicable to it is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

Veterinary clinic. A place where a veterinarian maintains treatment facilities, soundproof, with no outside runs.

Warehouse. A building used for the storage of goods, wares and merchandise, including offices and sales space.

Wholesale office. An office for the conduct of the business of selling tangible personal property to retail establishments.

(2005 Code, sec. 17.3.02)

Winery. An establishment permitted under the local option alcohol laws in place at the location of the establishment, which holds a valid winery permit from the Texas Alcoholic Beverage Commission (“TABC”). A winery may conduct all activities permitted by individuals holding a valid TABC winery permit. (Ordinance 2019-05, sec. 1, adopted 7/18/19)

Yard. Any open space, other than a court, on a lot unoccupied and unobstructed from the ground upward unless specifically otherwise permitted in this article.

Yard, front. A yard extending along the whole length of the front lot line between the side lot lines and being the minimum horizontal distance between the street right-of-way line and main building or any projections thereof other than steps and unenclosed porches.

Yard, rear. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, or unenclosed porches.

Yard, side. A yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance between any building or projections thereof and the side lot line.

Zoning administrator. The person designated by the council to enforce and administer the provisions of this article and his or her designated representative.

Zoning district map. The map or maps incorporated into this article as a part hereof by reference thereto.

(2005 Code, sec. 17.3.02)

Secs. 14.02.093–14.02.120 Reserved

Division 4. General Standards

Sec. 14.02.121 Purpose

The purpose of this division is to state certain standards which, except where specifically stated otherwise, apply to all zoning districts. (2005 Code, sec. 17.4.01)

Sec. 14.02.122 Lot requirements

(a) No building shall be hereafter erected and no existing building shall be hereafter enlarged unless the same is situated on a lot platted pursuant to state law and the provisions of article 10.02 of the city code.

(b) In the SF district, no more than one main building shall be allowed on a single lot, except as hereinafter provided.

(c) In any district, more than one structure may be erected and/or used for a permitted principal use (other than a single-family dwelling) on a single platted lot, provided that all of the requirements of this article, as to yard and other regulations, are met as to each structure as if the same were the only principal structure on such lot.

(2005 Code, sec. 17.4.02)

Sec. 14.02.123 Yard requirements

(a) Double frontage lots. On double frontage lots, a minimum front yard shall be required on both streets; provided however, that when a principal structure on a double frontage lot will back on a major

thoroughfare, the minimum rear yard in an “SF” district may be reduced as provided in the district regulations, when:

- (1) The front and rear yards and building lines therefor are designated on a plat approved by the council and recorded in the plat records of Tarrant County, Texas; and
- (2) A screening device approved by the city as to location and height is erected along the property line abutting the major thoroughfare.

When a double frontage lot is located in an SF district, the right-of-way of the major thoroughfare shall be the rear lot line and such lot shall face on the minor street.

(b) Reverse corner lots. On a reverse corner lot in any district, the rear line of which abuts a lot zoned for residential purposes, no structure or portion thereof shall be located within twenty-five (25) feet of any part of said rear lot line. Further, any portion of a structure which is located within thirty-five (35) feet of such rear lot line shall observe the same yard requirements on its side-street side as are specified by this article for the lot which it abuts to its rear.

(c) Swimming pools and tennis courts. In all districts, a swimming pool or tennis court shall be permitted in a required side or rear yard under the following conditions:

- (1) The pool area shall be enclosed in compliance with article 3.05 of this code.
- (2) Pools and tennis courts shall not be located within ten (10) feet of a property line measured from the outside edge of the coping (in the case of pools) or the playing surface (in the case of tennis courts).
- (3) Lighting shall be directed toward the recreation area and away from adjacent residential uses.
- (d) Permitted obstructions in required yards and open spaces. The following shall not be considered to be obstructions when located in the required yards and open spaces specified.

(1) In all required yards:

- (A) Open terraces not over four (4) feet above the average grade of the property at the nearest property line, but not including a permanently roofed terrace or porch, awning or canopy.
- (B) Steps four (4) feet or less above grade which are necessary for access to a permitted building, or to a building lot, from a street or alley.
- (C) Chimneys projecting twenty-four (24) or less inches into the yard.
- (D) Fences, subject to subsection (2)(c) hereof.

(2) In front yards:

- (A) Bay windows, balconies and overhanging eaves or gutters, none of which shall project more than four (4) feet into a required yard.
- (B) Plants, hedges or other natural growth, so long as the same do not constitute a sight obstruction, as described and regulated by subsection (5) hereof.
- (C) Fences not exceeding four (4) feet in height which do not constitute a sight obstruction.

(3) In side yards: Bay windows, overhanging eaves or gutters projecting two feet or less into a required yard.

(2005 Code, sec. 17.4.03)

(4) In rear yards: In residential districts, none of the following shall be considered an obstruction in a rear yard:

(A) Provided that it is situated within the required yard of a principal structure and does not exceed the maximum allowed height of a principal structure: accessory structures; breezeways and open, unroofed porches.

(B) Provided that it is situated between ten (10) feet of the property line of the adjacent residential property and the required yard of a principal structure and does not exceed a height of fifteen (15) feet: accessory structures; breezeways and open, unroofed porches.

(C) Provided that they are not situated within twenty (20) feet of the property line of adjacent residential property: balconies, bay windows and overhanging eaves or gutters.

(D) Open off-street parking spaces shall be permitted in required yards unless elsewhere herein prohibited.

(Ordinance 2020-02, sec. 4, adopted 2/20/20)

(5) Sight obstructions: Nothing herein provided shall be construed as permitting any obstruction to view which may constitute a traffic hazard. On the contrary, it shall be unlawful for any person to erect or place or cause to be erected or placed, or to perpetuate or maintain, on any property under his control any hedge, tree, shrub, or other growth or any fence or other structure in such manner or at such location as to constitute an obstruction to view creating a traffic hazard. On corners or on street curves of more than sixty (60) degrees, when doubt may exist regarding sight obstructions, the approval of the city engineer shall be required.

(e) Front yard storage. No part of a required front yard in a residential district shall be used for any period of more than ten (10) consecutive days for the parking or storage of any vehicle, object or material not elsewhere herein permitted.

(2005 Code, sec. 17.4.03)

Sec. 14.02.124 Principal and accessory buildings and uses

(a) No accessory structure or accessory storage structure may be used for dwelling purposes unless all or part of the structure also meets the requirements for an accessory dwelling.

(b) An accessory dwelling may be used for storage.

(c) Accessory dwellings shall comply with the following requirements:

(1) Accessory dwellings are permitted only in residential zoning districts.

(2) Accessory dwellings shall conform with the character of the principle structure as well as the city's design standards.

(3) Accessory dwellings shall comply with the same setback requirements as required for the principal structure.

(4) Accessory dwellings shall not be located in front of the principal structure unless there is more than 100 feet between the principal structure and the front lot line.

- (5) Accessory dwellings shall be constructed on a permanent foundation.
- (6) Accessory dwellings shall be constructed a minimum of 10 feet from the principal structure, and 10 feet from any other structure.
- (7) Accessory dwellings shall not exceed the larger of 700 square feet of livable space or 25% of the total livable floor area of the principal structure.
- (8) Replatting is not required prior to construction of an accessory dwelling.
- (9) Cargo containers, in any form, shall not be used as accessory dwellings.
- (10) Accessory dwellings must have a kitchen and at least one bathroom.
- (11) A maximum of one accessory dwelling is permitted per principal dwelling.
- (d) The combined area of the principal structure, any accessory structure, and any other impervious surface shall not exceed the impervious coverage requirement as outlined in section 14.02.171.
- (e) Utilities for an accessory structure shall be underground.
- (f) All accessory structures situated between ten (10) feet of the property line of adjacent residential property and the required yard for a principal dwelling shall not exceed 15 feet in height. All accessory structures situated within the required yard for a principal structure shall not exceed the maximum allowed height of the principal structure.
- (g) Neither a HUD-code manufactured home nor a mobile home may be used as an accessory structure.
- (h) In addition to those uses listed as accessory uses in the district regulations, the following are also accessory uses to appropriate principal uses:
 - (1) Storage of goods used or produced by manufacturing activities on the premises occupied by such activities, when such storage is permitted by the district regulations.
 - (2) The production, processing, cleaning, servicing, altering, testing, repairing or storing of merchandise normally incidental to a retail service or business, when conducted by the person engaged in the principal use, when such activity is permitted by the district regulations.
 - (3) Off-street motor vehicle parking areas and loading facilities for the exclusive use of the owners, customers, clients and employees of the principal use.
 - (4) Swimming pools and tennis courts as part of single-family residences, when used by residents and their guests only.
 - (5) In multifamily residential developments: club rooms, clothes washing and drying facilities, swimming pools, sauna baths and other indoor and outdoor recreation facilities common to such developments, when such uses exist for the use and benefit of residents and their guests but not for the general public.
- (i) All permits required by the city for an accessory structure shall be obtained prior to construction.
- (j) All accessory structures shall be subordinate to and support the principal structure.
- (k) Accessory structures may include a private garage and similar uses; provided, that they may not be used for commercial purposes, and may be used for hobbies only in so far as such activities are not offensive by reason of odor, noise or manner of operation.

- (l) An accessory structure shall not occupy any portion of a required front or required side yard.
- (m) An accessory structure may occupy any portion of a required rear yard in a residential district other than the “MF” district, except as provided in section 14.02.123(d)(4) hereof. In the “MF” district, an accessory structure shall not occupy more than 50% of the minimum rear yard of a one-story principal structure, nor more than 40% of the minimum rear yard of a multi-story principal structure.
- (n) Accessory structures shall be maintained and kept in good repair and sound structural condition.
- (o) Except as otherwise provided herein, an accessory structure that is less than or equal to 300 square feet in size and has no electricity or plumbing shall not be required to obtain a building permit, but shall meet all requirements of this article. An accessory structure that is greater than 300 square feet in size, or any size accessory structure that is in any way attached to the primary structure, shall be required to have a building permit, be inspected by the city, and meet the requirements of this article.
- (p) Limitations on storage.
 - (1) Residential zoning districts:
 - (A) Cargo containers, cargo storage, and/or tractor trailer storage shall not be permitted in residential zoning districts.
 - (B) This does not include residential trailers.
 - (2) Commercial zoning districts:
 - (A) Cargo containers and/or cargo storage shall be permitted in commercial zoning districts provided any one business does not exceed three (3) cargo containers or cargo storage containers combined. Cargo containers and cargo storage containers shall be screened from public view.
 - (B) Non-registered travel and/or tractor trailers shall not be permitted in commercial zoning districts.
 - (3) Notwithstanding the above, temporary storage pods may be placed on any lot in residential zoning districts (but not blocking any portion of the right-of-way or sidewalk) for the purposes of loading or unloading furnishings or other goods for not more than sixty (60) days. In commercial districts, temporary storage pods are required to be removed once a certificate of occupancy has been issued.

(Ordinance 2020-02, sec. 2, adopted 2/20/20)

Sec. 14.02.125 Screening devices

- (a) Where required. A screening device, as herein defined, shall be erected before any use other than uses permitted in the “SF” or “MF” districts is made of property in “B-1” or less restrictive districts when such property abuts residentially zoned property. Insofar as it is practical, such screening device shall be erected along the entire length of the common line between such nonresidential property and the abutting residentially zoned property.
- (b) Erection and maintenance responsibility.
 - (1) When a screening device is required under the terms of subsection (a) of this section, it shall be the responsibility of the user of the commercial or industrial property to erect the required screening device, and the same shall be a condition precedent to the issuance of a certificate of occupancy for the premises on which said device is located.

(2) All screening devices required by this article or action of the board of adjustment shall be perpetually maintained by the user of the property on which said device is located.

(3) No fence or other screening device, whether required or not, shall exceed six (6) feet in height, without prior board approval.

(c) PD screening. In residential planned developments the council may approve as part of the PD site plan masonry walls higher than provided above in required yards so long as the same do not violate visibility restrictions.

(2005 Code, sec. 17.4.05)

Sec. 14.02.126 Height standards

(a) The maximum heights of structures contained in the district regulations shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other structural appurtenances usually placed above roof level and not intended for human occupancy, but no sign or other advertising display may be located on a structure and above the maximum height of structures permitted in the district in which the same is situated.

(b) The height of a building shall be measured from the finished floor elevation to the highest point of the building roof, exclusive of the permitted structures listed in subsection (a) of this section. Measurement shall be made from the highest point of the roof to the finished floor directly below such point. If a building has a finished floor at more than one grade, a height measurement shall be made using each such grade, but no structure shall exceed the maximum height therefor prescribed in the applicable district regulations.

(c) The height of a sign shall be measured from the surface grade vertically beneath the sign to the highest point of the sign face.

(2005 Code, sec. 17.4.06)

Sec. 14.02.127 Agricultural uses

(a) In districts where the same are otherwise herein permitted, agricultural and livestock uses shall not be conducted on any lot or tract having an area of less than 40,000 square feet.

(b) The intensity of use of land for grazing purposes shall not exceed 10,000 square feet of grazing area per equine or bovine animal and 3,000 square feet of grazing area per each other kind of domestic animal.

(2005 Code, sec. 17.4.07)

Sec. 14.02.128 Design standards

Nonresidential buildings in the city shall be built in accordance with the provisions for building design and materials standards contained in this section.

(1) Materials and color - walls. Exterior wall construction for permitted nonresidential buildings in any zoning district shall be in accordance with the following:

(A) A wall shall be not less than 80% masonry.

(B) The percentage calculation shall apply to each building elevation and each elevation shall be calculated independently.

(C) For the purpose of calculation, wall area shall include eaves, gables and parapets, but shall not include exterior windows and doors, roofs, awnings and signs.

(D) As used in this section, “masonry” includes:

(i) Brick, stone or tile, hand laid unit by unit;

(ii) Veneer simulations of the materials having the appearance of hand-laid units, when approved by the city;

(iii) Stucco when applied in accordance with building code standards therefor; and

(iv) Tilt-wall and other pre-cast walls, but only when the exterior surface is faced with one or more of the applications described in (i) through (iii) of this subsection (D) on each street frontage and on the sides of the building. The rear elevation of the building shall also be so faced when the rear abuts property zoned or used for residential purposes.

(E) Glass shall not exceed 50 percent of the area of any one facade of a building.

(F) Exterior wall surfaces shall consist of no more than three colors: a base color in an earth tone, which may be 100% of the wall area; a trim color, which may not exceed 20% of the wall area; and, an accent color that may not exceed 1% of the wall area.

(G) In combination, accent materials and non-masonry materials shall not exceed 20% of any one building elevation.

(H) Awnings shall be canvases or a lusterless, non-metallic material closely resembling canvas, at least 98% of which is a single deep or neutral solid color. The remaining 2%, if a different, shall be a contrasting color. Awnings shall not be backlit.

(2) Materials, color and design - roofs. Roof construction for permitted nonresidential buildings in any zoning district shall be in accordance with the following:

(A) All structures having 6000 square feet or less footprint shall be constructed with a pitched roof having a pitch not less than 2/12. Those having a footprint greater than 6000 square feet shall be constructed with either a pitched, parapet or mansard roof system, which shall be enclosed on all sides.

(B) Standing seam metal roofs shall be made of copper or shall have a factory-treated, nonmetallic, matte finish. Metal roofs with lapped-seam construction, bituminous built-up roofs, and flat membrane roofs that are visible shall be prohibited.

(C) Pitched roofs shall have roofing material of a lusterless neutral/earth tone or green color. Green colors shall be limited to dark forest greens, pale bluish-gray greens, slate greens and copper patina.

