

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, JULY 6, 2023, 5:30 PM

Huntsville Public Library - Staggs Community Room

1219 13th Street, Huntsville, Texas, 77340

Persons with disabilities who plan to attend this meeting and may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5413) two working days prior to the meeting for appropriate arrangements.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. INVOCATION

4. CONSIDER

- a. To consider recommending approval to the City Council for the proposed revisions to the current Development Districts map and the Development Code for the entirety of the City of Huntsville.
- b. The minutes of the June 1, 2023, meeting.

5. PUBLIC COMMENTS

6. ITEMS OF COMMUNITY INTEREST

Hear announcements concerning items of community interest from the Commission and City Staff for which no action will be discussed or taken.

7. ADJOURNMENT

CERTIFICATE

I, Kristy Doll, 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: July 3, 2023

Kristy Doll

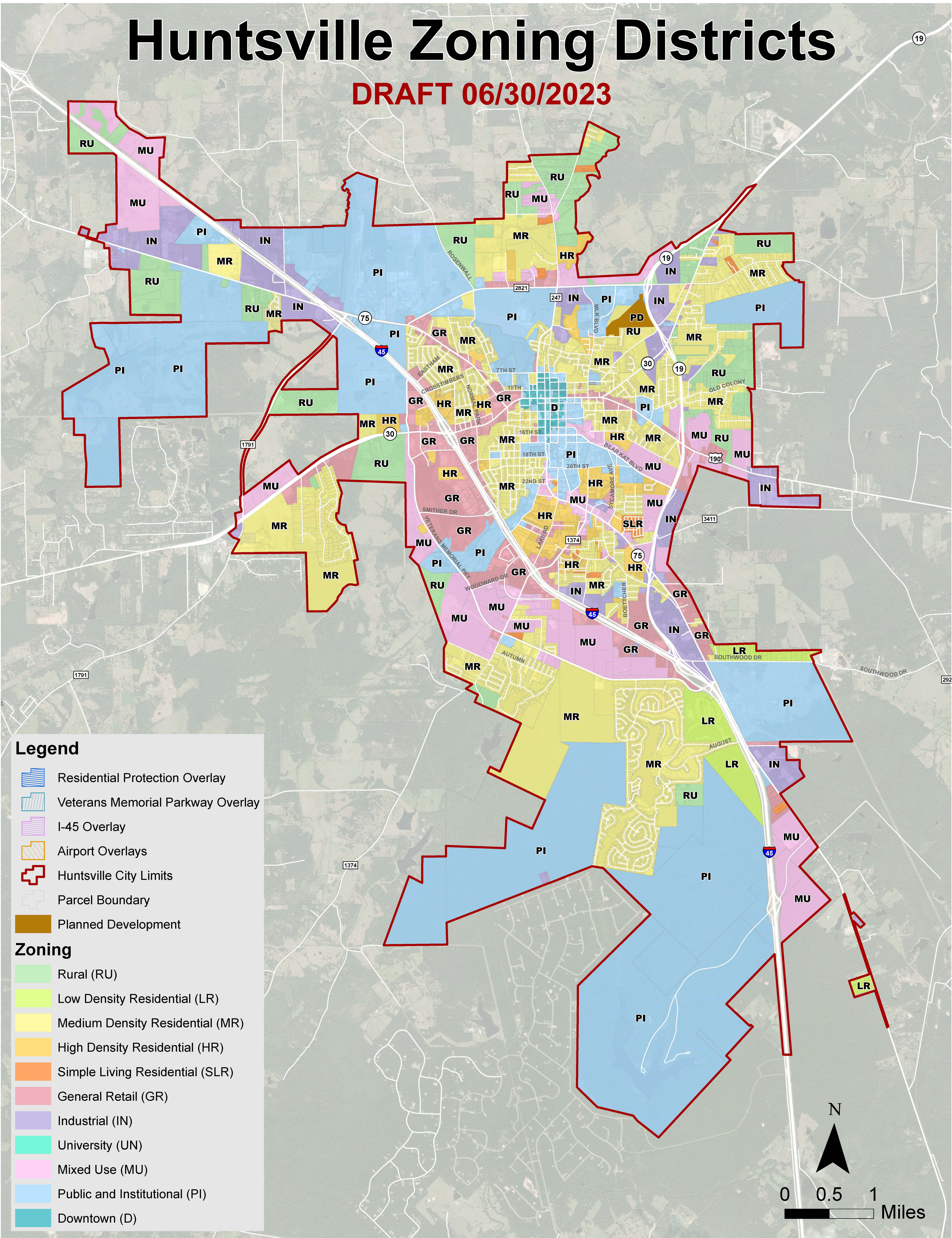
TIME OF POSTING: 2:00 p.m.

