

CITY OF HUNTSVILLE, TEXAS

Place 7 - S.O. Woods, Jr., Chairman

Place 1 – Les Thompson

Place 2 – Sharon Lynch

Place 3 – Al Hooten, Vice-Chairman



Place 4 -Jim Gumm

Place 5 -Rhonda Carpenter

Place 6 – Benjamin Sessions

PLANNING COMMISSION AGENDA

THURSDAY, JUNE 15, 2023, 5:30 P.M.

STAGGS COMMUNITY ROOM

HUNTSVILLE PUBLIC LIBRARY, 1219 13th STREET, HUNTSVILLE, TEXAS 77340

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Planning Division, at 936-294-5781 two working days prior to the meeting so that appropriate arrangements can be made.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

- a. U.S. Flag
- b. Texas Flag - *Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

3. INVOCATION

4. PUBLIC HEARING to receive public comments concerning revisions to the current Development Districts for the entirety of the City of Huntsville.

5. ADJOURNMENT

If, during the course of the meeting and discussion of any items covered by this notice, the Planning Commission determines that a Closed or Executive session of the Commission is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code.

If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the Planning Commission will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Sharon Schultz, Deputy City Secretary, do hereby certify that the above notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.HuntsvilleTX.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: June 9, 2023

TIME OF POSTING: 11:15 a.m.

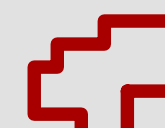
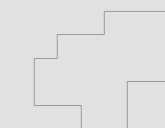
TAKEN DOWN: _____


Sharon Schultz, Deputy City Secretary

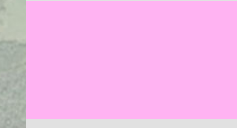
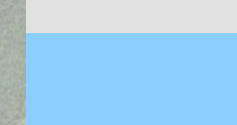
Huntsville Zoning Districts

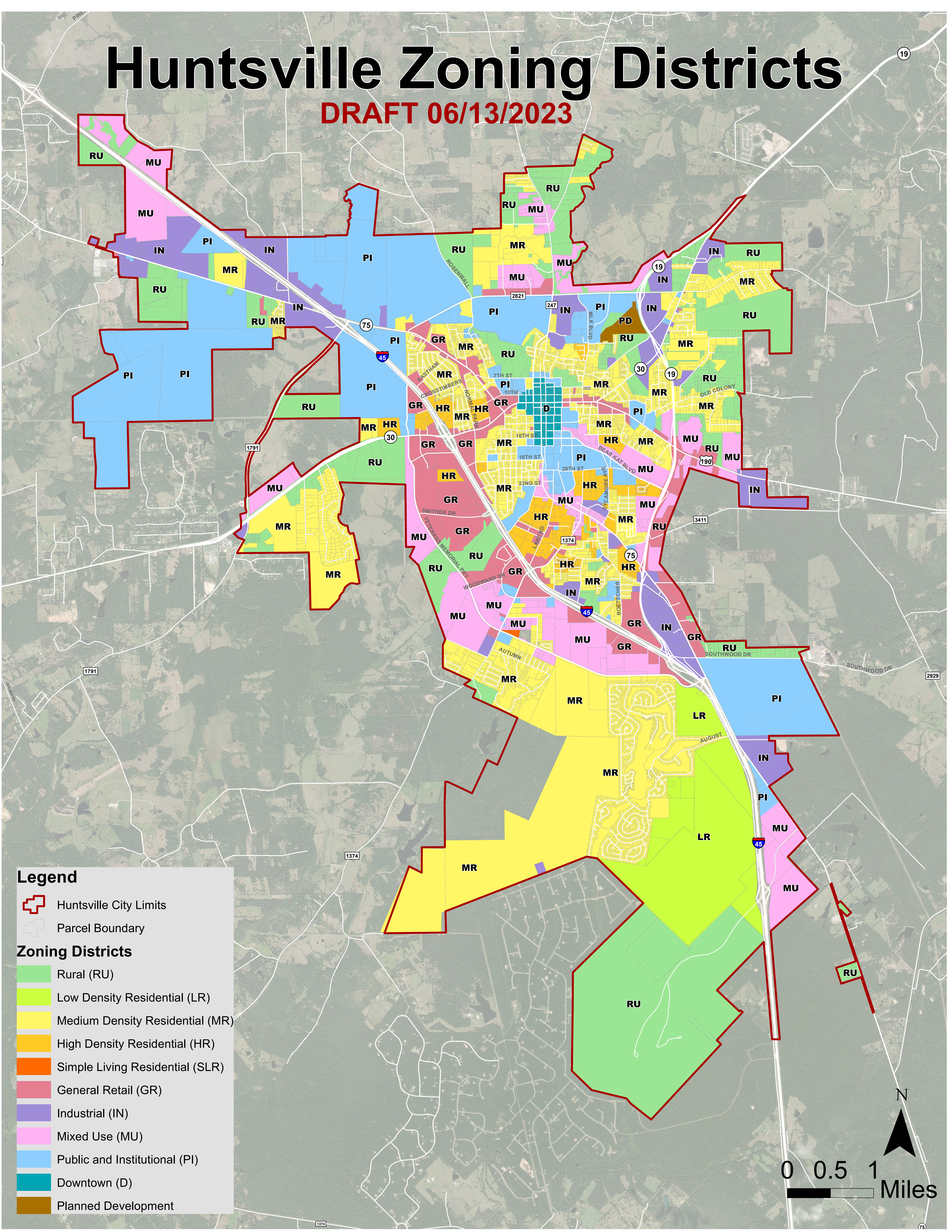
DRAFT 06/13/2023

Legend

-  Huntsville City Limits
-  Parcel Boundary

Zoning Districts

-  Rural (RU)
-  Low Density Residential (LR)
-  Medium Density Residential (MR)
-  High Density Residential (HR)
-  Simple Living Residential (SLR)
-  General Retail (GR)
-  Industrial (IN)
-  Mixed Use (MU)
-  Public and Institutional (PI)
-  Downtown (D)
-  Planned Development



Huntsville Zoning Districts

DRAFT 06/13/2023

Legend

- Simple Living Residential District
- Residential Protection Overlay
- Veterans Memorial Parkway Overlay
- I-45 Overlay
- Airport Overlays
- Huntsville City Limits
- Parcel Boundary

Zoning Districts

- Rural (RU)
- Low Density Residential (LR)
- Medium Density Residential (MR)
- High Density Residential (HR)
- Simple Living Residential (SLR)
- General Retail (GR)
- Industrial (IN)
- Mixed Use (MU)
- Public and Institutional (PI)
- Downtown (D)
- Planned Development

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ARTICLE 4 USE REGULATIONS

Contents:

4.100 Allowed Uses

4.200 Supplemental Use Regulations

4.300 New and Unlisted Uses

4.100 ALLOWED USES

4.101 Use Table

4.102.A Neighborhood Conservation, Downtown and Management Districts

Principal uses are allowed in NC, D, and M zoning districts in accordance with Table 4-1.

4.102.B Planned Zoning Districts

The uses to be allowed in PD districts must be established at the time of development plan approval and identified in the ordinance establishing the subject PD district. The City Council is authorized to approve any use or combination of uses within a PD district.

4.102 Understanding the Use Table

4.102.A Uses

Uses are listed and defined in the first columns of Table 4-1.

4.102.B Permitted and Conditional Uses

1. Uses identified with a "P" are permitted as-of-right in the subject zoning district.
2. Uses identified with an "L" are permitted as-of-right, subject to limitations in Section 4.200, *Supplemental Use Regulations*, and Section 3.600, *Simple Living Residential District*.
3. Uses identified with a "C" are allowed only if approved in accordance with the conditional use approval procedures of Sec. 12.800.

4.102.C Prohibited Uses

1. Uses identified with an "X" are expressly prohibited. Uses that are not listed in Table 4-1 and that cannot reasonably be interpreted to fall within one of the use categories or subcategories described in the table are also prohibited.
2. The use of a recreational vehicle for habitation for longer than 90 days within or outside of a recreational vehicle park shall be prohibited Citywide.
3. The establishment of a mobile / manufactured dwelling unit outside of a manufactured home park / subdivision on a vacant lot or that formerly had a conventional single-family detached house on it.

4.102.D Supplemental Regulations and Specific Limitations

1. The "Standards" (final) column of the Table 4-1 identifies additional regulations that apply to listed uses. Compliance with supplemental regulations is required for all limited and certain conditional uses unless otherwise expressly stated.
2. All Accessory Uses and Structures and Home Occupations are subject to the standards in Sec. 4.201 and Sec. 4.202, respectively.



3. The standards in 4.203 shall only apply to replacement mobile or manufactured homes outside of a manufactured home park. New mobile or manufactured homes outside of a manufactured home park are prohibited.
4. The standards in 4.2010 shall apply to any land use with equipment required to be screened or that has outdoor storage.