(D) Roof-mounted equipment otherwise visible from the same or adjacent property shall be screened from view. The screen shall be the color of the roof material or the wall material, whichever most effectively minimizes visibility from the ground.

(3) Building articulation. On all building elevations the following horizontal and vertical articulation must be met:

(A) Horizontal articulation. A building elevation extending horizontally more than eighty (80) feet shall have no less than 30% of the total area of the elevation offset a minimum of four (4) feet, either protruding forward of or recessed back from the remainder of the elevation. A building elevation extending

horizontally less than eighty (80) feet shall have no less than 30% of the total area of the elevation offset a minimum of two (2) feet.

(B) Vertical articulation. No wall shall extend horizontally for a distance greater than three (3) times the height of the wall without changing the height by a minimum of 15% of the wall height, and such height change shall continue for a minimum distance equal to 25% of the maximum horizontal length of either adjacent plane.

(C) Application. The horizontal and vertical articulation requirements of this subsection (3) shall apply to: (i) all street frontage and side yard building elevations; and (ii) rear elevations on property adjacent to property zoned or used for residential purposes, but excluding from application those elevations adjacent to and within five feet of other buildings.

(2005 Code, sec. 17.4.08)

Sec. 14.02.129 Standards for certain uses

Certain land uses occurring throughout the city require the establishment of standards for the preservation of the integrity of the property on which uses are located, as well as that of adjacent land. This section contains standards for these land uses if not otherwise regulated by this or other ordinances of the city.

(1) Natural gas compressor stations. Any natural gas compressor station in the city shall comply with the following in all zoning districts of the city.

(A) A building permit shall be required for the station complex.

(B) The station complex shall be situated on a platted lot approved by the city and recorded in the plat records of Tarrant County.

(C) Setbacks.

(i) A minimum building setback for all compressor station buildings and equipment shall be established and maintained for all yards at the distances specified for the zoning district in which the station complex is located, as follows:

Zoning District	Required Setback (in feet) for All Yards
SF	300
MF	300
GH	300
B-1	200
B-2	200
B-3	200

LI	100
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(ii) Where the station complex site abuts a different district, the more restrictive building setback shall be applied.

(iii) Where a station complex site adjoins street right-of-way, the required building setback along the right-of-way shall be not less than the minimum setback for property situated on the opposite side of the street right-of-way.

(D) Screening. In order to protect the aesthetic integrity of adjacent properties, the station site shall be screened by a wrought iron type fence along boundary lines that front a dedicated public street right-of-way of any type, or that front a private street right-of-way dedicated for public use. Brick or stone columns shall be constructed on approximately fifty (50) foot centers for such fence.

(E) Enclosures. All compressor station equipment and sound attenuation structures shall be enclosed within a building. Such building shall have a portion of its exterior walls constructed of masonry and shall be designed with the following elements:

(i) A four (4) foot high masonry bulkhead wall shall be constructed on at least two (2) building facades most visible to the public.

(ii) At least two (2) building facades, specifically those most visible to the public, shall be constructed with a brick or stone accent that is at least twenty (20) feet in width, extending from foundation grade vertically to the roof line of the building and terminating with a sloped or arched profile.

(iii) The roof shall be sloped with a pitch of no less than 5:12 and shall contain at least one raised structure in the form of a cupola, steeple tower, clerestory element or similar structure. No flat roof shall be permitted.

(iv) The non-masonry wall surfaces may be constructed of painted metal, stucco or cementitious fiberboard material. Engineered wood paneling shall not be permitted for the finished exterior.

(v) The architectural design of the building shall be compatible with the visual context of surrounding development in the same zoning district. The building may be designed as a representation of, but not be limited to, the following building types: barn structure; estate residence; school or similar institution; gazebo or picnic area enclosure; club house or recreational facility; retail or office building; or, any combination of the above.

(F) Access. Vehicular access to the boundaries of the station complex from the street and those areas within the complex site where vehicular traffic and parking is to occur shall be paved with a concrete surface at a thickness and design meeting the city's standard specifications for city streets.

(G) Sound. The operation of station equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels measured at the property line of the station site and within 300 feet of the station building. Prior to the issuance of any building permit for a station complex:

(i) The applicant shall cause a test to be performed of a type to be approved in advance by the city, to determine the pre-development ambient noise levels.

(ii) The applicant shall give prior notice to the city of the date and time of the test.

(iii) The applicant shall submit to the city the written certification by a registered engineer that the station complex, when built in accordance with the submitted design plans therefor, will preserve and maintain an exterior noise level no greater than the pre-development noise level, as determined by the required test.

(H) Landscape. The station site shall be landscaped in a manner that is compatible with the landscape ordinances of the city.

(Ordinance 09-02, sec. 1, adopted 3/19/09)

Secs. 14.02.130–14.02.170 Reserved

Division 5. Residential District Regulations

Sec. 14.02.171 General provisions

(a) Table of standards. The standards contained in the following table shall govern the height, area, yard and parking requirements of residential and permitted nonresidential uses in the residential districts.

TABLE 14.02.171

	Districts				
	SF		MF		GH
Regulations	Residential	Nonresidential	Residential	Nonresidential	
HEIGHT (max. in ft.)	35 (n-1)	45 (n-1)	35 (n-1)	45 (n-1)	35
AREA (n-2)					
Lot area (min. per dwelling unit in sq. ft.)		None		None	6000
Single-family	21780		21780		
Multifamily			7200		
Living area (min. per dwelling unit in sq. ft.)					
	1250		800		2000

LOT					
Width (min. in ft.)	80	None	60	None	50
Coverage, building (max. % of lot area)	25	25	40	40	50
Coverage, impervious surface (max. % of lot area)	40	40	40	40	70
Districts					
	SF		MF		GH
Regulations	Residential	Nonresidential	Residential	Nonresidential	
YARDS (n-3) (min. in ft.)					
Front	50	50	25	25	15
Side - interior lot	25	25	5	–	5
Side - corner lot	35	35	15	15	15
Rear (n-4)	25	25	10	10	15
Rear - double frontage	35	35	20	20	–
PARKING (min. spaces per dwelling unit)					
	2	n-5	2.25	n-5	Garage-2 Guests-2
SPACE - Landscaped open space (min. % of lot area)					
	–	20	–	20	

Notes to table 14.02.171:

1. In addition to the minimum yard requirements contained herein, each side and rear yard shall be increased an additional foot for each foot (or fraction thereof) the structure exceeds 35 feet in height;

provided, that in no event shall the height of a building exceed by ten (10) feet the maximum height prescribed for such structure and district in table 14.02.171.

2. Lot area shall be exclusive of the means of vehicular access thereto, whether by public or private street or other access easement or way. Lots of 14,500 square feet or more but less than 21,780 square feet created by plat or deed and recorded in the office of the county clerk of Tarrant County before April 13, 1981, the effective date of this amendment, shall not be deemed nonconforming as to lot area.

3. Any single-family residential lot which on February 18, 1991, was classified “SF-2,” shall not be deemed nonconforming as to front and side yards if the lot has a front yard of not less than 35 feet and side yards of not less than 15 feet each (25 feet, if a corner lot). Lots platted and zoned for residential use which are “panhandle” lots, as herein defined, shall comply with the provisions of this table or section 14.02.171(d), whichever is more restrictive.

4. Any single-family residence constructed on a lot which was created by plat or replat recorded in the office of the county clerk of Tarrant County before March 1, 2002, shall not be deemed nonconforming as to minimum rear yard if such yard is not less than 15 feet.

5. Nonresidential parking is regulated by division 9 of this article.

(2005 Code, sec. 17.5.01)

(b) Parking.

(1) On any lot used for single-family residential purposes, there shall be provided two (2) covered vehicle parking spaces of not less than 180 square feet each, per dwelling unit.

(2) On any lot used for multifamily residential purposes, there shall be provided 2.25 covered vehicle parking spaces per dwelling unit, complying with the standards prescribed in division 9 of this article.

(3) On any lot used for nonresidential purposes, parking and loading areas shall be provided complying with the standards of division 9 of this article.

(4) All nonresidential parking and loading areas shall be screened from adjacent residential property. Parking or loading in a required yard is prohibited.

(c) Special standards. Panhandle lots shall conform to the following minimum requirements:

(1) In calculating the lot area for the purpose of determining compliance with this section, including maximum building coverage and maximum impervious surface coverage, the area of the panhandle shall not be deemed a part of the lot.

(2) All minimum yards shall be thirty (30) feet.

(3) Maximum building coverage shall be 20%.

(4) Maximum impervious surface shall be 30%.

(5) No building, either primary or accessory, shall be located in either the panhandle or any required yard.

(Ordinance 2020-02, sec. 3, adopted 2/20/20)

Sec. 14.02.172 “SF” residential district

(a) Permitted uses. A building or premises in this district shall be used only for the following purposes:

- (1) One-family detached dwellings, other than mobile homes.
- (2) Parks, playgrounds, community centers, fire stations or other public safety buildings operated by or under the control of the city or other governmental authority.
- (3) Electric transmission towers and lines, gas transmission lines and metering stations, other local utility distribution lines, sewage pump stations, and water reservoirs, pump stations, wells and transmission lines.
- (4) Churches and rectories; and, public or parochial schools (without student housing).
- (5) Accessory buildings, as elsewhere herein regulated.
- (6) Customarily incidental uses.
- (7) Mobile food units are permitted under the following conditions:
 - (A) The property owner has requested the services of the mobile food unit.
 - (B) The mobile food unit may only provide goods and services to the property owner or the property owner's guests at the property owner's expense. No sales will be made to the general public.
 - (C) Mobile food units may not obstruct traffic movement, or impair visibility or safety to the site.
 - (D) Mobile food units must have a valid health permit and comply with chapter 228 of the Texas Administrative Code related to mobile food unit operations.

(b) Specific use permits. See section 14.02.325, specific use permits. The following uses require an ordinance granting a specific use permit. Unless otherwise stated, a site plan meeting the requirements of section 14.02.272(b) and a public hearing is required before a recommendation is made by the planning and zoning commission and action is taken by the city council. In addition, the following minimum conditions must be met. Such conditions may not be construed as conditions precedent to the granting of the specific use permit. Uses allowed with a specific use permit in the "SF" residential district are:

- (1) The temporary sales of Christmas trees and other forms of decorative plant materials and approved goods and services associated with the celebration of holiday events shall be permitted for a period of thirty (30) days prior to the day of holiday celebration. The following condition must be met:
 - (A) That there is adequate off-street parking available on the property, either improved or unimproved;
 - (B) That the location and layout of drives, parking areas, lighting, and sale signs will not constitute a hazard to public travel on the abutting public streets; and
 - (C) Minimum land area of property is four (4) acres.

Trees, stands, equipment, trash, signs and lighting shall be removed from the property by the permit holder within seven (7) days after final termination of sales activities.

- (2) The sale of farm produce not grown on the same premises as the primary residence.
 - (A) That there is adequate off-street parking available on the property, either improved or unimproved;
 - (B) That the location and layout of drives, parking areas, lighting, and sale signs will not constitute a hazard to public travel on the abutting public streets; and

(C) Minimum land area of property is four (4) acres.

(Ordinance 2018-14A, sec. 2, adopted 9/20/18)

Sec. 14.02.173 “MF” residential district

A building or premises in this district shall be used only for the following purposes:

- (1) One-family attached or multifamily dwellings.
- (2) Accessory buildings, as elsewhere herein regulated.
- (3) Customarily incidental uses.

(2005 Code, sec. 17.5.03)

(4) Mobile food units are permitted under the following conditions:

- (A) The property owner has requested the services of the mobile food unit;
- (B) The mobile food unit may only provide goods and services to the property owner or the property owner’s guests at the property owner’s expense. No sales will be made to the general public.
- (C) Mobile food units may not obstruct traffic movement, or impair visibility or safety to the site.
- (D) Mobile food units must have valid health permit and comply with chapter 228 of the Texas Administrative Code related to mobile food unit operations.

(Ordinance 2018-01, sec. 3, adopted 2/15/18)

Sec. 14.02.174 “GH” residential district

A building or premises in this district shall be used only for the following purposes under the standards herein contained:

- (1) In this district there shall be only garden homes and accessory buildings as elsewhere herein regulated.
- (2) Any building in this district shall meet the following design standards:
 - (A) The building shall be not less than 85% masonry. As used in this subsection, “masonry” includes: brick, stone or tile, hand-laid unit by unit; veneer simulations of the materials having the appearance of hand-laid units, when approved by the city; and, stucco when applied in accordance with building code standards therefor.
 - (B) The building shall have a minimum 8/12 roof pitch and not less than a 40-year quality architectural profile shingle.
- (3) Any development in the GH district shall be developed in accordance with a site plan meeting the requirements of developments having a PD overlay.
- (4) Uses allowed in GH and in other zoning classifications may be developed under a common PD plan meeting the procedural requirements of division 7 of this article.

(2005 Code, sec. 17.5.04)

(5) Mobile food units are permitted upon the following conditions:

- (A) The property owner has requested the services of the mobile food unit;
- (B) The mobile food unit may only provide goods and services to the property owner or the property owner’s guests at the property owner’s expense. No sales will be made to the general public.
- (C) Mobile food units may not obstruct traffic movement, or impair visibility or safety to the site.
- (D) Mobile food units must have valid health permit and comply with chapter 228 of the Texas Administrative Code related to mobile food unit operations.

(Ordinance 2018-01, sec. 4, adopted 2/15/18)

Secs. 14.02.175–14.02.220 Reserved

Division 6. Commercial and Industrial District Regulations

Sec. 14.02.221 General provisions

- (a) Table of standards. The following table of standards shall govern the height, area, yard and other special conditions of permitted nonresidential uses in the commercial and industrial districts.

TABLE 14.02.221

	Districts			
Regulations	B-1	B-2	B-3	LI
HEIGHT (maximum in feet)	35	45	None	None
LOT				
Width (minimum in feet)	80	80	80	None
Coverage, building (maximum as % of lot area)	30	30	30	None
Coverage, impervious surface (maximum as % of lot area)	70	70	80	None

YARDS (minimum in feet)				
Front	25	20	20	20
Side – interior	20	None	None	None
Side - corner lot	25	20	20	10
Rear	15	10	10	None
Abutting residential district:				
One-story	20	20	20	10
Multi-story	20	20	20	20
	(subject to section 14.02.221(b)(2) and (b)(5))			
STORAGE				
Inside building	No storage of merchandise	Not more than 25% of the area of any occupancy or 1000 sq. ft. per occupancy (whichever is less); no storage of goods for off-premises sale	Permitted - not more than 75% of building area	Permitted
Outside	Not permitted	Not permitted	Auto-related uses	Screened
REFUSE DISPOSAL CONTAINERS				
	(Behind required yard; screened per section 14.02.221(b))			Screened 14.02.221(b)

DISPLAY - outside	Not permitted	Not permitted	Behind required yard; per section <u>14.02.224(b)</u>	Behind required yard
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(b) Special standards. The following standards shall be applicable in all of the commercial and industrial districts, unless otherwise herein limited.

(1) No building shall hereafter be erected, reconstructed, altered or enlarged for residential use in any of the districts of this division, unless the same is located or to be located on a lot of record, a plat of which was recorded prior to November 12, 1973, and which is subject to restrictive covenants limiting the use thereof to residential purposes.

(2) For a multi-story structure on property adjacent to a residential district, the minimum yard abutting the residential district shall be increased five (5) feet for each story more than one.

(3) Outside solid waste containers shall be screened from public view by a masonry screening device.