Kristy Doll, City Secretary

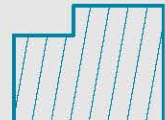
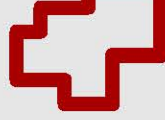
TAKEN DOWN:

Huntsville Zoning Districts

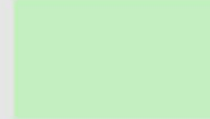
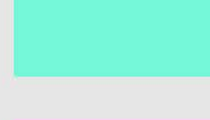
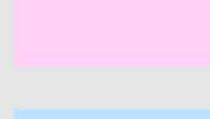
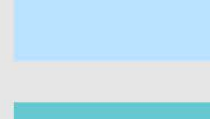
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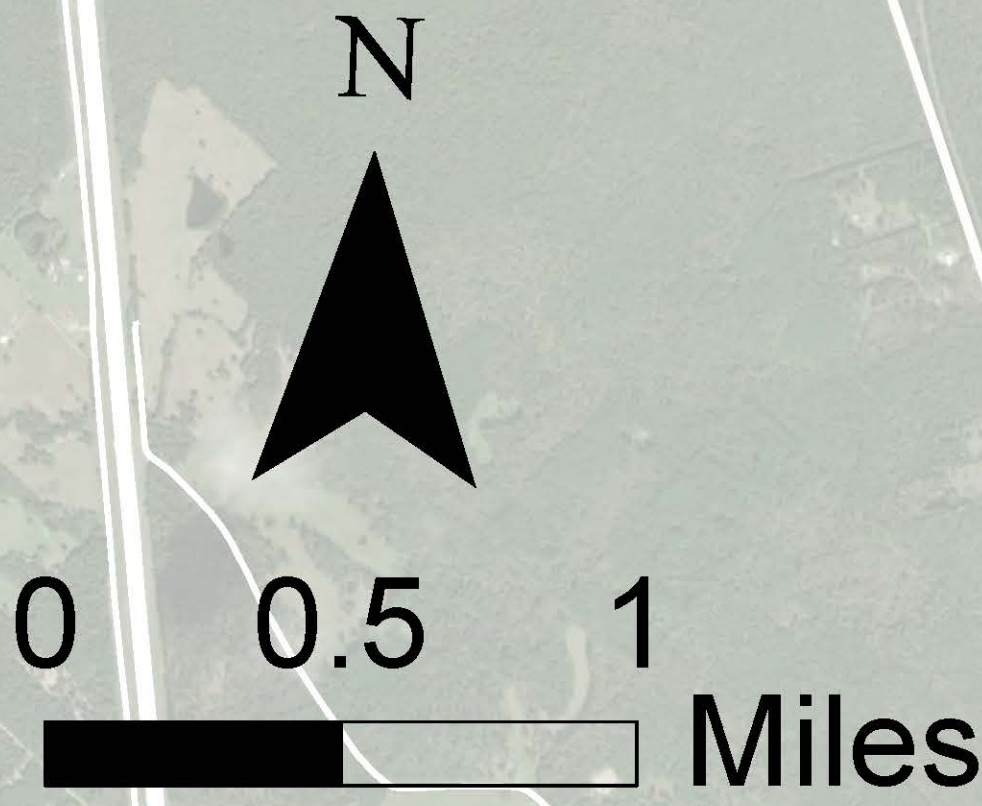


Legend

-  Residential Protection Overlay
-  Veterans Memorial Parkway Overlay
-  I-45 Overlay
-  Airport Overlays
-  Huntsville City Limits
-  Parcel Boundary
-  Planned Development

Zoning

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



If any portion of this Development Code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the Development Code and in no way affects or diminishes the validity of the remainder of the Development Code.

ARTICLE 2 ZONING DISTRICTS

Contents:

2.100 The Districts

2.200 Zoning District Map

2.300 Lot and Setback Regulations

2.400 Supplemental District Regulations

2.100 THE DISTRICTS

The City's zoning districts are listed in Table 2-1 and Table 2-2.