Table 4-1: Use Table

P = Permitted by right | L = Permitted by right | C = Conditional use approval required (Sec. 12.800) | X = Prohibited | CV = Conventional Development Type | CL = Cluster Development Type | IF = Infill Development Type

Use Categories	Specific Uses	Residential Districts										Nonresidential and Mixed Use Districts							Standards
		RU	LR		MR			HR		SLR	GR	IN	UN	MU	PI	DT			
		CV	CV	CL	CV	CL	IF	CV	IF										
RESIDENTIAL USES																			
Household Living	Detached house	P	P	P	P	P	P	P	P	X	X	X	P	P	X	C	--		
	Townhouse (2 units)	X	X	L	L	L	L	L	L	X	X	X	L	L	X	C	4.2011		
	Townhouse (3+ units)	X	X	X	X	L	L	L	L	X	X	X	L	L	X	C	4.2011		
	Two-unit house	X	X	X	X	P	P	P	P	X	X	X	P	P	X	C	--		
	Multiplex	X	X	X	X	X	L	P	P	X	X	X	P	L	X	L	4.2012		
	Apartment/condo	X	X	X	X	X	X	P	P	X	P	X	P	P	X	L	4.2013		
	Purpose-Built Shared Housing, Attached	X	X	X	X	X	X	X	P/C	X	X	X	X	X	X	X	4.207		
	Purpose-Built Shared Housing, Detached	X	X	X	X	X	X	X	L	X	X	X	X	X	X	X	4.207		
	Mobile/Manufactured dwelling unit (outside of MH park)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	4.203		
	Manufactured Home Park / Subdivision	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	4.204		
	Recreational Vehicle Park	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	4.205		
	Tiny House Community	X	X	X	X	X	X	X	X	L	X	X	X	X	X	X	3.600		
Group Living	Community Home	P	P	P	P	P	P	P	P	X	X	X	X	X	X	P	--		
	Nursing Home	X	X	X	X	X	X	P	P	X	X	X	X	X	P	P	--		
	All Other Group Living Uses	X	X	X	X	X	X	C	C	X	X	X	X	X	P	C	--		
PUBLIC, CIVIC AND INSTITUTIONAL																			
Public, Civic and Institutional	Aircraft Landing Area	X	X	X	X	X	X	X	X	X	X	C	X	X	C	X	--		
	College or University	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	--		
	Community Center	C	C	C	C	C	C	C	C	C	P	P	X	P	P	P	--		
	Correctional Facility (Private)	X	X	X	X	X	X	X	X	X	X	C	X	X	C	X	--		
	Governmental Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--		
	Fraternal Organization	C	C	C	C	C	C	C	C	C	P/C	P	X	P/C	P	P/C	4.2014		
	Hospital	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	--		
	Library	C	C	C	C	C	C	C	C	C	P	P	X	P	P	P	--		
	Museum or Cultural Facility	X	X	X	X	X	X	X	X	X	P	P	X	P	P	P	--		
	Natural Resource Preservation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--		
	Parks and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--		

Table 4-1: Use Table

P = Permitted by right | **L** = Permitted by right | **C** = Conditional use approval required (Sec. 12.800) | **X** = Prohibited | **CV** = Conventional Development Type | **CL** = Cluster Development Type | **IF** = Infill Development Type

Use Categories	Specific Uses	Residential Districts									Nonresidential and Mixed Use Districts							Standards
		RU	LR		MR			HR		SLR	GR	IN	UN	MU	PI	DT		
		CV	CV	CL	CV	CL	IF	CV	IF									
	Religious Assembly	C	C	C	C	C	C	C	C	C	P	P	X	P	P	P	--	
	Safety Service	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	--	
	School	C	C	C	C	C	C	C	C	C	P	P	X	P	P	P	--	
	Trade School	X	X	X	X	X	X	X	X	X	P	P	P	P	P	X	--	
	Utilities and Public Service Facility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	
	Utilities and Public Service Facility, Major	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	--	
	Wireless Communications, Freestanding tower	X	X	X	X	X	X	X	X	X	C	C	C	C	C	X	--	
	Wireless Communications, Building or tower-mounted antenna	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	4.206	
COMMERCIAL																		
Animal Service	All Animal Service	X	X	X	X	X	X	X	X	X	P/C	X	X	P/C	X	P/C	4.2015	
Assembly and Entertainment	All Assembly and Entertainment	X	X	X	X	X	X	X	X	X	P/C	X	P	P	X	P	4.2016	
Commercial Service	Research Service	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	X	--
	All Other Commercial Service Uses	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	--	
Day Care	All Day Care	X	X	X	X	X	X	C	C	X	P	X	X	P	P	P	--	
Eating Establishment	All Eating Establishments	X	X	X	X	X	X	C	C	X	P	P	P	P	X	P	--	
Funeral or Mortuary Service	All Funeral or Mortuary Service	X	X	X	X	X	X	X	X	X	P	X	X	P	X	P	--	
Lodging	Recreational Vehicle Park	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	--	
	All other Lodging Uses	X	X	X	X	X	X	X	X	X	P	X	P	P	X	P	--	
Mobile Food Vendor	All Mobile Food Vendors	X	X	X	X	X	X	X	X	X	P/C	P	P	P	X	P	4.208 4.209	
Office	Financial Service	X	X	X	X	X	X	X	X	X	P	P	P	P	X	P	--	
	All other Office	X	X	X	X	X	X	L	L	X	P	P	P	P	X	P	4.2017	
Retail Sales, Service and Repair	All Retail Sales	X	X	X	X	X	X	L	L	X	P	P	P	P	X	P	4.2018	
	All Personal Improvement Service	X	X	X	X	X	X	L	L	X	P	P	P	P	X	P	4.2018	
	All Repair Service	X	X	X	X	X	X	L	L	X	P	P	P	P	X	P	4.2018	
Vehicle Sales and Service	Car Wash	X	X	X	X	X	X	X	X	P	P	P	X	X	X	X	--	
	Fuel Station	X	X	X	X	X	X	X	X	P	P	P	X	P/C	X	X	4.2019	

Table 4-1: Use Table

P = Permitted by right | **L** = Permitted by right | **C** = Conditional use approval required (Sec. 12.800) | **X** = Prohibited | **CV** = Conventional Development Type | **CL** = Cluster Development Type | **IF** = Infill Development Type

Use Categories	Specific Uses	Residential Districts									Nonresidential and Mixed Use Districts							Standards
		RU	LR		MR			HR		SLR	GR	IN	UN	MU	PI	DT		
		CV	CV	CL	CV	CL	IF	CV	IF									
	Vehicle Maintenance	X	X	X	X	X	X	X	X	P	P	X	X	P	X	X	--	
	Vehicle Repair	X	X	X	X	X	X	X	X	L	P	X	X	P/C	X	X	4.2019	
	Vehicle Sales, Rental, and Leasing	X	X	X	X	X	X	X	X	P	P	P	X	P	X	X	--	
INDUSTRIAL																		
Industrial, Heavy	All Heavy Industrial	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	--	
Industrial, Light	All Light Industrial	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	--	
Mining/Extraction	Underground	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	--	
	Surface or Above-Ground	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	--	
Recycling Facility	Recyclable Material Drop-off Facility	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	--	
	Recyclable Material Processing Facility	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	--	
Wholesale, Distribution & Storage	Self-Service Storage Facility	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	--	
	All Other Wholesale, Distribution and Storage	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	--	
AGRICULTURE																		
Agriculture	Farming/General Agricultural	P	X	X	X	X	X	X	X	X	P	P	P	P	P	P	--	
	Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	

4.200 SUPPLEMENTAL USE REGULATIONS

4.201 Accessory Uses and Structures

Accessory uses and structures are permitted in connection with lawfully established principal uses in accordance with the regulations of this subsection.

4.201.A Allowed Uses and Structures

1. The following accessory uses and structures are allowed in all zoning districts:
 - a. Attached and detached private garages;
 - b. Storage sheds;
 - c. Children's play equipment and playhouses;
 - d. Vegetable or flower gardens;
 - e. Private greenhouses;
 - f. Private tennis courts;
 - g. Private swimming pools;
 - h. Gazebos, decks, fountains and other landscape features;
 - i. Solar collectors, geothermal heat pumps and electric vehicle charging equipment;

- j. Television (receiving) antennas;
 - k. Amateur (“Ham”) radio service antennas; and
 - l. Guest houses or rooms for non-paying guests within an accessory building, provided that such facilities:
 - (1) are used only for the occasional and gratuitous housing of guests of the occupant of the principal building;
 - (2) do not contain separate utility meter equipment;
 - (3) do not include a stove or oven; and
 - (4) are not used for permanent occupancy as a dwelling unit.
2. The City Planner is authorized to permit other accessory uses and structures based on a determination that the proposed use or structure:
- a. Is customarily found in conjunction with the subject principal use or principal structure;
 - b. Is subordinate and clearly incidental to the principal use; and
 - c. Provides a necessary function for or contributes to the comfort, safety or convenience of occupants of the principal use.
- 4.201.B **Time of Construction and Establishment**
- Accessory buildings must be established in conjunction with or after the principal building. They may not be established before the principal building is in place.
- 4.201.C **Location**
- Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, except as otherwise expressly stated in this Development Code.
- 4.201.D **Setbacks**
- 1. Accessory buildings and structures are prohibited in street setbacks except as expressly allowed by the setback encroachment provisions of §5.705.B.
 - 2. Accessory building and structures over 5 feet in height must be set back at least 5 feet from all interior side and rear property lines except as expressly allowed by the setback encroachment provisions of §5.705.B. Such buildings and structures may not be located in utility easements.