(4) Any development in the commercial and industrial districts of more than four (4) acres in gross land area shall be developed under the conditions of section 14.02.271 hereof.

(5) The minimum yard requirements shall be subject to the minimum building separations provided in article 5.02, the fire prevention code of the city. In the event of conflict between the two, the more restrictive provision shall control.

(2005 Code, sec. 17.6.01)

(6) (A) In the zoning districts in which the sale of alcoholic beverages is otherwise permitted under the terms of this division, the sale of alcoholic beverages is prohibited by a dealer whose place of business is within:

(i) 300 feet of a church, public or private school, or public hospital;

(ii) 1,000 feet of a public school, if the city council receives a request for such prohibition from the board of trustees of a school district; or

(iii) 1,000 feet of a private school, if the city council receives a request for such prohibition from the governing body of the private school.

(B) The method of determining the minimum distances shall be as provided in section 109.33 of the Texas Alcoholic Beverage Code.

(C) The city council may allow variances to the distance regulation 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 the city council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.

(Ordinance 09-13, sec. 2, adopted 11/10/09)

Sec. 14.02.222 "B-1" business district

(a) Permitted uses. A building or premises in this district shall be used only for the following purposes:

- (1) Professional offices and other business office uses, excluding however:
 - (A) The display, storage or sale of merchandise; and
 - (B) The telemarketing of services or merchandise.
- (2) Parks, playgrounds, community centers, fire stations or other public safety buildings operated by or under the control of the city or other governmental authority.

(2005 Code, sec. 17.6.02)

- (3) Banks, savings and loan associations, and other similar state or federally chartered financial institutions, but not including a credit access business. (Ordinance 2020-12 adopted 12/17/20)
- (4) Public buildings, including municipal buildings, schools and libraries.
- (5) Electric transmission towers and lines, gas transmission lines and metering stations, other local utility distribution lines, sewage pump stations, water reservoirs, wells and transmission facilities.
- (6) Lodges, fraternal organizations and civic clubs.
- (7) Pharmacies, specialty shops, personal service shops and convenience retail sales, provided that no single such use shall occupy more than 3000 square feet of floor area and the total of all such uses on any lot shall not occupy more than 30% of the floor area of all buildings on the lot.
- (8) Uses as part of a planned development as described in subsection (c) hereof.

(b) Restrictions on use. The uses in this district described in subsection (a) above shall be permitted, however, only upon the following conditions:

- (1) There shall be no sales of alcoholic beverages in this district.
- (2) No outdoor activities or uses shall be permitted in this district other than: vehicular parking; solid waste disposal containers; and, outdoor recreation as part of a planned development.
- (3) All buildings shall:
 - (A) Have exterior walls of not less than 75% masonry surface;
 - (B) Be residential in architectural character;
 - (C) Have exterior walls containing window and door openings which do not exceed 60% of the surface area of any such wall; and
 - (D) Have mansard, hip or gable roof type.
- (4) No non-public use within this district shall be open for operation except between the hours of 6:00 a.m. and 11:00 p.m. Central Time.
- (5) In addition to complying with the requirements of division 11 of this article, each lot in this district shall have not less than 20% landscaped open space.
- (6) Any use shall comply with the applicable special conditions contained in table 14.02.221.
- (c) Planned development regulations. When land within this district is made part of a planned development:

- (1) Child care facilities may be included in a PD plan.
- (2) Yards abutting adjacent non-PD property shall be not less than 25 feet.
- (3) All SF uses shall be permitted, but not to exceed the maximum densities allowed therefor in the SF district.

(2005 Code, sec. 17.6.02)

Sec. 14.02.223 “B-2” business district

(a) Permitted uses. A building or premises in this district shall be used only for the following purposes:

- (1) Any use permitted in the “B-1” district.

(2005 Code, sec. 17.6.03)

(2) Food service:

(A) Retail sale of food products;

(B) Bakery or confectionery, including preparation for on-premises retail sale only;

(C) Cafeteria;

(D) Restaurant or café, without drive-in service.

(E) Mobile food unit, upon certification by the zoning administrator (provided through permit approval) that the following conditions are met:

(i) Mobile food units may not park or operate on a public roadway;

(ii) Mobile food units must have written permission from property owner to use the property where the mobile food unit will be located.

(iii) Mobile food units must submit to the zoning administrator a basic site plan sketch showing the entire property and the location of the mobile food unit relative to the property boundaries, accesses, parking, fire lane(s), and any structures.

(iv) Mobile food units may only operate between the hours of 7:00 a.m. and 9:00 p.m. daily and are to be removed when not in operation.

(v) Mobile food units must be parked on improved surfaces and may not occupy required parking spaces, obstruct traffic movement, or impair visibility or safety to the site. Required parking spaces are those spaces needed to service the property where the mobile food unit is located as determined by the zoning administrator. In determining required parking spaces, the following will not be considered: the space used by the mobile food unit, a customer service area plus two additional parking spaces.

(vi) Mobile food units must have valid health permit and comply with chapter 228 of the Texas Administrative Code related to mobile food unit operations.

(vii) Nothing related to the mobile food unit may be left at the location when the mobile food unit is not present.

(viii) All signage must be on or attached to the mobile food unit.

(ix) The zoning administrator's written confirmation of compliance with the above conditions shall be kept in the mobile food unit at all times of operation within the city.

(Ordinance 2018-01, sec. 5, adopted 2/15/18)

(3) Personal service shops, including:

(A) Barber or beauty shop;

(B) Dry cleaning pickup station;

(C) Cleaning or laundry (self-service) using fully automatic equipment, the number of machines of all types not to exceed twenty-five (25), as follows:

(i) Washers, capacity of not more than 20 pounds;

(ii) Dryers or extractors, capacity of not more than 60 pounds;

(iii) Dry cleaning machines.

(D) Pet grooming and small animal veterinary services (soundproof; no outside runs).

(E) Massage establishments licensed pursuant to article 4512k, V.T.C.S [V.T.C.A., Occupations Code, chapter 455].

(4) Retail sales (other than listed), offering all types of personal consumer goods for retail sale (new goods only; repair activities only incidental to sales and to be conducted indoors only).

(5) Child care facilities.

(6) Churches; and, public and parochial schools (without student housing).

(7) Resale boutique: Retail sale of used clothing, accepted only on an individual consignment basis.

(2005 Code, sec. 17.6.03)

(8) Brewpub, but only pursuant to a special exception as provided in division 8 of this article.

(9) Winery, but only pursuant to a special exception as provided in division 8 of this article.

(10) Customarily incidental uses.

(Ordinance 2019-05, sec. 2, adopted 7/18/19)

(b) Restrictions on use. The uses in this district described in subsection (a) above shall be permitted, however, only upon the following conditions:

(1) There shall be no alcoholic beverage sales for on-premises consumption except pursuant to a special exception as provided in division 8 of this article.

(2) The impervious surface percentage in this district shall not exceed 70%.

(3) Any use shall comply with the applicable special conditions contained in table 14.02.221.

(2005 Code, sec. 17.6.03)

(4) Any use that involves a mobile food unit is allowed only pursuant to a special exception. (Ordinance 14-04, sec. 2, adopted 5/21/14)

(c) Planned development regulations. When land within this district is made part of a planned development, yards abutting adjacent non-PD property shall be not less than 20 feet. (2005 Code, sec. 17.6.03)

Sec. 14.02.224 “B-3” business district

(a) Permitted uses. A building or premises in this district shall be used only for the following purposes:

(1) Any use permitted in the “B-2” district.

(2) Auto-related uses:

(A) Auto repair and service, under the following conditions:

(i) Areas used for the repair of vehicles shall not occupy a required yard.

(ii) No salvage, dismantling or wrecking on premises.

(iii) No vehicle sales permitted.

(B) Sale of automotive accessories.

(3) Food service:

(A) Bakery or confectionery, wholesale.

(B) Restaurant or cafe, with drive-in or pickup service.

(4) Antique shop or secondhand goods store.

(5) Cold storage plant (locker rental).

(6) Cleaning, pressing and dyeing, under the following conditions:

(A) No direct exterior exhaust from cleaning plant.

(B) Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.

(7) Wholesale offices.

(8) Philanthropic institutions.

(9) Custom cabinet making, upholstery and woodworking shops of craftsmen.

(10) Plumbing, electrical, air conditioning sales and/or service shop.

(11) Building material or lumber sales.

(12) Business park: office, retail and warehouse, not to exceed 10,000 square feet per building; not less than 25% of building area to be used for office or retail. Type I fire resistant construction required.

(13) Schools, clubs or centers for gymnastics, exercise, or physical fitness.

(14) Pet hotel: Kennels for dogs, cats and other common household pets, providing temporary overnight housing. Facilities must be soundproof, air-conditioned, with no outdoor housing of animals. Fenced and screened outdoor area allowed for daytime exercise of animals while in the control of human attendants. Must be under direct supervision of licensed veterinarian.

(15) Motor vehicle sales - indoor: Showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage.

(16) Sale of alcoholic beverages for off-premises consumption (package sales).

(17) Smoking establishments in accordance with the standards as provided in subsection (b)(7) below.

(Ordinance 2018-17 adopted 9/20/18)

(18) Brewpub, but only pursuant to a special exception as provided in division 8 of this article.

(19) Winery, but only pursuant to a special exception as provided in division 8 of this article.

(20) Customarily incidental uses.

(Ordinance 2019-05, sec. 3, adopted 7/18/19)

(b) Restrictions on use. The uses in this district described in subsection (a) above shall be permitted, however, only upon the following conditions:

(1) There shall be no outside storage of merchandise, except as provided in subsection (b)(6) of this section.

(2) In connection with any permitted use conducted within an enclosed building, there shall be allowed as an accessory use the display of merchandise out-of-doors, subject to the following limitations:

(A) All sales of such merchandise shall be consummated indoors, and no cash register or package wrapping counter shall be located out-of-doors.

(B) The merchandise displayed out-of-doors shall not be readily identifiable by type or product name from adjacent public streets by reason of package labels, sales tags, markers, or otherwise. Only new merchandise may be displayed.

(C) Merchandise displayed out-of-doors must be within the required building setback lines of the property and shall be placed on impervious surfaces only.

(D) Outdoor area devoted to display shall not exceed in area one-half the floor area of the permitted use conducted in an enclosed building on the same property.

(E) Merchandise shall not be displayed at a height of more than ten (10) feet within ten (10) feet of the building and not more than six (6) feet in height elsewhere.

(F) For the purpose of this section, the location of merchandise outdoors and not taken indoors when the business is not open shall be deemed to be the storage and not the display of merchandise.

(3) The impervious surface percentage in this district shall not exceed 80%.

(4) Drive-up windows shall be permitted when there is not less than 60 feet of driveway vehicle waiting capacity per window, exclusive of other parking and access requirements for the property.

- (5) Any use shall comply with the applicable special conditions of table 14.02.221.
- (6) Notwithstanding the provisions of subsection (b)(1) of this section, outside display and storage of merchandise shall be permitted when it is of a kind or character that is commonly stored or displayed outside of an enclosed building, such as a nursery, garden store or business otherwise offering for sale at retail merchandise that is not readily or customarily kept indoors. Any such display and storage shall be allowed, subject to the following limitations:
- (A) Open storage in any portion of the premises not open to public or customer access shall be screened from public streets, adjacent property and other portions of the premises.
- (B) Stored merchandise shall be that merchandise for which the point of sale at retail is on the same premises.
- (C) The display or storage shall comply with the provisions of subsections (2)(A) through (C) and with the parking provisions of this article.
- (D) There shall be no storage of merchandise under this subsection (6) in any vehicle, trailer, portable building or portable container.
- (7) Smoking establishments: Subject to the following restrictions and regulations:
- (A) Any smoking establishment seeking a certificate of occupancy after October 1, 2012 must be located at least 1,000 feet from any other smoking establishment.
- (B) The distance of 1,000 feet shall be measured in a direct line as the crow flies from property line to property line of the smoking establishments without regard to streets, walkways, walls or any other obstruction.
- (c) Planned development regulations. When land within this district is made part of a planned development, yards abutting adjacent non-PD property shall be not less than 25 feet.

(Ordinance 2018-17 adopted 9/20/18)

Sec. 14.02.225 "LI" light industrial district

A building or premises in this district shall be used only for the following purposes:

- (1) Any use permitted in the "B-3" district.
- (2) Public or private utility shop and storage.
- (3) Contractor's plant, shop and storage.
- (4) Heavy machinery sales and storage.
- (5) Machine shop.
- (6) Salvage or reclamation of products (inside).
- (7) Building materials and lumber storage.
- (8) Kennel (outside runs permitted).
- (9) Storage warehouse or distribution center.

(10) Other light industrial and manufacturing activities, provided that the same shall be conducted inside buildings, except for storage uses, which may be located in screened areas outside a required yard.

(2005 Code, sec. 17.6.05)

(11) Brewpub, but only pursuant to a special exception as provided in division 8 of this article.

(12) Winery, but only pursuant to a special exception as provided in division 8 of this article.

(13) Customarily incidental uses.

(Ordinance 2019-05, sec. 4, adopted 7/18/19)

Secs. 14.02.226–14.02.270 Reserved

Division 7. Overlay District Regulations

Sec. 14.02.271 “PD” eligibility criteria

The council may approve, from time to time, the development and use of land pursuant to a planned development process, by approving the superimposing (“overlay”) of conditions or standards on certain of the zoning districts. No such development and use, however, shall be approved except in accordance with a development plan adopted by the city pursuant to the procedures established in this division. For a development to be eligible for submission to the planned development process, the following criteria must exist:

(1) The minimum area requirements, as herein provided, must be met.

(2) The intended development shall not exceed the density or intensity of use permitted in the underlying base district.

(3) The planned development shall be of such design that the resulting development will achieve the purposes of zoning in a manner superior to the conventional development of the same property under base district regulations.

(4) The development shall efficiently utilize the available land and shall protect and preserve all scenic assets and natural features, such as trees and topographic features, to the greatest extent possible consistent with reasonable development of the land.

(5) The planned development shall be located in an area where transportation, public safety, public facilities and utilities are or will be available and adequate for the proposed uses of the development.

(2005 Code, sec. 17.7.01)

Sec. 14.02.272 Planned development administration

(a) Application. Application for submission of land to the planned development process shall be made in the same manner as any other application for a change in zoning classification. The application may seek a PD designation on land without a change in the base district classification; or, the application may seek a PD designation on land concurrently with a change in the base district classification. The application shall be made to the zoning administrator and shall be accompanied by the fees prescribed therefor in the fee schedule in appendix A of this code.

(b) Approval procedure. A PD application shall be processed in the following sequence:

- (1) The applicant shall submit the application with the concept plan.
 - (2) The zoning administrator and other relevant city staff persons shall review the application and the concept plan, may conduct a pre-hearing conference thereon (one or more, as the zoning administrator may require) with the applicant, and may require data from the applicant supplementing the concept plan.
 - (3) The zoning administrator shall prepare a staff report to the commission on the application bearing on conformance of the plan and the proposed development with the standards, spirit and intent of this article.
 - (4) The commission shall conduct a public hearing on the application in the same manner as any other request for zoning change, and shall make its recommendation to the council as required by law.
 - (5) After receiving a report of the commission's recommendation on the application, the city council shall hold a public hearing to consider the approval of the plan.
 - (6) If the application is approved, the zoning map shall be amended so that the base district designation of the property shall bear a suffix of PD or PD-R, as the case may be.
 - (7) The applicant shall submit a final development plan and obtain council approval thereof as a prerequisite to any development of the property.
- (c) Concept plan. The concept plan shall include a site plan drawing, prepared to a scale of not less than one inch equaling one hundred feet (1:100), depicting at least the following:
- (1) The dimensioned boundaries of the property, the location and widths of streets and highways adjacent to and on the property, and any other easements thereon or adjacent thereto;
 - (2) The topography of the property showing elevations at 5-foot intervals;
 - (3) The general location and description of existing utility services, including size of water and sewer mains;
 - (4) Existing improvements proposed to be retained when the property is developed;
 - (5) Undimensioned location and approximate size of proposed buildings;
 - (6) Undimensioned proposed locations of parking and points of access;
 - (7) All proposed uses and their approximate locations on the site;
 - (8) Identifiable watercourses and low areas;
 - (9) Proposed maximum height of buildings;
 - (10) Proposed landscaped areas;
 - (11) Height and elevation of all buildings.
- (d) Final plan. The final plan for PD development shall comply with the following standards:
- (1) The final plan shall clearly indicate all significant features of the proposed development, on an accurate scaled drawing, to include:
 - (A) A location map showing the location of the site in reference to existing streets.

- (B) The boundaries of the area included in the plan, surveyed by a competent licensed surveyor, showing the total gross acreage of the plan.
- (C) All recorded or physically existing public and private rights-of-way and easement lines located on or adjacent to the plan area.
- (D) The approximate topography of the plan area, major watercourses and 100-year floodplains.
- (E) The proposed land uses and the approximate location of proposed buildings and other structures on the plan area site and structures and existing uses adjacent to the site.
- (F) The character and approximate density of all proposed uses in the plan area. For dwelling units, a table showing type by size, number of bedrooms, number of each type; and, floor plans for each type unit.
- (G) The approximate location and dimensions of all parking areas, malls, water bodies, open areas and recreational areas.
- (H) All proposed streets, alleys, ways, including walkways, dedicated to public use, and the location and size of all utilities.
- (I) The maximum percentage of site coverage.
- (J) All areas reserved for common ownership with an indication of the properties.
- (K) The location and type of walls, fences, screen planting and landscaping.
- (L) A plan, including elevation drawings, showing location, size, height, orientation and design of all signs.
- (M) In multifamily and commercial sections of the plan, the location of each outside facility for solid waste disposal.
- (N) Development schedule, indicating the following:
 - (i) The estimated date when development construction in the plan area shall commence;
 - (ii) The stages, if any, in which the plan area will be developed and the estimated date development of each stage will commence;
 - (iii) The estimated date of completion of each stage in the development;
 - (iv) The area and location of common open space that will be developed at each stage; and
 - (v) The area and location of nonresidential uses that will be developed at each stage.
- (2) The city council may, at the request of the applicant, limit the proposed PD uses to less than all of the uses otherwise permitted by the base district regulations. Such limitation of uses shall be recited in the approved plan and placed of record as herein provided.
- (3) A preliminary drainage study, as outlined in article 10.02 of this code and/or a preliminary plat shall be submitted concurrently with any final plan.
- (4) The final plan shall clearly indicate that the proposed development will be in complete accordance with the provisions of the applicable plan approval district zoning.

(5) Upon receipt of a mylar reproducible of the approved final plan reflecting all stipulations approved by the city council, the zoning administrator shall record a copy thereof.

(6) All final plans recorded hereunder shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control the issuance of all building permits within the plan area.

(7) Prior to issuance of any building permits, the final plan shall reflect all stipulations as approved by the city council and the property shall be platted in accordance with article 10.02 of this code and the platting policies of the commission and the council.

(e) Development implementation.

(1) Except as provided in subsection (2) below, no building permit or certificate of occupancy shall issue for any building or use within a PD or PD-R district unless: the final plan therefor shall have been approved; and, the proposed building or use complies with such final plan.

(2) When property carries a PD designation but a final plan has not been approved therefor, it may be developed without plan approval only in accordance with the base district regulations. Any such development shall constitute an abandonment of the concept plan and the PD suffix shall be removed from the zoning map designation for such property.

(3) When the base district zoning classification of a property is changed as part of or concurrently with approval of a PD overlay under this division and the plan thereafter expires pursuant to subsection (g) of this section because either: the final plan is never approved; or, the final plan is never implemented, the base district zoning classification of the property shall revert to its zoning classification existent prior to the approval of the PD overlay. Until such time as the plan is implemented, the rezoned property shall be designated on the zoning map as “(base district)-PD-C (conditional)”.

(f) Plan amendments.

(1) No material change shall be made to an approved final plan unless the same shall have first been approved as described in subsection (3) below.

(2) A change in an approved final plan may be initiated by the zoning administrator if the same is not a material change. A change is not a material change if it will not result in any of the following:

- (A) A change in the character of the development;
- (B) An increase in the ratio of the gross floor areas in structures to the area of any lot;
- (C) An increase in the intensity of use;
- (D) A reduction in the approved separations between buildings;
- (E) An increase in the problems of circulation, safety, and utilities;
- (F) An increase in the external effects of the development on adjacent property;
- (G) A reduction in the approved setbacks from property lines;
- (H) An increase in lot coverage by structures;
- (I) A reduction in the ratio of off-street parking and loading space to gross floor area in structures;
- (J) A change in the subject, size, lighting, or orientation of approved signs; or

(K) A change in the location or character of approved landscape features.

(3) Proposal of a plan amendment shall be made to the zoning administrator by the applicant on mylar of the approved plan. Upon receipt of such a proposed plan revision, copies of the proposed revised plan shall be submitted to the council for its review and determination as to whether the proposed revision constitutes such a significant change in land use or structures that a public hearing should be called regarding said revision. If, in the council's determination, the proposed revised plan does not constitute a significant change, no public hearing shall be called and the revision shall be deemed approved. If such revision is determined by the council to be a significant change, a public hearing shall be scheduled regarding such revision, proper notice shall be given, and thereafter the proposed revision shall be considered by the council for approval or denial; provided, however, the council in its sole discretion may direct any development plan revision to the commission for its review and recommendation and, in such event, said revision shall follow the procedures set out in division 13 of this article herein regarding amendments. No proposed revision shall be effective until the same is approved by the council.

(g) Plan expiration. If development of property pursuant to a final plan has not commenced within two (2) years of the date of a plan approval, the plan shall be deemed to have expired, and a review and reapproval of the plan by the council shall be required before any building permit may be issued for development pursuant to the plan. Any review and reapproval shall be made in the context of conditions existing, as to the property, at the time of such review.

(2005 Code, sec. 17.7.02)

Sec. 14.02.273 "PD" planned development district

(a) Use regulations. A building or premises in this zoning district shall be used only for the purposes permitted in the base district or districts or which the PD designation has been overlaid by an approved final plan. When made a part of the PD application and after notice and hearing as provided for the "PD" process, the city council may approve a use which would otherwise be a special exception in the base district as if it were a permitted use as a matter of right and without the necessity of a separate special exception application and proceeding.

(b) Height regulations. The maximum height requirement for permissible uses in this district shall conform to the maximum height requirements which would be applicable to such uses if the same were situated in the most restrictive base district in which such uses are permitted.

(c) Area regulations. The minimum gross land area which may be developed in this district shall be:

(1) For residential developments, four (4) acres; and

(2) For nonresidential developments, two (2) acres.

(d) Density and coverage regulations.

(1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed therefor in the applicable base district regulations.

(2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (1) above. In no case, however, shall the additional percentage points added to the

maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.

(e) Open space regulations. Provisions for public, private and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas or common area containing some other amenity to the development are approved as a part of a final plan, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development.

(f) Setback regulations. Minimum setbacks shall be approved as a part of the development plan; provided however, that the minimum setbacks on the boundaries of a PD district shall not be less than the requirements of the least intensive zoning district in which the use is permitted.

(g) Off-street parking regulations.

(1) Off-street parking facilities shall be provided at locations designated on the final plan.

(2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in division 9 of this article.

(h) "PD-R" planned development-redevelopment district.

(1) Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.273 hereof.

(2) Area regulations. The minimum gross land area which may be developed in this district is two (2) acres.

(3) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:

(A) In any PD-R district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities which are determined by the council to be necessary to serve the redevelopment, subject to the standard cost-sharing policies and ordinances which determine the development costs which the city may pay, and subject to any agreements for cost sharing which are mutually agreed upon by the property owner and the city. The city's participation in redevelopment shall in every instance be conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.

(B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD- R district.

(C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: additional construction, such as additional paved parking, must be done on the site; a change or expansion in use would require increased utility service; or, the council finds that such construction is necessary at the time the PD-R plan is approved.

(2005 Code, sec. 17.7.03)

Sec. 14.02.274 “MU” mixed use overlay

- (a) Purpose. The purpose of the mixed-use zoning overlay district is to allow higher density, mixed use, pedestrian-oriented development.
- (b) Intent. The mixed use overlay district is required as the traditional zoning districts (SF, GH, B1, B2, B3, PD) are not sophisticated enough to address the complicated growth and development requirements. The intent of the mixed use overlay district is to promote pedestrian oriented urban form (sustainability and health). The overlay district encourages architectural diversity, creativity and exceptional design. Furthermore, the purpose is to create memorable and outdoor gathering spaces.
- (c) Definition. Mixed-use development is characterized as pedestrian-friendly development that blends two or more residential, commercial, cultural, and/or institutional.

Bed and breakfast. A lodging use that has no more than five guest rooms; provides accommodations for periods not to exceed five nights; and meals are provided.

Boutique hotel. A lodging facility with 30 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days; provides food that is prepared on-site; and more than 50 percent of the guest rooms are internal-entry.

Civic/open space. Publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc. Civic/open space may be privately or publicly owned and maintained.

Commercial or mixed-use building. A building in which at least the ground floor of the building is built for commercial use and any of the floors above the ground floor are built to commercial ready standards and occupied by nonresidential or residential uses.

Commercial ready. Space constructed above the ground floor height as established in character district which may be used for noncommercial uses and can be converted into retail/commercial use. Prior to the issuance of certificate of occupancy for a retail/commercial use in a commercial ready space, the space must comply with all building and construction codes for that use. The intent of commercial ready space is to provide the flexibility of occupying space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Cottage industrial. Small scale and individualized (i.e. not mass produced) assembly and light manufacturing/fabrication of commodities fully enclosed within a building (building must be less than 20,000 square feet). This category shall include workshops and studios for cottage industries such as pottery, glass-blowing, metal working and fabrication, screen printing, weaving, etc.

Encroachment. Any structural or nonstructural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public right-of-way, or above a height limit.

Farmer’s market. The retail sale of farm products by individual vendors for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. Sale of new and used household goods, personal effects, small household appliances, and similar merchandise is not included in this definition.

Hotel. Shall be defined as a building with habitable rooms or suites which are reserved for transient guests for compensation who rent the rooms or suites on a daily basis, and with controlled access to the rooms via a lobby or interior hallway. The establishment shall furnish customary hotel services such as linen, maid

service, telephone, use and upkeep of furniture. It shall also include either a full-service restaurant with full kitchen facilities providing service to the general public; or a concessionaire of the management for room service delivery. The establishment shall be required to have on-site staff seven (7) days a week, twenty-four (24) hours per day.

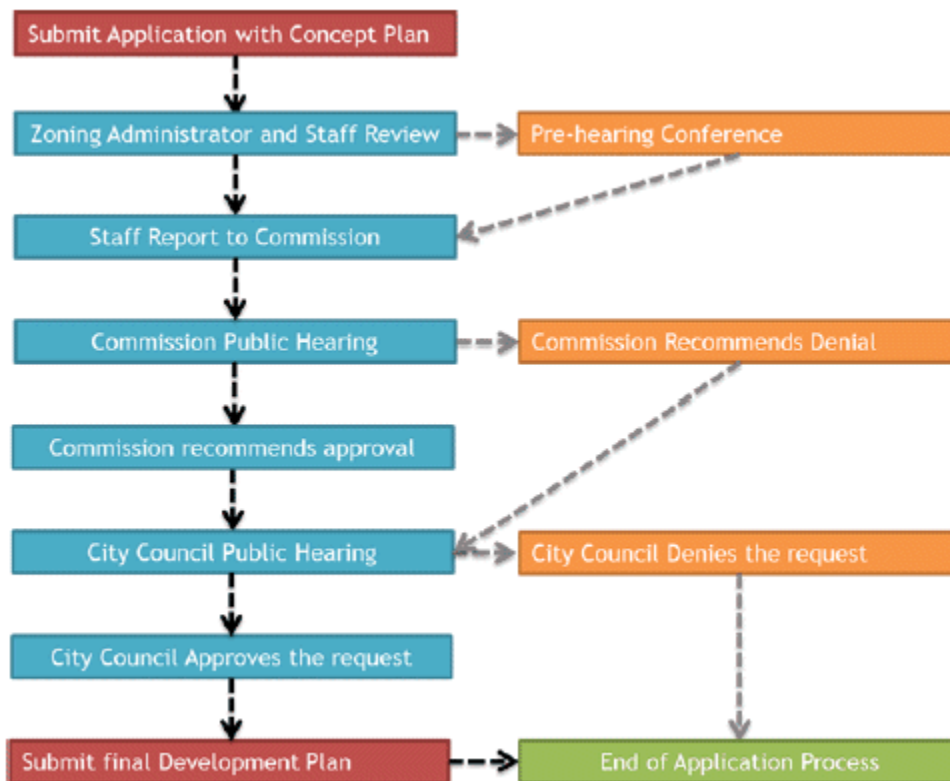
Live-work dwelling. A mixed-use building type with a dwelling unit that is also used for work purposes, provided that the ‘work’ component is located on the street level and (1) is constructed as separate units under a condominium regime or as a single unit. The ‘live’ component may be located above the ground floor. Live-work dwelling is distinguished from a home occupation otherwise defined by section 14.02.092 of the City of Dalworthington Gardens Zoning Regulations in that “work” component is not required to be incidental and secondary to the “live” component. Additionally, the “work” component may employ more than one (1) individual who is not an occupant of the “live” component.

Vertical mixed-use. Defined as combination of different uses in the same building. Generally, lower floors have more public uses with more private uses on the upper floors.

Veterinary. A doctor of veterinary medicine who holds a valid license to practice veterinary medicine in the state.

(d) Mixed use application process. The application procedure for the mixed-use development will be done in the same manner as planned development administration (section 14.02.272 of the code). However, in addition to the concept plan, the city may require traffic impact study or land use compatibility study.