4.202 Home Occupations

4.202.A **Intent**

The home occupation regulations of this section are intended to allow Huntsville residents to engage in customary home-based work activities while also helping to ensure that such “home occupations” will not adversely affect the character and livability of surrounding residential neighborhoods. The regulations are also intended to ensure that home occupations remain subordinate to the principal residential use of the property, and to ensure the residential viability of the dwelling is maintained. The regulations recognize that many types of work can be done in a home with little or no noticeable effect or adverse impact.

4.202.B **Where Allowed**

Home occupations are allowed as an accessory use to an allowed residential use, subject to all applicable regulations of this section.

4.202.C **Regulations**

- 1. The home occupation must be clearly incidental to the use of the dwelling as a residence.

2. There may be no visible evidence of the conduct of a home occupation when viewed from the street or right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include parking lots, or adding commercial-like exterior lighting.
3. No equipment or process may be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process may be used that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
4. Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a home occupation. No other types of motor vehicles may be parked or stored on the premises.
5. The provisions of paragraph 4 (above) are not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods.
6. No persons other than immediate family members who reside in the dwelling unit may be employed or involved in the home occupation.
7. If there is more than one home occupation within the dwelling, the regulations of this section apply to the sum total of the activity related to such home occupations.

4.202.D **Prohibited Home Occupations**

Any use that does not comply with the regulations of §4.202.C is prohibited as a home occupation.

4.203 Mobile Homes and Manufactured Housing Unit

- 4.203.A The installation of any mobile home or manufactured housing unit for use as a dwelling unit is prohibited except as expressly stated in this section.
- 4.203.B A lawfully existing mobile home may be replaced with a (HUD-code) manufactured housing unit.
- 4.203.C A lawfully existing mobile home may not be relocated within the city limits. The owner of a mobile home or manufactured housing unit may remove the home or housing unit from its location and install a replacement manufactured housing unit on the same property if the replacement is a newer model manufactured housing unit and it contains at least as much living space (floor area) as the mobile home or manufactured housing unit that was removed.
- 4.203.D It is unlawful for a person to place a manufactured housing unit within the City unless the manufactured housing unit is equipped with permanently affixed skirting that effectively hides the underside of the manufactured housing unit or mobile home from view. The owner and occupant will have 30 days from the date of the electrical inspection to install the required skirting. All skirting must be constructed of rock, brick, plastic, metal, treated wood, concrete masonry materials or other materials approved by the Building Official, and must be installed so there is no visible gap between the finished floor of the manufactured housing unit and the ground. Cloth of any type, or shrubbery, is not acceptable material for skirting. Existing manufactured housing units or mobile homes with existing skirting that is in good condition may be allowed until replacement is needed.
- 4.203.E The skirting used on a particular manufactured housing unit or mobile home must be consistent in material, orientation and color, must be of such design as to not permit the passage of a sphere 4 inches or greater in diameter and must present a continuous and complete surface.

- 4.203.F The skirting requirements of §4.203.D and §4.203.E also apply to all other building types utilizing pier and beam or post and beam construction.
- 4.203.G No more than 3 manufactured housing units may be placed on or occupy a single lot except within a mobile home/manufactured housing park. Mobile home/manufactured housing parks are allowed only in those zoning districts indicated in Table 4-1 and are subject to the supplemental use regulations of §4.204.
- 4.203.H Any new manufactured housing units placed inside the city limits shall be less than 20 years old on the date of application and, if it is replacing a previous manufactured housing unit, then it shall be newer than the unit that it is replacing.

4.204 Mobile Home/Manufactured Housing Parks/Subdivisions

Mobile home/Manufactured Housing Parks/Subdivisions are subject to all applicable city regulations including subdivision plat standards of §12.700 the infrastructure and public improvement standards of Article 10, and the standards in §3.600, *Simple Living Residential District*.

4.205 Recreational Vehicle Parks

Recreational vehicle parks are subject to all of the following regulations, in addition to those in Section 3.600, *Simple Living Residential District*.

- 4.205.A The maximum number of RV or camping spaces may not exceed 25 units per acre.
- 4.205.B Each RV or camping space must have a minimum area of 1,200 square feet.
- 4.205.C At least 5% of the overall RV park area must be set aside and improved as a common recreation area for RV park guests.
- 4.205.D Infrastructure and public improvements must be provided in accordance with Article 10.
- 4.205.E The maximum rental and occupancy period per unit per space may not exceed 90 days.
- 4.205.F All recreational vehicles must be separated from other RVs and other buildings by a distance of at least 10 feet.

4.206 Wireless Communications Towers

Wireless communications towers are subject to all of the following regulations.

4.206.A **Prohibited Locations**

Freestanding towers are prohibited in the following areas:

1. Within 7,000 feet of the Sam Houston Statue-Huntsville Visitor Center; and
2. Within the zoning district.

4.206.B **Setbacks**

1. Guy wire anchors must be set back at least 10 feet from abutting lots and at least 25 feet from public property or streets.
2. The base of all freestanding towers must be set back from abutting lots and public property and streets by a distance equal to at least 40% of the tower's overall height or the distance between the tower's base and any guy wire anchors, whichever results in the greater setback distance.

4.206.C **Landscape Buffers**

A landscape buffer must be provided around the perimeter of all sites occupied by freestanding towers in accordance with the buffer regulations of Sec. 7.500.

4.207 Purpose-Built Shared Housing

- 4.207.A The City's Purpose-Built Shared Housing Design Criteria is hereby incorporated by reference as if fully set forth in this Development Code. All Purpose-Built Shared Housing, Attached and Detached, constructed or modified, must comply with applicable Purpose-Built Shared Housing Design Criteria.
- 4.207.B A Purpose-Built Shared Housing development shall require a Conditional Use Permit within 200 feet of a RU, LR, and MR district, otherwise the development shall be permitted by right.

4.208 Mobile Food Vendors

4.208.A Inspections, Permits and Fees

1. A Mobile Food Vendor shall submit a completed application for an annual Mobile Food Vending Permit to the City of Huntsville Department of Development Services and shall complete all required inspections through the City of Huntsville Central Inspections, Health Division and the City of Huntsville Fire Department. An annual Mobile Food Vending Permit shall be required for each individual mobile unit utilized. The required annual Mobile Food Vending Permit fee shall be as established by ordinance from time to time and the required fee shall accompany the application for each annual Mobile Food Vending Permit.
2. A Mobile Food Vendor shall obtain:
 - a. An Annual Mobile Food Vending Permit issued by the Department of Development Services;
 - b. An annual Health Permit from the City of Huntsville Health Division prior to conducting business in the City.
3. The annual Mobile Food Vending Permit and annual Health Permit are not transferable and shall be valid for one (1) year from the date of permit issuance;
4. Subsequent renewal shall be subject to all requirements listed above.

4.208.B Mobile Food Vendor Requirements

1. A Mobile Food Vendor shall comply with all regulations established by the City of Huntsville Code of Ordinances, the Texas Food Establishment Rules, the City of Huntsville Development Code, and the City of Huntsville Fire Marshal's office and maintain compliance with all requirements of this Article.
2. Residing and/or dwelling within a mobile food unit is strictly prohibited.
3. A mobile food vendor/unit is prohibited from operating on the same lot as a residential dwelling.
4. Failure to comply with these standards may result in revocation of a vendor permit. If vendor permit is revoked, the vendor must wait six (6) months before they can reapply.
5. No Mobile Food Vendor shall conduct business in the public right-of-way and shall not block any fire lane or drive aisle. The Mobile Food Vendor shall not locate a mobile unit in such a manner or location that obstructs the passage or visibility of any sidewalk, street, alley or street intersection by causing people to congregate at or near the mobile unit.
6. A Mobile Food Vendor shall not locate on any private property without the written permission of the property owner. The written permission shall include the authorization to place a mobile food unit on the property and authorize employees of the mobile food unit, as well as patrons, access to restroom facilities within three hundred (300) feet of the mobile food unit. If at any time the property owner instructs the Mobile Food Vendor to leave, they must comply and leave the property immediately. A copy of the owner's written and signed permission to operate in a stationary location shall be kept within the mobile unit for documented verification.