Figure 1. Application Process

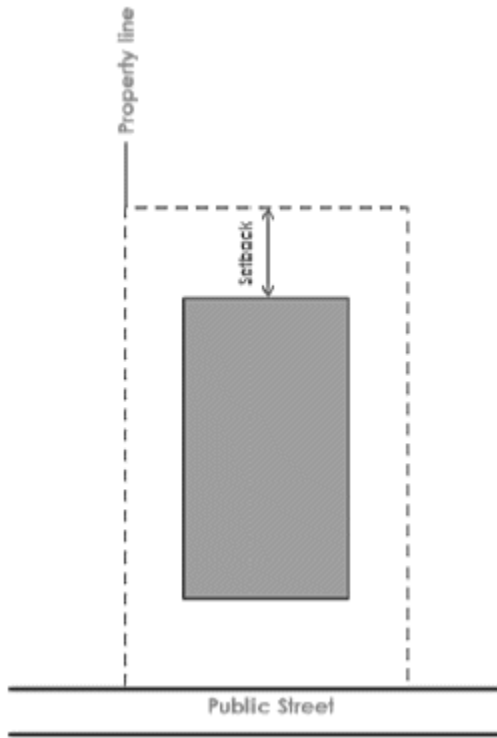


(e) Traffic impact study. A traffic impact study report should, at the minimum, address the following:

- (1) State the purpose and scope of the report and identify the study area of the project.
 - (2) State all assumptions used in analysis and make reference to and/or include all supporting documents used to prepare the report.
 - (3) Describe, in detail, proposed land use type(s) and size(s).
 - (4) Identify number, location and type of proposed access drive(s) to the development site.
 - (5) Evaluate intersection sightline distances from proposed driveways.
 - (6) Provide a detailed summary of data collection efforts and results.
 - (7) Estimate number of trips generated by the development site.
 - (8) Identify most critical analysis period.
 - (9) Determine anticipated directional distribution of site-generated traffic.
 - (10) Intersection assignment of site traffic including through and turning movements.
 - (11) Internal circulation of site traffic and parking
 - (12) Need for turning lanes or bypass options at proposed driveway location(s)
 - (13) Traffic control needs and warrants
 - (14) Determine anticipated future non-site (background) traffic volumes.
 - (15) Identify other “nearby approved” developments within the study area.
 - (16) Evaluate “existing + site + nearby approved developments” traffic operating conditions to assess cumulative impact of traffic for pre-specified target year.
 - (17) Recommend on-site and/or off-site road improvements for each traffic conditions separately (i.e. “existing,” “existing + site,” “existing + site + nearby approved developments,” and “future long-term”).
 - (18) It is useful to address percent contribution to off-site road improvements by individual development sites (i.e. proposed and other nearby development site), based on number of new trips each and every one of these development sites generate and add to adjacent street network primarily during critical peak-hour.
 - (19) Include findings and recommendations using nontechnical jargon to help planning and zoning commission with their decision making. A letter of opinion from a qualified professional is recommended.
- (f) Additional requirements for mixed use development.
- (1) Permitted uses. To find the list of permitted uses, please see the matrix of permitted uses. Land uses not listed in the matrix but are substantially similar may be considered through the application process.
 - (2) Parking facilities. For off-street parking facility, the parking demand calculation can be done in the following manner:
 - (A) Number of units (residential) – nr.
 - (B) Number of units (commercial) - nc.

(C) Number of parking spaces required as per division 9 of the zoning ordinance for each use (units) – N1, N2, N3, Nu.

(D) Total parking spaces = nr + nc (N1 + N2 + N3 +Nu)



(3) Height. The height of the building is restricted to 3 stories/floors or 40 feet (whichever is less).

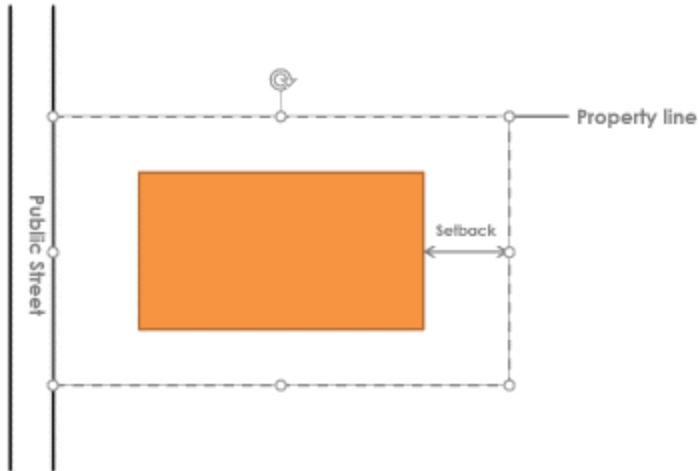
(4) Setbacks

(A) Setback from the front street (if a corner property, both adjacent streets will be considered as front street): 15.

(B) Side setback: 10.

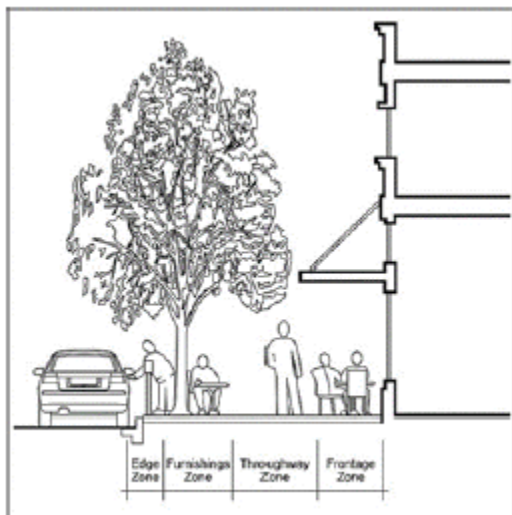
(C) Rear setback: 15.

Figure 2. Setbacks



- (5) Sidewalk. A minimum of 12' sidewalk is required in the district with a minimum of 6' throughway zone.

Figure 3. Ideal Sidewalk Diagram (Source: ITE Manual)



- (6) Sign standards. Directory, monumental and wall sign shall be allowed in the mixed use overlay district. The height of directory sign is be restricted to 15'. One monument sign per lot per lot street frontage limited to a maximum of 75 sq. ft. per sign face and 6 ft. in height. An applicant has the option to install unique sign including size, color, type, design, and location, subject to approval from the city staff.

- (7) Landscape requirements. In addition to complying with the requirements of division 11 of this article, each lot in this district shall have not less than 20% landscaped open space.

- (8) Outdoor gathering spaces. Open space regulations. Provisions for public, private and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas or common area containing some other amenity to the development are approved as a part of a final plan, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually

maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development.

(9) Building material. To promote architectural diversity, city may consider less than 80% masonry, exceed the use of glass percent and allow use of more surface colors. However, all the designs and colors will require approval through the application process. The application will also be reviewed on the basis of harmony with the surrounding building types.

(10) Design exception. A design exception means a requested deviation from any building material, open gathering space standards, sign standards, matrix of permitted uses, or parking requirements. All requests for design exceptions shall go before the Dalworthington Gardens Planning and Zoning Commission for action and then to city council for final approval.

(Ordinance 2018-13 adopted 9/20/18)

(g) Matrix of permitted uses. If a use is not listed on the land use matrix that use is considered a prohibited use within the City of Dalworthington Gardens Mixed Use Overlay District, unless the use is allowed by right or by specific use permit under the regulations applicable to the underlying or base zoning district. (Ordinance 2018-20 adopted 11/15/18)

Uses requiring a specific use permit “S” in a cell indicates that the use is allowed only if issued a specific use permit, in accordance with the procedures of section 14.02.325, specific use permits. Uses requiring a specific use permit are subject to all other applicable regulations of this code, including the supplemental use standards in this article and the requirements of this article. (Ordinance 2018-13 adopted 9/20/18)

P = Permitted use

S = Specific use permit use

Animal grooming	P
Artist work or sales space	P
Bed and breakfast	P
Boutique hotel	P
Brewpub	S
Building materials sales, no lumber yard	S
Carpentry or sign fabrication (no outdoor storage)	S
Cleaning and pressing shop (small shop and pickup) (no drive-through or drive-up service)	S
Cleaning and pressing shop (small shop and pickup) (with drive-through or drive-up service)	S
Cottage industrial	S

Dwelling units located above the ground floor	S
Farm implement or machinery sales, service, repair or storage	S
Farmers market	S
Fitness club, gymnasium, gymnastics, or similar use	P
Food and beverage retail sales	P
Garden home	S
Greenhouse or plant nursery	S
Hotel, full service	S
Live-work dwelling	P
Museum, art gallery (public)	S
Office and medical office use	S
Office/retail/warehouse flex space	S
Pet store, kennel, animal boarding (no outside runs)	S
Private club	S
Repair service, consumer, including bicycles	P
Restaurant or cafeteria (carry-out only) (no drive-through window or drive-in service)	P
Restaurant or cafeteria (indoor service) (no drive-through window or drive-in service)	P
Restaurant or cafeteria (with drive-through window or drive-in service)	S
Retail store (no drive-through service)	P
Retail store (with drive-through service)	S
Studios, photo, music, art, dance, dojo, health, etc.	P
Tavern	S

Upholstery shop	P
Veterinarian (no outside runs)	P
Veterinarian (with outside runs)	S
Winery	S

(Ordinance 2018-13 adopted 9/20/18; Ordinance 2019-05, sec. 5, adopted 7/18/19)

(h) Contradictions. Where contradictions exist between the mixed use (MU) zoning overlay district and other zoning districts, requirements outlined in the MU zoning overlay district shall take precedence. (Ordinance 2018-13 adopted 9/20/18)

Secs. 14.02.275–14.02.320 Reserved

Division 8. Special Exceptions and Other Permits

Sec. 14.02.321 Special exceptions

(a) Purpose. Certain uses are classified as special exceptions, and may be permitted in designated districts when specifically authorized by this division after approval by the board. Such exceptions may be granted in order that the city may develop in accordance with the intent and purpose of this article, that land may be fully utilized for a lawful purpose, and that substantial justice may be done.

(b) Criteria for granting a special exception. In reaching a decision on any application for a special exception, the board shall determine:

- (1) That the requested exception will establish only those uses permitted under this division;
- (2) That the location of proposed activities and improvements are clearly defined on a site plan filed by the applicant; and
- (3) That the exception will be wholly compatible with the use and permitted development of adjacent properties, either as filed or subject to such requirements as the board may find necessary to protect and maintain the stability of adjacent properties.

(c) Authorized special exceptions. The following uses may be allowed as special exceptions in the districts specified, subject to full and complete compliance with all conditions herein provided, together with such other conditions as the board may impose. The conduct of any of the uses described in this subsection (c) shall be illegal in the city unless on property bearing a valid special exception therefor issued in accordance with the terms of this division.

Special Exception

District Requiring Board Approval

- (1) Construction field office and storage yard (other than on jobsite). All districts

Conditions: Temporary, for time fixed by the board.

- (2) Amusement or entertainment, commercial commercial [sic], B-2 - LI indoor or outdoor.
- (3) Child care facilities. MF - LI
- (4) Residential recreation facilities. SF - MF
- (5) Parking, under division 9 conditions. All districts
- (6) Development sign of more than one year duration. SF - MF
- (7) Screening devices, over height or in required front yard. All districts

(2005 Code, sec. 17.8.01)

- (8) Except for brewpubs and wineries, service of alcoholic beverages for on-premises consumption; for brewpubs and wineries, service of alcoholic beverages for on-premises and off-premises consumption may be permitted B-2 - LI

(Ordinance 2019-05, sec. 6, adopted 7/18/19)

- (9) Light industrial or manufacturing uses, other than storage, to be conducted outside buildings. LI
- (10) Real estate sales office: A temporary real estate sales office. SF - MF

(11) Retail gasoline service stations, pumps and facilities, storage tanks underground. B-3 - LI

(12) A private stable under the following conditions: SF

(A) The use must be one that would in all respects qualify as an incidental use under the terms of section 14.02.172(6) of this article if located on the same property as a primary residential use;

(B) The property on which the use is to be conducted must be adjacent to or within 500 feet of the primary residence to which it would be incidental if located on the same property;

(C) The owner of the primary residence and the private stable must be the same; and

(D) The private stable shall not be used for commercial purposes.

This special exception may be revoked by the board upon notice and after hearing in the event of a violation of any of the conditions described above.

(13) Private school. B-2 - LI

(14) Motor vehicle sales. LI

(15) Retail specialty and novelty establishment.

B-3 - LI

Definitions: For the purpose of this subsection:

- (A) “Retail specialty and novelty establishment” is a place of business which derives more than 50% of its monthly revenues from the retail sale of specialty and novelty items.

- (B) “Specialty and novelty items” means any of the following:
 - (i) Drug paraphernalia, as that term is defined in 481.002 of the Texas Health and Safety Code;

 - (ii) Wearing apparel containing obscene pictures or words, such as T-shirts, belt buckles, jewelry or any other wearing apparel;

 - (iii) Salves, ointments, gels, creams, jellies, lotions and oils advertised and designed as a sexual stimulus;

 - (iv) Magazines, books, records, videocassettes, pictures, drawings and other similar material depicting and describing sexual conduct in a manner that is designed for adult use and consumption;

(v) Incense.

(16) Billiard table establishment. B-3 - LI

Definitions: For the purposes of this subsection:

- (A) “Billiard table establishment” means any business containing a billiard table for commercial use and not merely for sale.
- (B) “Billiard table” means a table surrounded by a ledge or cushion with or without pockets on which balls are impelled by a stick or cue, but not including a coin-operated billiard table.

(17) Skill or pleasure coin-operated machines, commercial use of eight (8) or more per occupancy. B-3 - LI

Definitions: For the purposes of this subsection, the term “skill or pleasure coin-operated machine” shall have the meaning ascribed thereto by article 8801, V.T.C.S. [V.T.C.A., Occupations Code, chapter 2153]

(18) Sexually oriented business. LI

Definition: For the purpose of this subsection, “Sexually oriented business” shall have the meaning ascribed thereto by chapter 243 of the Texas Local Government Code.

Condition: No such use may be permitted at a location within one thousand (1,000) feet of a church, school, public park, boundary of a residential district or property line of a lot devoted to residential use.

(19) Motor vehicle parking, commercial. B-3 - LI

(20) Long-term personal care facility. SF - MF

Definition: For the purposes of this subsection, a “long-term personal care facility” is a residence used as an assisted living residence for not more than four (4) unrelated persons.

Conditions: No such use shall be permitted unless:

- (A) The State of Texas has issued a license for the location under chapter 142 of the Texas Health and Safety Code; and
- (B) The owner of the facility resides in the residence.

The special exception shall continue for so long as a valid state license, as described in subsection (A), shall be in effect, unless the special exception should otherwise be terminated for violation of its terms or applicable laws.

(21) Schools, clubs or centers for gymnastics, exercise or physical fitness. B-1 - B-2

Condition: The use shall comply with all regulatory provisions of the district in which it is located.

(2005 Code, sec. 17.8.01)

(22) Mobile food establishment. B-2 and B-3

(Ordinance 2018-01, sec. 6, adopted 2/15/18)

(23) HUD-code manufactured home as primary dwelling MF

(Ordinance 2018-05, sec. 4, adopted 3/27/18)

(24) Credit access business under the following conditions: L-I

(A) No such use may be permitted at a location within one thousand (1,000) feet of a school, designated place of worship, public park, boundary of a residential district, or property line of a lot devoted to residential use.

(Ordinance 2020-12 adopted 12/17/20)

(d) Application for special exception.

(1) Qualification of applicant. Application for a special exception may be made by the owner of, or other person having a contractual or possessory interest in, the subject property. Any application filed by a person who is not the owner of the property for which the special exception is sought shall be accompanied by evidence of the consent of the owner.

(2) Contents of application. An application for a special exception shall be filed with the zoning administrator. The application shall contain the following information as well as such additional information as may be prescribed by rule of or reasonably requested by the commission or the zoning administrator:

(A) The applicant's name, address and interest in the subject property;

(B) The owner's name and address, if different from that of the applicant, and the owner's signed consent to the filing of the application;

(C) The street address and legal description of the property;

(D) The zoning classification and present use of the subject property;

(E) A description of the proposed special exception;

(F) A site plan sketch, showing the location of the use on the property;

(G) A statement as to why the proposed special exception will not cause substantial injury to the value, use or enjoyment of other property in the neighborhood;

(H) A statement as to how the proposed special exception is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected; and

(I) An identification of any potentially adverse effects that may be associated with the proposed special exception and the means proposed by the applicant to avoid, minimize or mitigate such effects.

(3) Processing of application. Upon receipt of an application for a special exception, it shall be referred to the commission for investigation as to the manner in which the proposed character and location of the special exception will affect the master plan of the city. The commission shall report the results of its study to the board, and thereafter the board may, after public notice and hearing, grant the permit, including the imposition of conditions of use which the board may deem essential to insure that the special exception is consistent with the spirit, purpose and intent of this article, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

(2005 Code, sec. 17.8.01)

Sec. 14.02.322 Temporary uses

(a) Purpose. Certain temporary uses of land are essential to the full development and utilization of the land for its lawful purpose. The temporary uses hereinafter enumerated shall not be deemed violations of this article when made under the conditions herein provided.

(b) Permitted uses. The permissible temporary uses, the conditions of use and the zoning districts wherein the same shall be permitted are:

Use

Districts

(1) Construction office.

All districts

Temporary field or construction offices and building material storage areas to be used solely in support of construction on the property where the same is located may be permitted for specific periods of time when approved by the zoning administrator, but such uses shall not continue beyond completion of construction and may be terminated sooner on the order of the zoning administrator.

(2) Real estate sales office.

SF - MF

Temporary real estate sales offices may be authorized by the zoning administrator when such use is located in a permanent residential structure or “model home”; provided, that: (i) sales activities conducted therein shall related only to the sale of property within such subdivision; (ii) such use may be terminated on the order of the zoning administrator; and (iii) in no event shall such use continue after the substantial development and sale of the subdivision.

(3) Holiday plant sales.

B-3 - LI

The temporary sales of Christmas trees and other forms of decorative plant materials associated with the celebration of religious events shall be permitted for a period of thirty (30) days prior to the day of religious celebration. The zoning administrator shall issue a permit for such sale when he finds:

- (A) That there is available on the property an off-street parking area, either improved or unimproved, equal to the size of the plant material display and sales area; and
- (B) That the location and layout of drives, parking areas, lighting, and sale signs will not constitute a hazard to public travel on the abutting public streets.

Trees, stands, equipment, trash, signs and lighting shall be removed from the property by the permit holder within seven (7) days after final termination of sales activities.

(2005 Code, sec. 17.8.02)

Sec. 14.02.323 Developmental permit for gas exploration

Notwithstanding anything else to the contrary in this article, seismic or natural gas drilling shall be permitted in all zoning districts in the city subject only to the provisions of this section and the provisions of article 4.08 of the city code.

(1) Application for an exploration permit under this section shall be made as provided in article 4.08 and shall be filed with the city administrator. The application shall contain the information required therefor by article 4.08. The granting of a permit thereunder shall comply with applicable provisions of both article 4.08 and this article.

(2) Upon receipt of the application, it shall be referred to the commission for investigation as to the manner in which development pursuant to the application will affect the development of the city consistent with principles of zoning and planning contained in this article. After public hearing thereon, the commission will report the results of its study to the city council, which may impose conditions on the issuance of a permit that the council may deem essential to insure that the development is consistent with the spirit, purpose and intent of this article, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

(Ordinance 06-15, sec. 1, adopted 12/14/06)

Sec. 14.02.324 Mobile food units on city-owned property

Mobile food units may operate on city-owned property in any zoning district at the invitation of the city only. (Ordinance 2018-01, sec. 7, adopted 2/15/18)

Sec. 14.02.325 Specific use permits

(a) Purpose. Certain uses, because of the characteristics of the use, may be appropriate in some zoning districts under certain conditions in addition to the zoning districts in which they are a permitted use by right. These uses are identified in this chapter 14, zoning. Each use that may be considered for a specific use permit is listed in the district in which it is permitted with the conditions that must be met for approval. The procedure and criteria for approval of a specific use permit are set forth in subsection (b), generally, below.

(b) Generally.

(1) The city council may authorize specific use permits in the same manner as other amendments to the zoning ordinance.

(2) Application for a specific use permit may be made by any property owner or other person having a proprietary interest in the property for which a specific use permit is requested by filing an application on the forms provided by the city and paying the established fee. The application shall be accompanied by a site plan drawn to scale and showing the elements indicated in section 14.02.272, when required by conditions of the specific use permit. The site plan shall be considered and filed as part of the ordinance, and if approved, filed prior to the issuance of a building permit.

(3) Every specific use permit granted shall be considered an amendment to the zoning ordinance as applicable to the property affected but shall not be considered as a permanent change in zoning. If the building, premises, or land used under the specific use permit is voluntarily vacated for a period of six months or more, or if the building, premises, or land is more than 50 percent destroyed by fire or other cause, the use of the property shall conform to the regulations of the original zoning district unless a new specific use permit is granted for continuation of the use.

(4) In granting a specific use permit, the city council may impose such conditions as are deemed to be necessary or appropriate to protect the public health, safety, or general welfare. These conditions shall be set forth in the ordinance which grants the specific use permit, and complied with by the owner or grantee

before a certificate of occupancy may be issued by the building official for use of the property pursuant to the specific use permit.

(5) A specific use permit may be granted for specific periods of time after which the planning and zoning commission may inquire into the continuation of the permit and, based upon its findings, recommend its discontinuance or an extension of the time period as set forth in the ordinance establishing the specific use permit.

(6) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit are willing to accept and agree to be bound by and comply with the written requirements of the specific use permit.

(7) A building permit, if required, shall be applied for and secured within one year from the time of granting the specific use permit; provided, however, that the city council may authorize an extension of this time upon request by the permit holder and recommendations by the planning and zoning commission. Failure of a building permit to be issued within one year or within any other time frame authorized by the city council shall render the specific use permit void.

(8) No building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alteration, or change.

(9) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.

(10) All specific use permits approved in accordance with the provisions of this ordinance shall be referenced on the official zoning map, and a list of such permits shall be maintained by the city administrator or their designee.

(c) Factors to be considered. In granting or denying an application for a specific use permit, the city council shall take into consideration the following factors:

(1) Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.

(2) Safety from fire hazard, and measures for fire control.

(3) Protection of adjacent property from flood or water damage.

(4) Noise producing elements; and glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood.

(5) Location, lighting and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.

(6) Street size and adequacy of pavement width for traffic and reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood.

(7) Adequacy of parking, as determined by requirements of this ordinance for off-street parking facilities for similar uses, location of ingress and egress points for parking and off-street loading spaces; and protection of the public health by all-weather surfacing on all parking areas to control dust.

(8) Such other measures as will secure and protect the public health, safety, morals and general welfare.
(Ordinance 2018-14A, sec. 1, adopted 9/20/18)

Secs. 14.02.326–14.02.370 Reserved

Division 9. Off-Street Parking and Loading Standards

Sec. 14.02.371 Purpose

To secure safety from fire, panic and other dangers; to lessen congestion in the 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 areas shall be provided as set forth in the following schedules and provisions.

Sec. 14.02.372 General provisions

(a) Parking spaces and loading berths required herein, together with aisles and maneuvering area, shall be connected to a public street by a driveway, and shall have, in the case of single-family residences, an all weather surface; and, in the case of multifamily and nonresidential uses, a paved surface.

(b) In determining the required number of parking spaces, fractional spaces shall be counted to the next higher whole number of spaces. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the required minimum parking. Vehicular queuing areas shall not be considered to satisfy required parking spaces.

(c) The floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.

(d) Where a lot or tract of land is used for a combination of uses, the off-street parking requirements shall be the composite or sum of the requirements for each type of use and no off-street parking space provided for one type use or building shall be included in calculation of the off-street parking requirements for any other use or building.

(e) The following provisions shall apply to all head-in parking adjacent to a public street:

(1) Head-in parking spaces so situated that the maneuvering of a vehicle in entering or leaving such spaces is done on a public street or within public right-of-way shall not be classified as off-street parking in computing any parking requirements herein.

(2) The construction of head-in parking as described in subparagraph (1) hereof shall be prohibited hereafter. All such head-in parking facilities in existence on November 12, 1973 are hereby declared to be a nonconforming use of land subject to the provisions of division 12 of this article.

(f) No off-street parking or loading space shall be located, either in whole or in part, within any fire lane required by ordinance of the city or within aisles, driveways or maneuvering areas necessary to provide reasonable access to any parking space.

(g) No required off-street parking or loading space shall be used for sales, nonvehicular storage, repair or service activities.

(h) Lighting facilities, if provided, shall be so situated as to direct light away from adjacent or nearby property zoned or used for residential purposes.

Sec. 14.02.373 Minimum off-street parking standards

In all districts there shall be provided, in connection with appropriate permitted uses, off-street vehicle parking spaces in accordance with the following requirements.

- (1) In any district, there shall be provided on each single-family residential lot two (2) vehicles parking spaces of not less than 180 square feet each, open or enclosed.
- (2) In all districts where such use is permitted, there shall be provided on any lot devoted to multifamily, townhouse or zero-lot line residence, there shall be provided two (2) vehicles parking spaces of not less than 180 square feet each, per dwelling unit. No part of such required spaces shall occupy a required front yard.
- (3) Required off-street parking for residential uses shall be provided on the lot or tract occupied by the principal use.
- (4) Required off-street parking for permitted nonresidential uses in the SF and MF districts and for permitted uses in all other districts shall be provided on the lot or tract occupied by the principal use or upon a lot or tract dedicated to parking use by an instrument, in a form approved by the zoning administrator, filed for record and consolidated under a single certificate of occupancy with the principal use. Such parking facility shall be located in the same zoning district as, and within 300 feet of, the principal use.
- (5) The board may permit a parking facility to accommodate either required or additional parking, as a special exception, under such regulations and conditions as the board may deem advisable, when:
 - (A) The proposed parking facility is on a site within 300 feet of the property on which the principal use is located; and
 - (B) The principal use is located in the SF or MF district as a conforming use and the proposed parking facility is located in one of such districts; or
 - (C) The principal use is required by this article to be located in an “B-2” or less restrictive district, and the proposed parking facility is located in one of such districts.

This special exception shall be available, in any event, only to conforming nonresidential uses, and may be granted in the manner prescribed in division 8 of this article. In the granting thereof, the board shall approve the location of entrances and exits to parking areas, and may require screening devices along parking area boundaries.

- (6) In all districts where such use is permitted, there shall be provided for any nonresidential use parking spaces of not less than 180 square feet each, in a number not less than that provided in section 14.02.374. Such parking spaces shall be striped or otherwise clearly designated on the parking surface, and shall not include any fire lane or other area necessary for aisles or maneuvering of vehicles.

Sec. 14.02.374 Schedule of off-street parking standards

Use

Number of Parking Spaces/

Unit of Measure

(a) Institution and special.

(1) Community or welfare center

1/100 sq. ft of floor center area

(2) School – private

Elementary

1/classroom plus 1 for every 3 persons lawfully permitted within the auditorium at one time

Junior high

1/classroom plus 1 for every 3 persons lawfully permitted within the auditorium at one time

Senior high

6/classroom

Trade/vocational

1/1 student

Use

Number of Parking Spaces/

Unit of Measure

(3) Place of public assembly

1 for every 3 persons lawfully permitted within the main (largest) room at one time

(4) College or university

1/4 day students

- (5) Church/place of worship 1 for every 3 persons lawfully permitted within the sanctuary (largest room) at one time
- (6) Kindergarten, child care 1/300 square feet
- (7) Hospital, chronic care 1/2 beds
- (8) Hospital, acute care 2/bed
- (9) Home for the elderly 1.5/dwelling unit
- (10) Library 1/350 square feet of public area
- (11) Fraternity or sorority 1/150 square feet of floor room
- (12) Mortuary, funeral chapel 1 for every 3 persons lawfully permitted within all viewing rooms/chapels at one time

(b) Recreational, special and entertainment.

- (1) Theater 1 for every 3 persons lawfully permitted within the theater at one time
- (2) Bowling alley 6/lane

- (3) Pool halls, coin-machine arcades, other commercial amusements, indoors 1/100 sq. ft. of floor area
- (4) Commercial amusements, outdoor 1/600 square feet of site area
- (5) Ballpark, stadium 1/3 seats
- (6) Lodge, fraternal organization 1/200 sq. ft. of floor area

Use

Number of Parking Spaces/

Unit of Measure

(c) Personal service and retail.

- (1) Personal service shop 1/200 square feet of floor area
- (2) Retail store or shop 1/200 square feet of inside floor area
- (3) Furniture sales, appliance sales and repair 1/400 square feet of site area exclusive of repair buildings
- (4) Open retail sales 1/600 square feet of site area exclusive of buildings
- (5) Coin-operated or self-served laundry 1/machine

(6) Drop-off dry cleaners/laundry

Drop-off/no processing on site

5 spaces minimum

Processing on site

5 spaces plus 1/500 square feet of floor area

(d) Food and beverage services.

(1) Eating or drinking place (drive-up and take out) 1/75 sq. ft. of both indoor and outdoor floor; minimum of 8 spaces

(2) Eating or drinking place (drive-up and eat on premises) 1/50 sq. ft. of floor area; both indoor and outdoor minimum of 12 spaces

(3) Eating or drinking place (inside eating only; includes tavern, nightclub, private club) 1/100 sq. ft. of both indoor and outdoor floor area; minimum of 12 spaces

(e) Business services.

(1) Bank 1/300 sq. ft. of floor area

(2) Savings & loan or similar institution 1/300 sq. ft. of floor area

(3)	Medical, dental, clinic or office	3 spaces plus 1/150 sq. ft. of floor area
<u>Use</u>		<u>Number of Parking Spaces/</u>
		<u>Unit of Measure</u>
(4)	Other office, business/professional	3 spaces plus 1/300 sq. ft. of floor area
(f)	<u>Automotive equipment.</u>	
(1)	Service station	1/200 sq. ft. of floor area; minimum of 4 spaces
(2)	Auto repair, garage or shop (indoor)	1/500 sq. ft. of floor area; minimum of 5 spaces
(3)	Auto parts & accessories, sales	1/1,000 sq. ft. of floor area
(4)	Vehicle or machinery sales	1/500 sq. ft. of floor area
(5)	Carwash	
	Customer-operated bays	1/bay
	Full service or process lines	1/500 square feet of floor area; minimum of 10 spaces

(g) Storage, wholesale and manufacturing.

- (1) Brick or lumber yard or similar use 1/1,000 sq. ft. of site area

- (2) Warehouse & enclosed storage, wholesale or 1/1,000 sq. ft. of floor area
 manufacture operation

Sec. 14.02.375 Minimum off-street loading standards

(a) Off-street facilities shall be provided and maintained for receiving and loading of merchandise, supplies and materials within a building or on the premises, in accordance with table 14.02.375, “Schedule of Minimum Off-Street Loading Standards.”

(b) Required off-street loading spaces may be adjacent to a public alley or private service drive, or may consist of a berth within a structure.

(c) No portion of a loading space may extend into a public right-of-way or into an off-street parking area elsewhere herein required.

(d) The off-street loading spaces or truck berths herein required shall have minimum dimensions as follows:

- (1) At least one-half (1/2) shall be not less than ten (10) by forty (40) feet.
- (2) The remaining one-half (1/2) shall be not less than ten (10) by twenty (20) feet.

TABLE 14.02.375. SCHEDULE OF MINIMUM OFF-STREET LOADING STANDARDS

Use	Gross Floor Area (in square feet)	Minimum Required Loading Berths
Retail, commercial	0 to 25,000	1
	25,000 to 84,000	2
	84,000 to 156,000	3
	156,000 to 236,000	4
	Each additional 100,000	1 additional
Hotels, office buildings, restaurants and similar establishments	0 to 150,000	1

	150,000 to 300,000	2
	300,000 to 500,000	3
	Each additional 500,000	1 additional

Sec. 14.02.376 Loading space for emergency vehicles

(a) There shall be provided within 30 feet of the entrance to every building, according to the criteria set forth below, one permanently marked area not less than 30 feet in length and marked “Emergency vehicles only.” This requirement shall apply to:

(1) Every building accommodating commercial, industrial or office uses and having a gross floor area of 9000 square feet or more; and

(2) Every residential occupancy building exceeding two stories in height or 9000 square feet in area.