7. All Mobile Food Vendors situated on the property shall be located on an all-weather surface as approved by the City Building Official.
8. Hours of operation. Mobile Food Vendors shall not operate between 12:00 a.m. and 6:00 a.m. During these prohibited hours of operation, the mobile unit shall be properly stored or screened. Vendors wishing to operate outside of these hours may apply for a Conditional Use Permit.
9. Mobility requirement. Mobile Food Vendors must remain capable of being moved and not permanently fixed or placed.
10. All structures (vehicles) shall be kept in good repair. Tires must be left on the mobile food unit and fully inflated at all times.
11. Each mobile unit may have permanently attached signage on the mobile unit and one (1) each sandwich board no larger than thirty-six (36) inches tall by twenty-four (24) inches wide. Signage must be removed when mobile unit is not on location.
12. Waste disposal.
 - a. **On-site.** Each mobile unit shall be equipped with a portable trash receptacle and the Mobile Food Vendor shall be responsible for proper disposal of solid waste and waste water in compliance with this code.
 - b. **Off-site.** All waste must be disposed on at a commissary location unless located with a Mobile Food Vendor court that provides central waste disposal.

4.208.C **Storage When Not In Use**

Any mobile unit stored on a lot within the City Limits shall be entirely enclosed within a building, or hidden from view behind the primary structure, or approved opaque screening. All City residential parking requirements apply.

4.208.D **Special Events**

1. Any mobile unit/food vendor participating in an event sponsored by the City, the Huntsville-Walker County Chamber of Commerce, Sam Houston State University, Huntsville I.S.D., or Texas Department of Criminal Justice shall be considered exempt from the Mobile Food Vendor Permit and shall comply with all other regulations established by the City of Huntsville Code of Ordinances and Development Code. A Mobile Food Vendor must be in possession of an annual Health Permit or apply for a Temporary Food Permit from the City of Huntsville. Additionally, Food Handlers License from the State must be submitted to the City of Huntsville Health Division. Event applications are to be submitted to the organizer of the City sponsored event.
2. The mobile food unit fee will be waived, however, all applicable event fees will remain in effect.
3. On-site inspections may be waived by the Building Inspector, Fire Marshal's office and/or Health Inspector at the discretion of each department or division.

4.208.E **Separation**

A Mobile Food Vendor shall require a Conditional Use Permit within 200 feet of a RU, LR, and MR district, otherwise the development shall be permitted by right.

4.209 Mobile Food Vendor Courts

Though similar to restaurants, Mobile Food Vendor Courts must meet additional requirements to address potential hazards specific to mobile establishments.

- 4.209.A Though similar to restaurants, Mobile Food Vendor Courts must meet additional requirements to address potential hazards specific to mobile establishments.

1. A Mobile Food Vendor Court must meet all of the applicable requirements of the zoning district in which it is located and as required by the Development Code and Code of Ordinances.
2. Each Mobile Food Vendor in a Court shall have a current Mobile Food Vending Permit and Health Permit issued by the City of Huntsville.
3. Mobile Food Vendor establishment spaces within a court shall be set back at least twenty-five (25) feet from the front and fifteen (15) feet from the rear lot lines and set back from the side lot lines as specified for the zoning district where located.
4. Mobile Food Vendor establishment spaces within a court shall be set back at least twenty-five (25) feet from the front and fifteen (15) feet from the rear lot lines and set back from the side lot lines as specified for the zoning district where located.
5. Mobile food units shall be located a minimum of ten (10) feet from other mobile food units and from any other structures.
6. A Conditional Use Permit is required for Mobile Food Vendor Courts when located within two hundred (200) feet of the Neighborhood Conservation District.

4.209.B Development Standards

1. The Texas Food Establishment Rules (TFER) Section 229.167 (d)(10) states a private home used as a living or sleeping quarters may not be used for conducting food establishment operations.
2. Restroom requirement for a mobile food court may be met through one (1) of the following methods:
 - a. Permanent bathrooms as required by the International Plumbing Code and the Texas Architectural Barriers Act and have obtained a City Building Permit. Restrooms must be permanent facilities - manufactured units/trailers are prohibited.
 - b. Bathroom facilities within a building(s) located not more than three hundred (300) feet from the premises authorized by written consent of the property owner.
3. Each mobile food establishment shall obtain electricity from, and be within thirty (30) feet of a permanent power source designed and constructed in accordance with the National Electrical Code and , as approved by the City.
4. Each mobile food establishment shall obtain water from, and be within fifty (50) feet of, a back-flow protected hose bib connected directly to the City water supply.
5. A City Building Inspector shall make the appropriate inspections of the location, equipment, vehicle/units and other reasonable inspections concerned with the mobile food court operation to assure compliance with the applicable adopted codes, ordinances, requirement of all City, State and Federal statutes.
6. Mobile Food Vendor Courts must provide current and complete contact information including but not limited to: address, phone number, and any other information reasonable required by the City Manager or his/her designee for designated on-call personnel to be a principal point of contact for City staff and the individual vendors.
7. Residing and/or dwelling within a Mobile Food Vendor Court overnight is strictly prohibited.
8. Failure to comply with these standards may result in termination or suspension of Certificate of Occupancy/Mobile Food Vendor License/CUP.
9. Hours of operation. Mobile food courts shall be allowed to engage in business only between the hours of 6:00 a.m. and 12:00 a.m. Vendors wishing to operate outside of these hours may apply for a Conditional Use Permit.
10. No Mobile Food Vendor, structure associated with the Mobile Food Court use, nor any seating areas shall be located in a required setback, buffer yard, access easement,

drainage easement, floodplain, driveway, utility easement and/or fire lane unless written authorization is provided by the City Manager or his/her designee.

11. Mobile Food Vendors/vehicles shall demonstrate that the vehicle or unit is readily moveable if required by the City. Any alteration, removal, attachment, placement or change in, under or upon the mobile food vehicle or unit that would prevent or otherwise reduce ready mobility is prohibited. Permitted Mobile Food Vendors/vehicles located within a court shall be exempt from having to remove the vehicle from the site during non-operating hours so long as such operation is in compliance with its use permit.
12. All structures (vehicles) shall be kept in good repair. Tires must be fully inflated at all times.
13. Waste Disposal
 - a. On-site. All vendors/vehicles selling food or beverages must provide at least one (1) appropriately sized trash receptacle adjacent to or as a part of their stand/operation.
 - b. Off-site. Mobile food courts shall have access to a common dumpster and to a common grease disposal container or grease trap, approved by the City. Common trash and grease disposal containers shall be enclosed within an area screened from view in accordance with City Ordinances. Trash enclosure shall not be located in the street setback. Mobile food establishments shall not be connected directly to, or indirectly discharge their waste water into, the City wastewater system unless a grease trap is installed.
14. Lighting
 - a. A photometric lighting plan shall be submitted to the City Building Official during the development review process. This plan shall show illumination levels and points of intersection between fixtures, as well as use of energy-efficient exterior lighting.
 - b. Any lights used in conjunction with a permitted use shall be shielded or directed away from adjacent uses and roads.
 - c. Use of the lowest wattage and highest energy efficiency available is required.

4.209.C **Parking Requirements**

1. Mobile food courts must provide paved parking and access per the requirements of [Article 6 PARKING AND DRIVEWAY ACCESS](#). See [6.402.F](#) for additional requirements for shared parking.
2. No Mobile Food Vendors or vehicle parking shall be located in any required setback.

4.209.D **Application Requirements**

The following items must be submitted concurrently to the City of Huntsville Development Services Department:

1. Development Permit Application
2. Site Plan, drawn to a conventional scale showing:
 - a. location and surface type of the proposed Mobile Food Vendor locations.
 - b. location of customer table-seating and any associated shelter structures.
 - c. location of water hose bibs and electrical service connections.
 - d. location and surface type of parking spaces and driveways.
 - e. location and surface type of pedestrian access.
 - f. location and description of outdoor lighting.
 - g. location of restroom(s).

- h. location of individual trash receptacles and common trash/grease disposal facilities, and type/height of common trash/grease disposal screening, (see *Section 7.200 GARBAGE AND RECYCLING DUMPSTERS.*)
- 3. Civil Site Plans
 - a. Engineered civil site plans must be provided in accordance with the City's *Engineering Standards, Specifications and Design Criteria.*
- 4. Construction Plans
 - a. Construction plans must be submitted showing, in detail, all improvements proposed to be constructed.
- 5. Off-site Restroom Agreement (if applicable) including:
 - a. signature and contact information of property owner for subject restroom.
 - b. site plan showing location of restroom.
- 6. Shared Parking Agreement (if applicable) including:
 - a. signature and contact information of property owner for shared parking location.
 - b. site plan showing:
 - i. location of shared parking.
 - ii. total number of parking spaces available at shared parking location.
 - iii. land uses occurring on site at proposed shared parking location, including square footages.

4.2010 Equipment Screening and Outdoor Storage Requirements

4.2010.A Equipment Screening

All accessory equipment associated with the operation of a commercial facility, including but not limited to air conditioning units, generators, and utility boxes, must be screened from view of public rights-of-way and public access easements to the maximum extent possible. Design of the equipment enclosure must be architecturally compatible with the surrounding environment and structures.

4.2010.B Outdoor storage shall be limited to the following design and operational standards:

- 1. Storage. Outdoor storage shall be limited to materials, products, or equipment used, produced, or manufactured by a permitted use.
- 2. Location. Outdoor storage areas shall be located to the rear or side of the main building, away from the street frontage and public ROW.
 - a. Outdoor storage areas shall not be located within, or occupy any required parking areas, setback areas, or landscape areas, or be on sidewalks or walkways.
- 3. Screening. All materials stored outside shall not be stacked to exceed the height of the screening wall or fence. All storage, equipment, and activities related to outdoor storage shall be completely surrounded on all sides by shielding fencing and/or walls.
- 4. Additional Screening Elements. Equipment and supplies related to building material storage yards, contractor's storage yards, lumberyards, manufacturing yards, and auto service and repair shall be entirely inside an enclosed building or buildings, unless the premises where such yards are located are entirely enclosed by fences or walls, as described below:
 - a. In addition to fencing/wall standards above, all screening fences/walls along a street frontage or adjacent to the Neighborhood Conservation District shall employ a minimum of one (1) of the following screening techniques to be used to further shield outdoor storage areas:

- i. Planting with sufficient vines or climbing ivy of an acceptable density to ensure complete view-obstructing screening within two (2) years of planting.
- ii. Combination of landscaped berm and solid masonry block wall meeting height requirements. Trees of the evergreen variety or other year-round, leaf-bearing type shall be planted and shall exceed the minimum height.
- iii. Combination of trees and shrubs of the evergreen variety, or other similar year-round, leaf-bearing type, with proper planting spacing to encroach over the fence.

Such plants shall be of such variety and shall be clustered so as to allow only minimal gaps between foliage of mature trees and shrubs within one (1) year after planting.
- iv. Evergreen shrubs or other similar year-round, leaf-bearing shrub, appropriately planted to form a solid hedge with a minimum of eight (8) feet in height within one (1) year after planting.

4.2011 Townhouse

4.2011.A Consecutive Attached Units

Townhouses shall be arranged in a maximum span of 150 linear feet.

4.2011.B Zero-Foot Setback

Townhouses shall have a zero-foot setback from interior side lot lines shared by the same contiguous structure of the townhouses.

4.2012 Multiplex

4.2012.A Unit Entries

There shall be a maximum of two individual unit entries on any facade.

4.2012.B Unit Arrangement

Units may have either private or shared access and may be arranged in a variety of configurations, including back-to-back, side-to-side, or over-under.

4.2012.C Building Design

The building shall be designed in a manner so as to appear as a large single-family dwelling.

4.2013 Apartment / Condominium

Units shall be located on the second floor of a vertical mixed use building.

4.2014 Fraternal Organization

A Fraternal Organization shall require a Conditional Use Permit within 200 feet of a RU, LR, and MR district, otherwise the development shall be permitted by right

4.2015 Animal Service

An Animal Service establishment shall require a Conditional Use Permit within 200 feet of a RU, LR, and MR district, otherwise the development shall be permitted by right.

4.2016 Assembly and Entertainment

An Assembly and Entertainment establishment shall require a Conditional Use Permit within 200 feet of a RU, LR, and MR district, otherwise the development shall be permitted by right.

4.2017 Office

An Office shall have a maximum gross floor area of 3,000 square feet.

4.2018 Retail Sales and Service

A Retail Sales and Service establishment shall have a maximum gross floor area of 3,000 square feet.

4.2019 Fuel Station or Vehicle Repair

A Fuel Station or Vehicle Repair establishment shall require a Conditional Use Permit within 200 feet of a RU, LR, and MR district, otherwise the development shall be permitted by right.

4.300 New and Unlisted Uses

4.300.A **Use Categories**

Each of the use categories and specific uses listed in Table 4-1, *Use Table*, are defined in Section 15.200, *Definitions*. The City Planner may authorize a use that is not listed if the proposed use fits within a defined use category or is functionally the same as a permitted, limited, or conditional use.

4.300.B **If Not Authorized Then Prohibited**

If the City Planner determines that a proposed use does not fit within a given use category and is not functionally the same as a permitted, limited, or conditional use, then the use is a prohibited use.

4.300.C **Decision Criteria**

In making such determinations, the City Planner may consider but not be limited to the following criteria:

1. The actual or projected characteristics of the activity in relation to those of the use type;
2. The amount of site area or floor space and equipment devoted to the activity;
3. Vehicle parking demand;
4. Average daily and peak hour trip generation (people, personal vehicles, and delivery vehicles);
5. Types of vehicles used and their parking requirements;
6. Building impervious surface coverage;
7. Regulated air or water emissions;
8. Noise, lighting, dust, and odors;
9. Solid waste generation;
10. The number of employees on a typical shift;
11. Use and storage of hazardous materials;
12. Character of associated buildings and structures;
13. How the use is advertised;
14. Nature and impacts of operation; and/or
15. Hours of operation.

ARTICLE 5 LOT AND SETBACK REGULATIONS

Contents:

5.100 Lot Design, Arrangement and Layout Generally

5.200 Residential Lot Size and Building Setback Regulations

5.300 Nonresidential and Mixed Use Lot Size and Building Setback Regulations

5.400 Agriculture Tracts

5.500 Residential Lots

5.600 Nonresidential Lots

5.700 Flag Lots

5.800 Measurements

5.900 Access to Lots

5.100 LOT DESIGN, ARRANGEMENT AND LAYOUT GENERALLY

All lots to be created must comply with the following regulations:

- 5.101 Each lot must have sufficient size and shape to allow the construction of a residential or nonresidential building (as designated by the plat or zoning district map) that complies with all applicable lot and setback regulations and with all applicable development, building, housing, and health codes.
- 5.102 Each lot must have sufficient size and shape to accommodate easements for all public and private utilities.
- 5.103 Lots must be designed with side lot lines at right angles or radial to any adjacent street right-of-way line.
- 5.104 Minimum lot dimensions, building setback lines, and lot areas must conform to applicable zoning district requirements.
- 5.105 Depth and width of lots reserved or laid out for nonresidential use must be adequate to provide for the off-street service and parking facilities required by the type of use and development proposed.

5.200 Residential Lot Size and Building Setback Regulations

5.201 Generally

Table 5-1 establishes the dimensional standards for the residential zoning districts, which are depicted in Figure 5-1. Except as provided in Sec. 5.800, no lot shall be reduced in size so that its area, width, setback requirements, gross density, or other requirements of Table 5-1 are not maintained.

5.202 Setbacks Related to Driveways and Garages

A minimum setback of 20 feet shall apply where a driveway provides access on a residential property from a street, other than an alley. This maintains an adequately sized parking space on the driveway between the structure and the street and helps to avoid encroachment into public sidewalks, despite lower minimum setback standards in Table 5-1 for the remainder of the building.

5.203 Measurements Reference

Refer to Sec. 5.800 for explanations of, and special provisions related to, the measurements and standards in Table 5-1.

Table 5-1: Residential Lot and Building Setback Regulations¹

Zoning District	Development Type ²	Common Open Space (% of subdivision)	Minimum Lot Area per Unit (SF) (A)	Minimum Lot Width (Feet) (B)	Maximum Height (Feet) (C)	Minimum Setbacks (Feet)			
						Street (D)	Street Side (E)	Side (F)	Rear (G)
RU	Conventional	0%	5 acres	100	35	50	40	20	20
LR	Conventional	10%	29,136	100	35	25	20	10	10
	Cluster	25%	10,000	60	35	20	15	5	10
MR	Conventional	10%	12,500	75	35	25	20	10	10
	Cluster	20%	6,000	50	35	20	10	5	10
	Infill	0%	4,000	40	45	10	5	5	10
HR	Conventional	10%	1,500	75	45	25	20	10	10
	Infill	0%	1,500	75	32	25	20	10	10
SLR	Conventional	10%	Refer to Section 3.600, Simple Living Residential District						

TABLE NOTES:

1. Refer to Section 4.200, *Supplemental Use Regulations*, for standards related to specific housing types.

2. Refer to

Figure 5-1: Residential Measurements

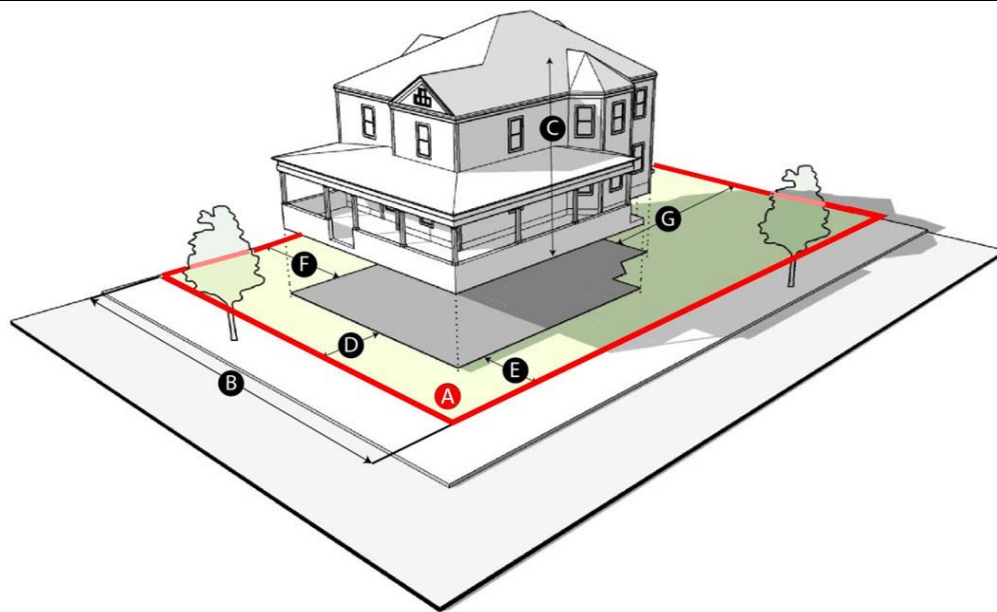


FIGURE NOTES:

A = Minimum Lot Area per Unit | B = Minimum Lot Width | C = Maximum Height | D = Minimum Street Setback | E = Minimum Street Side Setback | F = Minimum Side Setback | G = Minimum Rear Setback

Commentary: For Two-Unit and Apartment/Condo Residential Developments with more than three bedrooms per dwelling unit, required Lot Area per Unit shall increase by 33% for each additional bedroom in each dwelling unit.