(b) If visitor or tenant parking is permitted adjacent to the building or along a curb or walkway next to the building, the emergency vehicle zone shall be reserved adjacent to a raised island extending from the building or parking curb for a distance equal to the depth of the adjoining parking spaces, but need not be more than 20 feet.

(Ordinance 10-10 adopted 10/21/10)

Secs. 14.02.377–14.02.420 Reserved

Division 10. Sign Standards*

Sec. 14.02.421 Purpose

Signs are recognized as important means of communication and reasonable mode of advertising, and therefore constitute a significant and specific use of land. Standards for the construction of signs are herein provided for the purpose of protecting places and areas of historical and cultural importance; to increase safety and lessen congestion in the streets; to conserve the value of buildings and land; to preserve residential values; and, to encourage the most appropriate use of land. (2005 Code, sec. 17.10.01)

Sec. 14.02.422 Definitions

Advertising sign. A sign which is a primary use of land (not an accessory use) and which directs attention to a business, product, activity or service which is not necessarily conducted, sold, offered or located on the premises where the sign is located. This term shall include billboards.

Flashing sign. A sign or part thereof operated so as to create flashing; changes in light intensity, color or copy; or intermittent light impulses more frequent than one in every four (4) seconds.

Lighting. The illumination of a sign face by a light source exterior to and not a part of such face or a source of light not exposed to the eye.

Required setback. The distance from the property line or right-of-way line of all streets adjacent to the premises on which a sign is located.

Sign structure. Any part of a sign, including the base, supporting columns or braces, display surface, or any other appendage thereto.

(2005 Code, sec. 17.10.02)

Sec. 14.02.423 Schedule of sign standards

All signs erected, maintained or displayed within the city shall comply with the schedule of sign standards contained in table 14.02.423 of this division.

TABLE 14.02.423. SCHEDULE OF SIGN STANDARDS

Sign Type	Districts Permitted	Max. Area (in square feet)	Max. Height (in feet)	Construction Type	Setback	Spacing	Duration	Note
Nameplate	All	1	None	G, W, P	None	None	Permanent	–
Real estate	All	12	6	G, W, P	None	1/street frontage	Temporary	5
Institution	All	60	20	G, W, P	15'	1/street frontage	Permanent	1
Construction	All	100	20	G, W, P	None	1/street or site	Temporary Until construction completed	
Development	All	200	20	G, W, P	None	1/street entrance	Temporary See note 6	6
Apartment	MF	50	None	W	None	1/street	Permanent	1
		20	18	G, P	15'	1/street	Permanent	2
Advertising	B-3	600	None	G, P	Behind front yard	1/500 ft.	Per permit	3
General business	B-2 B-3	Note 8	None	W	None	1/bldg. face	Permanent	8
General business	B-2 B-3 LI	50	30	G, P	15'	1/100'	Permanent	4

	B-2 B-3 LI	50	None	M	None	1/use/stre et frontage	Permanent	
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Notes to schedule of sign standards:

1. Permitted on face of fence or wall in required front yard.
2. Building identification only.
3. Permit required from city council; duration not more than two years. Measurement shall be along centerline of roadway and shall apply to signs on both sides of street.
4. Shopping centers (multi-unit developments in B-2, B-3 and LI) may substitute one directory sign of 50' maximum height, 50 square feet sign face per tenant, but no other ground or pole signs shall be permitted on the property.
5. Permitted only on the property being offered for sale or rent.
6. Development sign duration is temporary: (1) Residential - Until 90% complete but not longer than one year. (2) Nonresidential - Until complete. For sign duration of more than one year, special exception is required under division 8 hereof.
7. Permit required from city council. For corner property, one sign face visible from both streets may be permitted, with a maximum area of 100 square feet.
8. A wall sign shall not exceed 0.75 square feet for each horizontal linear foot of the building face, with a maximum area of 200 square feet.

(2005 Code, sec. 17.10.03)

Sec. 14.02.424 General provisions

(a) The standards and regulations prescribed in this section shall apply to those signs classified and defined in the building code of the city. For the purposes of the schedule of sign standards, the designations therein contained shall have the following meanings:

G - Ground sign

W - Wall sign

M - Marquee sign

P - Pole sign

PR - Projecting sign

(b) The provisions of this section shall be applicable to the location, size, and placement of signs and shall otherwise be considered supplementary to the building code of the city. No provisions specified herein shall be construed to otherwise amend or nullify any provision of the building code or any ordinance or regulation of the city pertaining to the erection, use, maintenance or operation of signs.

(c) Any sign used in conjunction with a nonconforming use of land or buildings, if such sign is not in accordance with the provisions of this section, shall be deemed a separate nonconforming use of land.

(d) A sign in direct line of vision of any signal light, traffic-control sign or other such device from any point in a moving traffic lane within one hundred (100) feet of and approaching such traffic control shall not be permitted.

(e) No revolving beam or beacon light resembling any emergency vehicle light shall be permitted as part of a sign display in any zoning district, nor shall any sign be located so as to obstruct the vision or sight distance of motor vehicle operators or pedestrians at any street intersection, street crossing or other point of traffic concentration.

(f) No high-intensity light shall be permitted as part of a sign display visible from an adjacent street in any zoning district; and in this regard, no reflectorized lights shall be permitted which shall exceed the intensity of a twenty-five (25) watt frosted-face bulb, except general informational type signs such as time or temperature signs.

(g) Notwithstanding any provisions of this section, no sign shall be erected which constitutes an obstruction to view of operators of motor vehicles on public streets or entering such streets from private property.

(h) The sign standards herein provided shall apply to signs situated on the lot, tract, parcel or premises on which there is also situated the primary use or purpose to which such sign refers. No sign shall be permitted which is not situated on the same premises as the use or activity which it describes or to which it refers - i.e., no off-premise sign shall be permitted, except as follows:

(1) An advertising sign when authorized as provided in the schedule of sign standards; or

(2) A development sign for a residential subdivision, provided that any such sign shall be situated on premises which are a part of such subdivision and shall otherwise comply with the schedule of sign standards.

(2005 Code, sec. 17.10.04)

Secs. 14.02.425–14.02.470 Reserved

EROSOPN CONTROL ORDINANCE

ARTICLE 13.09 EROSION CONTROL

Division 1. Generally

Sec. 13.09.001 Purpose/intent

It is the purpose of this article to preserve the natural resources; to protect the quality of the waters of the state and the city; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by run off or discharged from land developing activities and land-disturbing construction activities to lakes, streams and wetlands.

Sec. 13.09.002 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Belowground installations. Activity that causes excess sediment laden water, concrete sawing washwater, washwater or drilling mud pumped from an excavation or structure and shall be treated as sediment laden run off for erosion control purposes.

Building official. The building official for the city or their designee.

BMP. Best management practices.

Construction activities. Construction activities that require a right-of-way or building permit.

Director of public works or director. The director of public works for the city or his designee.

Erosion Control Manual. The North Central Texas Council of Governments (NCTCOG) Manual of best management practices, as amended from time to time. A current copy of the manual shall be kept on file in the office of the department of public works and may be obtained from the NCTCOG offices.

Erosion control plan. A site plan with necessary details, showing the property where land-disturbing activity will take place and showing the locations and types of structures, devices, procedures and practices to be used to control erosion and sedimentation.

Final approval. Completion of a project, site or building in accordance with city requirements and ordinances. In the case of a building, a certificate of occupancy is issued.

HOA. Homeowners association.

Land-disturbing activity. Any activity, including but not limited to excavation, planting, and grading, which disturbs 1 acre (43,560 square feet) of the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, stormwater runoff or wind. Land-disturbing activities also include areas smaller than one acre that are part of a larger common plan of development or sale. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., shall be considered land-disturbing activities.

MS4 or municipal separate storm sewer system. The system of conveyances (including but, not limited to sidewalks, roads with drainage systems, municipal streets, catchbasins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, that is not used for collecting or conveying domestic sewage.

National Pollutant Discharge Elimination System or NPDES. A program to issue authorizations to discharge pollutants into waters of the United States if certain conditions are met.

Off-site borrow area. A source of earth fill material used in the construction of embankments or other earth fill structures, that is located on another parcel of property other than where the principal construction is occurring.

Off-site sedimentation. Deposit of soil material beyond the limits of the property undergoing land-disturbing activity or in public streets, alleys or drainage facilities in an amount sufficient to constitute a threat to public safety and comfort.

Off-site spoil area. An area on another parcel of property, other than where the principal construction is occurring, where excess earth, rock or construction material is disposed of.

Permanent erosion control devices. Devices or practices installed prior to final approval and maintained after final approval to prevent or minimize the erosion and deposit of soil materials. Such devices may

include, but shall not be limited to, permanent seeding, sod, storm drain channels, channel linings, storm drain pipes, outlet velocity control structures and stormwater detention structures.

Permanent ground cover. Permanent vegetative cover on all bare soil areas of a property not covered by a permanent structure or landscaping improvements, including but not limited to, live sod, perennial grasses or other materials which lessen runoff and soil erosion on the property.

Phased occupancy. Use or inhabitation of a single structure or other portion of a project as such structure or portion thereof is completed, but before the project as a whole is fully completed and finally approved by the city.

Related land area. Includes the property where the principal land-disturbing activity is taking place, all adjacent property, off-site borrow areas, off-site spoil areas, off-site properties necessary for required utility extensions, and off-site areas for required street improvements.

Responsible party. A business entity, franchised utility company, developer, property owner, contractor or holder of a building permit who is required to comply with the terms of this article.

Staging area. An on-site or off-site location used by a contractor to store materials for a project, to assemble portions of equipment or structures, to store equipment or machinery, to park vehicles, or for other construction related uses.

Stop-work order. The suspension of all city permits with no approvals or inspections of work for the site or project being performed.

TCEQ. The Texas Commission on Environmental Quality.

Temporary erosion control devices. Devices installed or practices implemented and maintained during land-disturbing activities to prevent, minimize or control the erosion and deposit of soil materials.

Sec. 13.09.003 Authority

(a) Federal and state regulations. Current Federal Regulations (section 402 of the Clean Water Act) and state regulations (chapter 26 of the Texas Water Code) require all owners/operators of stormwater discharges from industrial activities to apply for and operate pursuant to Texas Pollutant Discharge Elimination System (TPDES) general permit TXR150000 hereafter referred to as the “state permit.” The state permit regulates land-disturbing activities that result in the disturbance of one or more acres of total land area, including areas smaller than one acre that are part of a larger common plan of development or sale.

(b) A responsible party engaging in a regulated land-disturbing activity is responsible for compliance with the Texas Commission on Environmental Quality (TCEQ) state permit. The responsible party shall submit to TCEQ a notice of intent (NOI) or construction site notice for coverage under the state permit, and shall also provide the director of public works with a copy of the NOI or construction site notice prior to beginning any land-disturbing activity.

(c) A responsible party engaging in a regulated land-disturbing activity shall prepare a stormwater pollution prevention plan (SWPPP) satisfying all requirements of the state permit. A copy of the SWPPP shall be provided to the director of public works prior to the start of any land-disturbing activity. The SWPPP shall be prepared by either a registered professional engineer licensed in the state, a certified professional in erosion and sediment control (CPESC) or a certified professional in stormwater quality (CPSWQ).

(d) Any responsible party not in compliance with the TPDES general permit TXR150000 shall be in violation of this article as well as state and federal law and shall be subject to all local, state and federal enforcements.

Sec. 13.09.004 Erosion control required

(a) Application of article. A responsible party engaging in any land-disturbing activity shall prepare an erosion control plan and submit that plan to the city for approval. This article shall apply regardless of whether a responsible party is required to obtain a permit from the city in order to conduct such land-disturbing or construction activity. The responsible party shall also be held liable for violations of this article committed by third parties engaging in activities related to the responsible party's project.

(b) Erosion control plan implementation and compliance. Each responsible party shall implement and maintain the erosion control measures shown on its approved erosion control plan in order to minimize the erosion and the transport of silt, earth, topsoil, etc., by water run off or construction activities, beyond the limits of the responsible party's site onto city streets, drainage easements, drainage facilities, storm drains or other city property prior to beginning any land-disturbing activity.

(c) Off-site borrow, spoil and staging areas. Where applicable, off-site borrow areas, spoil areas and construction staging areas shall be considered as part of the project site and shall be governed by this article.

(d) Related land areas. The erosion control requirements of this article shall apply to all related land areas. Additionally, when land-disturbing activity occurs on a project, all disturbed land areas related to the project shall have permanent erosion control established before final occupancy of structures located thereon or final acceptance of the subdivision may be obtained. This section applies whether or not a building permit is required.

(e) Belowground installations. All discharges resulting from belowground installations shall be passed through city-approved erosion control device(s) or removed from the site and properly disposed of.

Sec. 13.09.005 Erosion control plans

Plan requirements generally. Each erosion control plan required by this article shall clearly identify all erosion and sediment control measures to be installed and maintained throughout the duration of the project for which that plan is submitted. The responsible party shall install and maintain erosion control devices in accordance with their city-approved erosion control plan as required by this article. Erosion and sediment control devices shall be installed and maintained in accordance with the city's erosion control manual. General guidelines for erosion and sediment control are as follows:

- (1) Maximum use shall be made of vegetation to minimize soil loss.
- (2) Natural vegetation should be retained wherever possible.
- (3) Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation, temporary controls should be installed promptly to minimize soil loss and ensure that erosion and sedimentation does not occur.
- (4) Wherever possible during construction, erosion and sedimentation controls shall be used on hillsides to slow drainage flow rate.
- (5) Erosion and sedimentation control elements should be implemented as soon as practical in the development process. Erosion and sedimentation controls shall be maintained by the responsible party.

Erosion and sedimentation controls that are installed but not properly maintained in accordance with the city's erosion control manual shall be considered a violation of this article.

(6) Waste or disposal areas and construction roads should be located and constructed in a manner that will minimize the amount of sediment entering streams.

(7) Frequent fording of live streams will not be permitted; therefore, temporary bridges or other structures shall be used wherever an appreciable number of stream crossings are necessary.

(8) When work areas or material sources are located in or adjacent to live streams, such areas shall be separated from the stream by a dike or other barrier to keep sediment from entering a flowing stream. Care shall be taken during the construction and removal of such barriers to minimize the sediment transport into a stream.

(9) Should preventative measures fail to function effectively, the applicant shall act immediately to bring the erosion and/or siltation under control by whatever additional means are necessary.

(10) Erosion control devices shall be placed to trap any losses from stockpiled topsoil.

(11) The selection and timing of the installation of erosion controls shall be based upon weather and seasonal conditions that could make certain controls not practicable.

(12) Vegetation used for vegetative cover shall be suitable for local soil and weather conditions. Ground cover plants shall comply with listings from the Texas Agricultural Extension Service for North Central Texas.

(13) Runoff shall be diverted away from construction areas as much as possible.

(14) Stripping of vegetation from project sites shall be phased so as to expose the minimum amount of area to soil erosion for the shortest possible period of time. Phasing shall also consider the varying requirements of an erosion control plan at different stages of construction.

(15) Developers, builders, or owners of property shall install all utilities, including franchise utilities, before final acceptance of a subdivision, property and/or structure. Final acceptance will also be contingent upon having all necessary erosion control measures installed to minimize off-site sediment. A site may be accepted without erosion control measures if perennial vegetative cover is actively growing at the discretion of the director of public works.