5.204 Development Types

5.204.A. Conventional

1. Description. The conventional development type, as depicted in Figure 5-1, is a pattern that allows primarily residential uses and that provides the majority of residential property owners with private open space on their own property. A conventional development type consists of varying

housing types depending on the zoning district and minimum lot size is a primary factor in the character built environment of the development.

2. Standards. All the requirements of this Article shall apply to conventional development types unless otherwise specified.

Figure 5-1: Conventional Development Type



5.204.B. **Cluster**

1. Description. A cluster development type, as depicted in Figure 5-2 consists of smaller lots than conventional development that are clustered together in order to provide for common open space. The common open space may be set-aside for resource features such as private parks, recreation areas, woodlands, creeks, streams, and their riparian areas, floodplains, and similar features. Cluster development may be used to preserve environmental resources by clustering lots on the buildable portions of the property.
2. Minimum Site Area. The minimum site area required for cluster development is five acres.
3. Common Open Space Requirements.
 - a. Regardless of whether common open space is on privately or publicly owned property, the space shall be open to the public at the same hours as a comparable City park.
 - b. Common open space shall be integrated into the development design so as to bring access to significant open space to the maximum number of properties; provided, however, that physical access may be limited if such limitation would materially enhance natural resource management.

- c. The common open space shall be owned by the City, a homeowners' association, a public improvement district, or a nonprofit organization dedicated to environmental preservation such as a land trust or a conservancy.
- 4. Minimum Lot Area Adjacent to Other Development. Where adjacent to existing conventional single-family development, cluster development lots on the perimeter shall be:
 - a. Equal to or greater than the lot area and width of the adjacent lots;
 - b. Separated from adjacent lots by a landscape buffer as established in Section 7.500, Buffers; or
 - c. The dwelling units on the perimeter cluster lots shall be set back from the boundary of the cluster development a minimum of the following distances based on the number of cluster lots being developed:
 - (1) One to 10 lots: 30 feet;
 - (2) 1 to 30 lots: 40 feet; and
 - (3) 31 or more lots: 50 feet.
- 5. Buffering Requirements. A buffer along the perimeter of the cluster development may count toward the required common open space. However, no more than 25 percent of the total required open space may be within the perimeter buffer yard.
- 6. Shoulders and Drainage Swales. Improved shoulders and drainage swales, designed in accordance with approval by the City Engineer, may be utilized rather than curbs and gutters.

Figure 5-2: Cluster Development Type



5.204.C. **Infill**

- 1. Eligibility for Infill. An infill development type may be located on any parcel:

- a. Vacant or Unoccupied. That is surrounded by existing developed properties and has been vacant or unoccupied for more than one year;
 - b. Utility Easements. Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are utility easements that create a substantial break in development or redevelopment potential;
 - c. Environmental Constraints. Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are encumbered by environmentally sensitive or constrained areas such as floodplains; or
 - d. Existing Development. Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are developed with single-family dwellings of higher density or intensity uses.
2. Site Area. The minimum site area for an infill development is 20,000 square feet.
 3. Appearance. Infill development shall be constructed to be generally compatible in appearance with other existing structures on adjacent properties. This provision shall be satisfied by constructing the proposed building(s) so that at least three of the following features are substantially similar to the majority of other buildings in the context:
 - a. Roof pitch and overhang;
 - b. Shape, size, and alignment of windows and doors;
 - c. Front porches or porticos;
 - d. Exterior building color; or
 - e. Location and style of garage or carport.
 4. Alternative Standards. In place of the standards in this Section and other standards of this UDO, the applicant may utilize the following alternative standards.
 - a. Lot Area and Width. The minimum lot area and width may be that of the smallest and narrowest lot on the block face on which the property is located.
 - b. Maximum Building Height. The maximum building height may be that of the tallest building on the block face on which the property is located, plus 15 percent of the height.
 - c. Buffering. Where a buffer is required between zoning districts, the buffer width and planting materials may be reduced by 50 percent.
 - d. *Front Setback*. The street setback of the building may be that of the average of the entire block face, if such average results in a smaller street setback than required in Table 5-1.

Figure 5-2: Infill Development Type



5.300 Nonresidential and Mixed Use Lot Size and Building Setback Regulations

5.301 Generally

Table 5-2 establishes the dimensional standards for the nonresidential and mixed use zoning districts, which are depicted in Figure 5-2 and Figure 5-3.

5.302 Setbacks Related to Driveways and Garages

A minimum setback of 20 feet shall apply where a driveway provides access on a residential property from a street, other than an alley. This maintains an adequately sized parking space on the driveway between the structure and the street and helps to avoid encroachment into public sidewalks, despite lower minimum setback standards in Table 5-2 for the remainder of the building. In the MU zoning district, no garage entry shall extend toward the street beyond the front facade of the habitable space of the structure.

5.303 Measurements Reference

Refer to Section 5.800 for explanations of, and special provisions related to, the measurements and standards in Table 5-2.

Table 5-2: Nonresidential and Mixed Use District Lot and Building Standards

Zoning District	Landscaping Percentage	Minimum Lot Area (SF) (A)	Minimum Lot Width (Feet) (B)	Minimum Setbacks (Feet)				Minimum Frontage Build-Out (%) (G)	Maximum	
				Street (C)	Street Side (D)	Side ¹ (E)	Rear ¹ (F)		Street Setback (Feet) ² (H)	Height (Feet) (I)
GR	15%	7,500	75	25	20	0 / 20	0 / 20	--	--	35
IN	5%	7,500	75	25	20	0 / 50	0 / 20	--	--	35
UN ³	15%	--	--	10	10	0 / 10	0 / 10	50	15	35
MU ³	10%	--	--	5	5	0 / 10	0 / 10	75	10	45
PI	10%	7,500	75	25	20	0 / 20	0 / 20	--	--	35

1. First number applies if adjacent to apartments, nonresidential, or mixed use / second number applies if adjacent to residential (excluding apartments)

2. Applies to street setback and Street Side setback

3. Refer to Section 2.400, Supplemental District Regulations, for additional standards specific to the UN and MU districts

NA = No maximum density because residential is not permitted

-- = No minimum or maximum

Figure 5-2: Nonresidential Measurements (Other Than MU and UN)

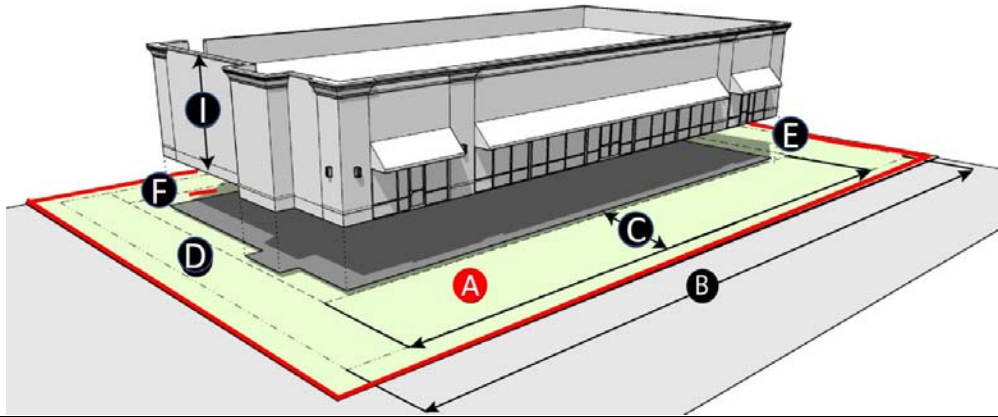


FIGURE NOTES:

A = Minimum Lot Area | B = Minimum Lot Width | C = Minimum Street Setback | D = Minimum Street Side Setback | E = Minimum Side Setback | F = Minimum Rear Setback | I = Maximum Height

Figure 5-3: Nonresidential Measurements (MU and UN)

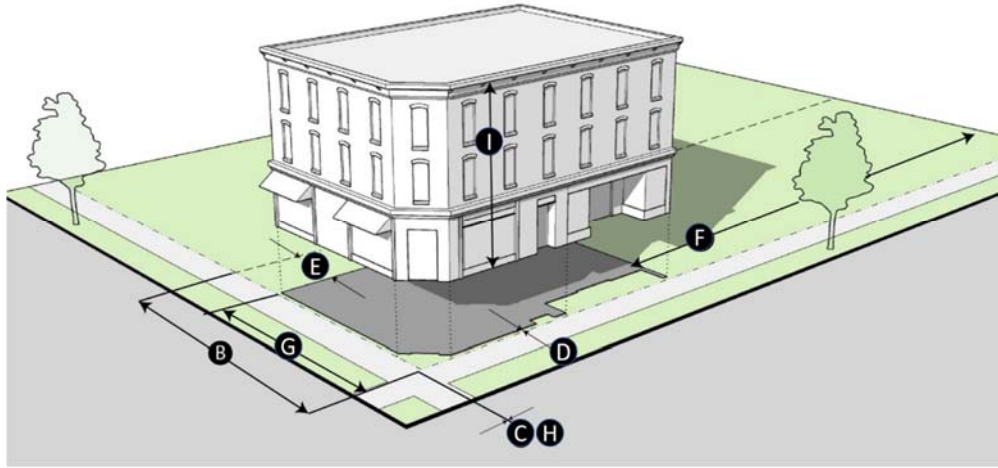


FIGURE NOTES:

B = Minimum Lot Width | C = Minimum Street Setback | D = Minimum Street Side Setback | E = Minimum Side Setback | F = Minimum Rear Setback | G = Minimum Frontage Build-Out | H = Maximum Street Setback

5.400 Agriculture Tracts

Agricultural tracts created by land division within the ETJ of the City must be laid out and arranged in a way that allows the opening of future streets and resubdivisions.

5.500 Residential Lots

5.501 Low Density Residential

Low density residential lots are subject to compliance with low density residential lot and building setback regulations of [Table 5-1](#). In addition, each plat containing low density residential lots must include a statement prohibiting more than one principal dwelling unit per lot and prohibiting the division of low density residential lots into lots smaller than 26,136 square feet. Low density residential lot subdivisions may be constructed to alternative standards as defined in [Article 10](#).

5.502 Urban Residential

Urban residential lots are subject to compliance with the urban residential lot and building setback regulations of [Table 5-1](#). Except as otherwise expressly stated in this Development Code, urban residential lots that comply with the minimum lot area per unit requirements of [Table 5-1](#) may be occupied by more than one principal residential building. Multiple principal residential buildings on a single lot are prohibited in the NC district. See also the mobile home and manufactured housing regulations of § [4.203](#).

5.503 **Patio Home**

A patio home is a detached house that is placed against one of the interior side lot lines rather than centered on the lot, with setbacks on each side. Patio home lots are subject to compliance with the patio home lot and building setback regulations of [Table 5-1](#). In addition, patio home lots are subject to the following regulations:

- 5.404.A. A patio home development must consist of at least 3 contiguous lots with frontage on the same street.
- 5.404.B. The interior side setback on one side of the lot containing a patio home may be reduced to as little as zero. The zero- or reduced setback side of a patio home may not abut a street and may not abut a lot that is not part of the patio home development. On the “non-zero” side, a setback must be provided in accordance with the minimum side setback requirement of [Table 5-1](#).
- 5.404.C. Eaves on the side of a patio home with a reduced setback may not project over the property line.
- 5.404.D. When the patio home’s exterior wall or eaves are set back less than 2 feet from the abutting property line, a perpetual maintenance easement at least 5 feet in width must be provided on the lot abutting the zero lot line property line, which, with the exception of walls and/or fences, must be kept clear of structures. The easement must be shown on the plat and incorporated into each deed transferring title to the property. This provision is intended to ensure the ability to conduct maintenance on the patio home.
- 5.404.E. Windows, doors, or other openings that allow for visibility into the side yard of the lot abutting the reduced or zero setback side of the patio home are prohibited. Windows that do not allow visibility into the side yard of the parcel abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.
- 5.404.F. Individual utility connections must be provided to each patio house dwelling unit.
- 5.404.G. All utilities must be placed underground.

5.504 **Townhouse**

Townhouses are subject to compliance with the townhouse lot and building setback regulations of [Table 5-1](#). In addition, townhouse lots are subject to all of the following regulations.

- 5.404.A. Individual utility connections must be provided to each townhouse dwelling unit.
- 5.404.B. All utilities must be placed underground.
- 5.404.C. A single building may not contain more than 12 townhouse units.
- 5.404.D. Each townhouse building or series of townhouses must be separated by a minimum distance of 20 feet.

5.505 **Two-Unit House**

Two-unit houses are subject to compliance with the two-unit house lot and building setback regulations of [Table 5-1](#).

5.506 Apartment/Condo

Apartment/condo buildings are subject to compliance with the apartment/condo lot and building setback regulations of [Table 5-1](#).

5.507 **Manufactured Homes**

Manufactures home lots may only be located within a manufactured Home Park/Subdivision and are subject to compliance with the manufactured home lot building setback regulations of [Table 5-1](#). Only manufactured homes can be placed on lots developed to manufactured home lot standards.

5.600 Nonresidential Lots

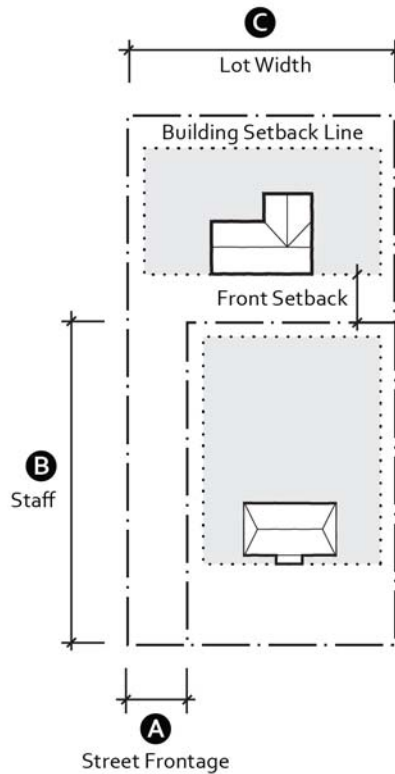
Commercial, office, industrial, public, civic and institutional and other nonresidential uses are subject to compliance with the nonresidential lot and building setback regulations of [Table 5-1](#).

5.700 Flag Lots

Flag lot configurations are allowed for lots in the RU, HR, GR, IN, and PI districts. Flag lots must comply with the minimum lot area, lot area per unit, lot width, and building setback regulations of [Table 5-1](#) and the additional flag lot regulations of [Table 5-2](#).

Table 5-2: Flag Lots			
	See Figure 5-1	RU District	GR, IN, and PI Districts
A	Minimum Street Frontage (feet)	25	50
B	Maximum Length of Staff (feet)[1]	200	100
C	Minimum Lot Width (feet)	As required by Table 5-1	
[1] The staff or “panhandle” portion of a flag lot must be restricted solely for access to the developable portion of the lot (the flag). Such restrictions must be shown on the face of the plat.			

Figure 5-1: Flag Lot Measurements



5.800 Measurements

5.801 Lot Area

Lot area is measured as the total ground-level surface area contained within the property boundaries of a lot.

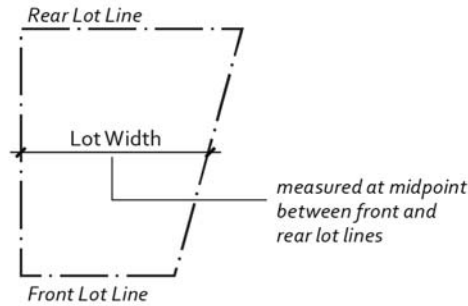
5.802 Lot Area per Dwelling Unit

Lot area per dwelling unit is a measure of residential density. It governs the amount of lot area required for each dwelling unit on the subject lot. To determine the number of dwelling units allowed on a lot, divide the lot area of the subject lot by the minimum lot-area-per-unit requirement of [Table 5-1](#), and round any fractional result down to a whole number. If, for example, a minimum lot-area-per-unit requirement of 1,750 feet is applied to a 10,000 square foot lot, a maximum of 5 units would be allowed on that lot (5.71 rounded down to 5).

5.803 Lot Width

Lot width is measured as the horizontal distance between the side lot lines of a lot measured at the midpoint between the front and rear lot lines.