Sec. 13.09.006 Nonresidential and multifamily construction

(a) Prior to beginning any land-disturbing activity or upon the effective date of this article, a responsible party engaging in land-disturbing activity for nonresidential and multifamily construction projects shall submit an erosion control plan to the city for approval. The approved erosion control plan shall be implemented and erosion control devices shall be maintained as specified in the plan and the city's erosion control manual. A responsible party engaging in nonresidential and multifamily activities shall comply with all other general requirements of this article.

(b) When construction or land-disturbing activities are conducted as part of a nonresidential or multifamily construction project, permanent erosion control shall be established prior to the occupancy of any nonresidential or multifamily structure. Phased occupancy will be allowed only when there are no outstanding erosion control violations for the project for which the request is made.

Sec. 13.09.007 Residential subdivisions-compliance

In addition to the other requirements of this article, when construction or land-disturbing activities are conducted as part of a residential subdivision project, the following shall apply:

(1) Erosion control plan. Prior to approval of the final plat, the responsible party shall submit an erosion control plan for approval by the city. No inspection of any type may be performed on a project or portion thereof until a city-approved erosion control plan is implemented by the responsible party.

(2) Final acceptance. Permanent erosion control devices and when applicable, temporary erosion control devices, as specified in the approved erosion control plan shall be installed and maintained prior to final acceptance of a subdivision. The developer for such subdivision shall continue to maintain all temporary erosion control devices until permanent erosion control has been established on all those lots within the subdivision for which a building permit has not been issued.

(3) Transfer of property by developer. If the responsible party sells all or part of the lots in a subdivision to a purchaser, that purchaser becomes the responsible party for the subdivision or the lots sold and is liable for violation of this article. The sale of lots shall be logged within the SWPPP kept at the project site along with written proof of transfer of lots. As required by this article, the purchaser shall be required to comply with the city-approved erosion control plan and SWPPP.

(4) Stop-work orders/citation.

(A) The city shall inspect the erosion control devices located at a site for compliance with the approved erosion control plan submitted by a responsible party. If a responsible party fails to implement or maintain erosion control devices as specified in their approved erosion control plan, the city shall provide such party with written notice of noncompliance identifying the nature of the noncompliance. The responsible party shall have twenty-four (24) hours to bring their erosion control devices into compliance with the approved erosion control plan for the site to which notice of noncompliance was issued. Correction shall include sediment clean up, erosion control device repair, erosion control device maintenance and/or installation of additional erosion control devices to prevent reoccurrence of the violation. The 24-hour cure period may be extended for inclement weather or other factors at the discretion of the director of public works.

(B) At the end of the twenty-four (24) hour cure period, the city shall reinspect the site. If at the time of such reinspection, the erosion control devices at the site have not been brought into compliance with the approved erosion control plan, the city may issue a stop-work order and issue a citation for each violation of this article. To obtain a reinspection for removal of the stop-work order, a request for reinspection must be submitted.

Sec. 13.09.008 Franchised utility companies

Subject to the terms of its franchise agreement with the city, including but not limited to terms regarding permits, a franchised utility company engaging in land-disturbing activities within the city shall comply with the following:

(1) Erosion control plan. Prior to beginning any land-disturbing activity or upon the effective date of this article, an erosion control plan shall be submitted for approval by the city.

(2) Stop-work order/citation.

(A) The city shall inspect the erosion control devices located at a site for compliance with the approved erosion control plan submitted for such site. If a responsible party fails to implement or maintain erosion control devices as specified in their approved erosion control plan, the city shall provide such party with written notice of noncompliance identifying the nature of such noncompliance. The responsible party shall

have twenty-four (24) hours to bring their erosion control devices into compliance with the approved erosion control plan for the site where the violation occurred. Correction shall include sediment clean up, erosion control device repair, and erosion control device maintenance. The 24-hour cure period may be extended for inclement weather or other factors at the discretion of the director of public works.

(B) At the end of the 24-hour cure period, the city shall reinspect the site. If at the time of such reinspection, the erosion control devices at the site have not been brought into compliance with the approved erosion control plan, the city may issue a stop-work order and issue a citation for each violation of the city's erosion control requirements. To obtain a reinspection for removal of the stop-work order, a request for reinspection must be submitted.

Sec. 13.09.009 Residential lots with a building permit

When land-disturbing activities are conducted on a residential lot for which a building permit must be issued, the responsible party shall comply with the following:

(1) Erosion control plan. Prior to approval of a building permit for a residential lot by the city, the contractor or other responsible party obtaining the building permit shall submit an erosion control plan for approval by the city. No inspection may be performed on a project until a city-approved erosion control plan is implemented.

(2) Stop-work order/citation.

(A) The city shall inspect the erosion control devices located at a site for compliance with the approved erosion control plan submitted for such site. If a responsible party fails to implement or maintain erosion control devices as specified in their approved erosion control plan, the city shall provide such party with written notice of noncompliance identifying the nature of such noncompliance. The responsible party shall have twenty-four (24) hours to bring their erosion control devices into compliance with the approved erosion control plan for the site where the violation occurred. Correction shall include sediment clean up, erosion control device repair, erosion control device maintenance, and/or installation of additional erosion control devices to prevent reoccurrence of the violation. The 24-hour cure period may be extended for inclement weather or other factors at the discretion of the building official.

(B) At the end of the 24-hour cure period, the city shall reinspect the site and may assess a reinspection fee. If at the time of such reinspection, the erosion control devices at the site have not been brought into compliance with the approved erosion control plan, the city may issue a stop-work order and issue a citation for each violation of the city's erosion control requirements. When a stop-work order has been issued, a reinspection fee shall be assessed. To obtain a reinspection for removal of the stop-work order, a request must be submitted therefor and a reinspection fee, as set by the building inspection department of the city, shall be paid.

(3) Removal of erosion control devices. Upon establishing permanent ground cover on a lot, all temporary erosion control devices shall be removed.

Secs. 13.09.010–13.09.030 Reserved

Division 2. Post Construction Runoff Control

Sec. 13.09.031 Findings of fact

(a) It is hereby determined that:

- (1) Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition.
 - (2) Stormwater runoff contributes to increased quantities of waterborne pollutants.
 - (3) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
- (b) The city establishes this set of water quality and quantity policies applicable to all surface waters in the city to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation.
- (c) It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

Sec. 13.09.032 Purpose

The purpose of this division is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the city. This division seeks to meet that purpose through the following objectives:

- (1) To minimize increases in stormwater runoff from any development or redevelopment in order to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels;
- (2) To minimize the total annual volume of surface water run off which flows from any specific site during and following development or redevelopment to not exceed the predevelopment hydrologic conditions to the maximum extent practicable;
- (3) To accommodate new development and redevelopment projects in a manner that protects public safety, groundwater and surface water quality and aquatic living resources and their habitats;
- (4) To employ permanent nonstructural and structural best management practices (BMP's) to protect water quality thereby raising public awareness to stormwater quality related issues;
- (5) To remove and/or treat stormwater pollutants prior to discharge to ground and surface waters throughout the city;
- (6) To ensure the long-term operation and maintenance of all permanent stormwater quality features; and
- (7) To reduce stormwater run off rates and volumes, soil erosion and nonpoint source pollution, wherever possible, to the waters of the state through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to the public.

Sec. 13.09.033 Applicability

This division shall be applicable to all land development or redevelopment applications for both small and large construction activities, as defined by the TCEQ, unless eligible for an exemption or granted a waiver by the director.

Sec. 13.09.034 Erosion control manual development

(a) The city may provide additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this division and may provide such information in the form of an erosion control manual.

(b) The erosion control manual may be amended from time to time based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater treatment practices that are designed and constructed in accordance with these design criteria will be presumed to meet the minimum water quality performance standards.

Sec. 13.09.035 Withholding of permits

No owner or operator shall be issued any building, grading or other land development permits that are required for land-disturbance activities without first satisfying the requirements of this division prior to commencement of the proposed activity.

Sec. 13.09.036 General criteria for post-construction runoff control

(a) All applicable land development sites shall be designed according to the specific performance criteria outlined in the city erosion control manual or in conformance with a plan designed by an engineer licensed in the state, approved by the director.

(b) Prior to design, applicants are required to consult with the director to determine if they are subject to additional post-construction stormwater design requirements.

Sec. 13.09.037 Minimum control requirements

All stormwater management practices shall be designed so that the specific storm frequency storage volumes (e.g., water quality, channel protection, ten-year, one-hundred-year) as identified in the current drainage design manual are met, unless the director grants a waiver or the owner is exempt from such requirements. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the director may impose any additional requirements deemed necessary to control the volume, timing, and rate of runoff.

Sec. 13.09.038 Site design feasibility

(a) Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

- (1) Topography;
- (2) Total maximum drainage area;
- (3) Depth to water table;
- (4) Soils;
- (5) Slopes; and
- (6) Terrain.

(b) Applicants shall consult the erosion control manual for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.

Sec. 13.09.039 Conveyance issues

All stormwater management practices shall be designed to convey stormwater and allow for maximum removal of pollutants and reduction in flow velocities, which shall include, but are not be limited to:

- (1) Use of structural and nonstructural best management practices (BMP's) and controls;
- (2) Maximizing of path flow distance from inflow points to outflow points;
- (3) Protection of inlet and outfall structures; and
- (4) Elimination of erosive flow velocities.

Sec. 13.09.040 Maintenance agreements

All stormwater management and/or treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the stormwater practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater practice.

Sec. 13.09.041 Structural stormwater practices

Owners are required by the city to implement structural measures to reduce runoff volumes and velocities at sites where downstream infrastructure is insufficient to accommodate developed flows. The following methods shall be considered appropriate for consideration as structural stormwater practices:

- (1) Swales and channels;
- (2) Culverts, inlets and pipes;
- (3) Detention;
- (4) Energy dissipaters;
- (5) Infiltration trenches;
- (6) Stormwater ponds;
- (7) Porous surfaces; and
- (8) Reuse (rain harvesting, etc.).

Sec. 13.09.042 Use of other or new stormwater practices

- (a) New and innovative technologies shall be evaluated and are encouraged for use providing that there is sufficient documentation as to their effectiveness and reliability.
- (b) Alternately, new structural stormwater practices will not be accepted for inclusion in the city until independent performance data shows that the structural control conforms to local and/or state criteria for treatment, conveyance, maintenance and environmental impact.

Sec. 13.09.043 Landscaping and stabilization requirements

- (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within ten (10) calendar days from substantial completion of such clearing and construction. The following criteria shall apply to revegetation efforts:

- (1) Reseeding must be done with a perennial, nonwinter season cover crop accompanied by placement of matting or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety (90) percent of the seeded area.
 - (2) Replanting with native woody and herbaceous vegetation must be accompanied by placement of matting, mulch or an equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
 - (3) Any area of revegetation must exhibit survival of a minimum of seventy (70) percent of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy (70) percent survival for one (1) year is achieved.
- (b) Upon instruction from the director, a landscaping plan prepared by a state registered landscape architect shall be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. The landscaping plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. The landscaping plan, if required, must be approved by the director prior to land-disturbing activities.

Sec. 13.09.044 Privately owned erosion control requirements

(a) Stormwater system responsible party.

- (1) For privately owned stormwater drainage systems and/or water quality devices used for residential or commercial areas, the developer shall be responsible for all of the maintenance and repair of such stormwater drainage systems and/or water quality devices serving that residential or commercial area until the developer or owner no longer has an ownership interest in any property served by the stormwater drainage system and/or water quality device.
- (2) Once a homeowners' association (HOA) is organized and becomes active for a residential area served by a stormwater drainage system and/or water quality device, the homeowners' association shall be responsible for the maintenance and repair of the stormwater drainage system and/or water quality device. In the event there is no active homeowners' association or the homeowners' association fails to maintain the privately owned stormwater drainage system and/or water quality device, then the city may, but is not required, to maintain and repair the system and/or device.
- (3) Maintenance of a storm drainage system and/or water quality device shall include such items, but not be limited to:
 - (A) Mowing of tall weeds and grass;
 - (B) Regular and routine removal of floatables and debris;
 - (C) Dredging of silt and removal off site;
 - (D) Correcting failures of inlet or outlet control structures;
 - (E) Implementation of erosion mitigation measures;
 - (F) Repair and maintenance of aeration equipment; and
 - (G) Maintaining optimal operation of underground and above ground detention.

(b) Disclosure of HOA information to the MS4.

(1) Upon the organization and formation of a homeowners' association, the HOA should provide updated contact information to the city for compliance and reporting communications. The minimum information to be provided by the HOA to the city includes:

(A) Name of subdivision and homeowners' association;

(B) Name, address, telephone number and email address of any management company involved with activities related to the HOA (if applicable);

(C) Name, address, telephone number and email address of a direct contact person representing or authorized to act on behalf of the HOA;

(D) Date of formation of the HOA;

(E) Current listing of stormwater drainage structures and/or water quality devices over which the homeowner's association has control; and

(F) Dates when any changes were made to the HOA board, structure or the storm drainage system and/or water quality device over which the HOA has control.

(2) Any changes to the contact information regarding the HOA must be reported immediately to the city planning department.

(3) The HOA is required to annually contact the city planning department to ensure that all information is up to date.

(c) Authorization to inspect, adopt and impose best management practices.

(1) The city has the authority to conduct stormwater inspections to require implementation of best management practices where appropriate.

(2) The selection, application and maintenance of BMP's must be sufficient to prevent or reduce the likelihood of pollutants entering the receiving storm drainage system.

(3) The city may adopt and impose requirements identifying specific BMP's for any activity, operation or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMP's are required, every person undertaking such activity or operation or owning or operating such facility shall implement and maintain BMP's at the person's own expense.

Secs. 13.09.045–13.09.060 Reserved

Division 3. Enforcement

Sec. 13.09.061 Violations

It shall be an offense for a responsible party or a third party performing work on a project to violate any of the requirements of this article, including, but not limited to, the following:

(1) Conducting any land-disturbing or construction activity without an approved erosion control plan for the location where the violation occurred.

- (2) Failing to install erosion control devices or to maintain erosion control devices throughout the duration of land-disturbing activities, in compliance with the approved erosion control plan for the location where the violation occurred.
- (3) Failing to remove off-site sedimentation that is a direct result of land-disturbing activities where such off-site sedimentation results from the failure to implement or maintain erosion control devices as specified in an approved erosion control plan for the location where the violation occurred.
- (4) Allowing sediment laden water resulting from belowground installations to flow from a site without being treated through an erosion control device.
- (5) Failing to repair damage to existing erosion control devices, including replacement of existing grass or sod.

Sec. 13.09.062 Notice of violation

Written notice of violation shall be given to the responsible party or their jobsite representative as identified in the erosion control plan for a site. Such notice shall identify the nature of the alleged violation and the action required to obtain compliance with the approved erosion control plan. The responsible person shall have thirty (30) days after receipt of notice to effect maintenance and repair of the facility in an approved manner.

Sec. 13.09.063 Failure to meet requirements

If a responsible party fails or refuses to meet the stormwater facility maintenance requirements of this article, the director, after reasonable notice, may cause the necessary work to be done to correct a violation of the design standards or maintenance and assess the responsible party for all incurred costs and expenses.

Sec. 13.09.064 Class C misdemeanor

Any person, firm, or corporation violating any of the provisions or terms of this article shall be deemed guilty of a class C misdemeanor and, upon conviction thereof, be subject to a fine at the maximum amount allowed by state law for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

(Ordinance 12-03 adopted 4/19/12)