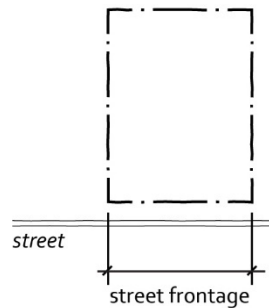
Figure 5-2: Lot Width Measurement



5.704 Street Frontage

Street frontage is measured between side lot lines of a lot along the lot line that abuts the street. See Figure 5-3. On lots that abut the bulb of a cul-de-sac or similarly curved street, frontage may be measured along the actual building setback line.

Figure 5-3: Street Frontage Measurement



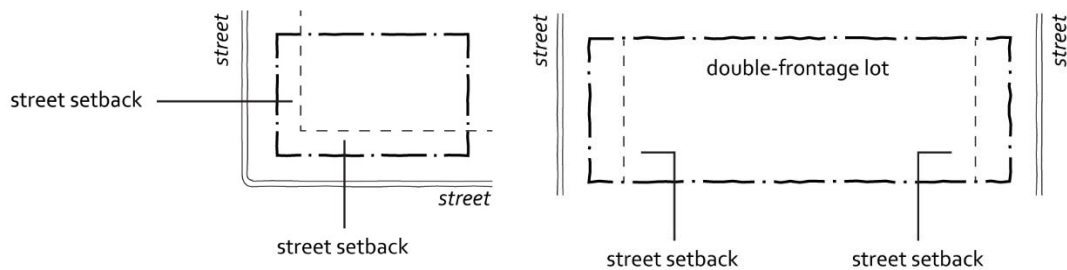
5.805 Setbacks

5.805.A. Measurement

Setbacks are measured from the referenced lot line to the closest point of the building or structure.

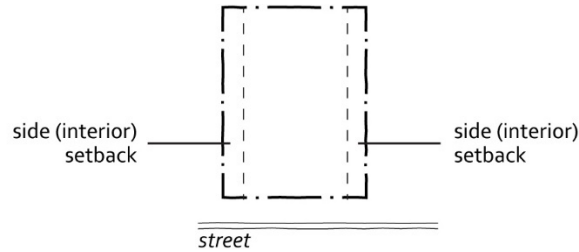
1. Street setbacks are measured from all lot lines that abut a street. See Figure 5-4. On corner lots, street setbacks apply along both streets.

Figure 5-4: Street Setback Measurement



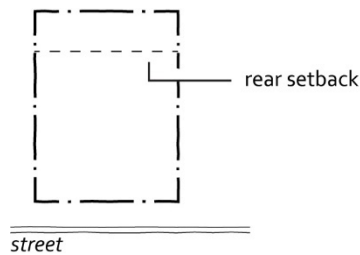
2. Side (interior) setbacks are measured from all side lot lines that do not abut a street. See Figure 5-5. Interior side setbacks do not apply to attached or abutting walls in a townhouse project.

Figure 5-5: Side (interior) Setback Measurement



3. Rear setbacks are measured from the rear lot line. See Figure 5-6.

Figure 5-6: Rear Setback Measurement



5.805.B. Allowed Setback Encroachments

Required setbacks must be unobstructed and unoccupied from the ground to the sky except that the following are exempt from setback requirements, as indicated:

1. Eave and roof extensions may encroach into any required setback for a distance of up to 24 inches.
2. Ordinary projections of windowsills, belt courses, cornices, and other architectural features may encroach into any required setback for a distance not to exceed 12 inches.
3. Driveways, walks, steps for negotiating ground slopes, retaining walls, hedges and natural growth, fences, paved patios and other paved structures used ornamentally, for gardening, or for private recreation purposes may encroach into any required setback. Such features are, however, subject to the intersection sight distance requirements of §10.407.D.
4. Open porches, exterior steps to building entrances, and open fire escapes may encroach into required setbacks, provided that such structures or features are open on at least 3 sides and set back at least 10 feet from street property lines and 5 feet from all interior property lines.

5.806 Minimum Frontage Build-Out

In Table 5.2, a minimum frontage build-out applies to the MU ~~and UN~~ districts. The minimum frontage build-out is measured as the percentage of the building wall adjacent to the street that is required to be located between the minimum and maximum street setback. See Figure 5-7, below. For example, in Figure 5-7, the percentage of the building width (B) that lies within the area between the minimum and maximum street setbacks (A) is approximately 50 percent, compared to the overall width of the building (C).



Figure 5-7: Minimum Frontage Build-Out

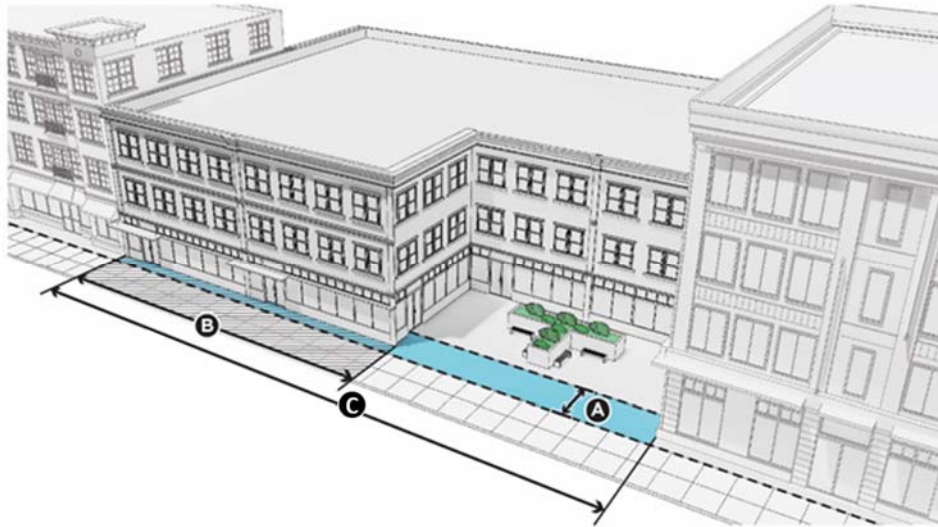


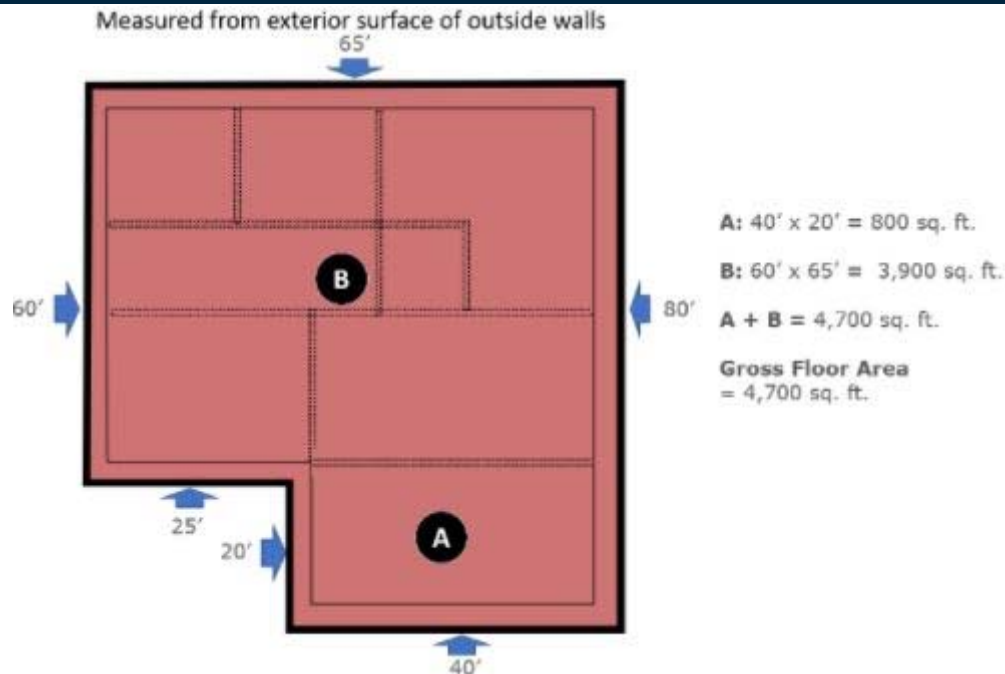
FIGURE NOTES:

A = Area between the minimum and maximum street setbacks | B = Width of building wall that lies between the minimum and maximum setbacks | C = Entire width of the building

5.706 **Gross Floor Area**

The total area of all the floors of a building, including intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building. See Figure 5-8 below.

Figure 5-8: Gross Floor Area



5.900 Access to Lots

Perpetual legal access to lots must come from an established public street or by a perpetual access easement or right-of-way adequate to serve the subject lot. Lots designated for uses allowed/defined in Table 4-1 under the Residential Subcategory, Household Living are permitted to have access from an established public street only, with the exception that a lot with no more than two (2) household dwelling units may have access from a perpetual access easement. When permitted, each perpetual access easement or right-of-way must allow construction and perpetual maintenance of a driveway across the property and allow vehicular travel on the driveway. Perpetual access easements must be of record and filed in the office of the Walker County clerk.

Commentary: Whenever developments with more than one lot have access from a perpetual access easement, pedestrian access is required to be provided adjacent to the access easement.