Table 2-1, Zoning Districts			
Zoning District	Future Land Use Category	Purpose	Former Zoning District
Residential			
Rural (RU)	Rural	This designation consists of lands that are sparsely developed, with mainly natural areas and very low-density residential as the primary uses. It is unusual to find extensive undeveloped areas within the city limits, except in areas that have been annexed for eventual development or that are not suitable for future development. Floodplain areas may also retain their rural character over the long term given their unsuitability for any intensive land development.	M, Management
Low Density Residential (LR)	Estate Residential	This designation is for areas that, due to public service limitations and/or prevailing rural character, should have limited development activity other than large-lot residential. Such areas provide a transition between a city's rural fringe and more urbanized in-city development patterns and intensities. Lots in this category typically range from one to three or more acres, which provides substantial openness and separation between individual dwellings.	NC, Neighborhood Conservation
Medium Density Residential (MR)	General Residential	This designation covers areas with predominantly single-family residential uses at typical in-city densities.	NC, Neighborhood Conservation and M, Management

Table 2-1, Zoning Districts			
Zoning District	Future Land Use Category	Purpose	Former Zoning District
High Density Residential (HR)	Multi-Family Residential	This designation involves areas devoted primarily to structures with multiple residential units, at a greater intensity (i.e., units per building or acre) than found in single-family residential. Higher intensities may be appropriate in certain locations. Site design and open space standards may be applied to offset the relative density of this residential type, to ensure adequate recreational space on the site for residents, and to provide buffering and screening between this and less intensive residential uses. This use category can also provide a transition from primarily residential to mainly non-residential areas.	M, Management
Nonresidential and Mixed Use			
General Retail (GR)	Commercial	This designation is for properties in commercial retail, office and service uses, primarily along portions of major roadway corridors within the community for high visibility and accessibility, but also in other locations to accommodate neighborhood-focused businesses. Commercial uses include typical “big-box” developments that will draw patrons from a wide area, while neighborhood-focused businesses include smaller footprint sites that cater to serving a smaller area.	M, Management

Table 2-1, Zoning Districts

Zoning District	Future Land Use Category	Purpose	Former Zoning District
Industrial (IN)	Industrial	This designation accommodate uses that are intensive in terms of how “light” industrial and especially “heavy” industrial activities can affect other nearby properties. This can include factors such as noise, vibration, light/glare, odor, truck traffic, and hours of operation, as well as the sheer scale and intensity of some heavy industrial uses. Depending on the standards applied through development regulations, an industrial area can allow for a wide range of uses, from office/warehouse to wholesale, product assembly, and manufacturing. Some communities aim for a more aesthetic business or industrial “park” environment, with specific standards for building arrangement and orientation, extensive landscaping, and especially full screening of loading and outdoor activity/storage areas, if such external activity is even permitted. A campus feel may be further reinforced by private or public streetscape and design enhancements, including special signage at industrial area entries and key intersections, unified lighting design, etc.	M, Management
Mixed Use (MU)	Corridor Mixed Use	This designation is for properties in commercial retail, office and service uses along and near a high-profile roadway corridor where mixed-use development outcomes are desired and encouraged. The mix of uses may include residential, especially to provide additional housing options and forms within the community. Major public and/or institutional facilities may also serve as development anchors within the area. Where non-residential and mixed-use developments in Corridor Mixed Use areas are adjacent to residential neighborhoods, site standards involving building scale and placement should be triggered to ensure compatibility.	M, Management

Table 2-1, Zoning Districts			
Zoning District	Future Land Use Category	Purpose	Former Zoning District
Public and Institutional (PI)	Public/Institutional	This designation is for public facility land uses and their vicinities that warrant special consideration. Such consideration is necessary either to: (1) protect a major community asset or other highly-valued use; or (2) buffer and protect nearby properties from potential adverse effects depending on the nature and operational aspects of the public use. This is for all public and institutional facilities except SHSU.	M, Management
Downtown (D)	Downtown Area Mixed Use	This designation, in many cities, involves the most intensively developed area of the community in terms of the greatest coverage of sites with building footprints and the least amount of private development area devoted to off-street parking and landscaping. Instead, most parking is accommodated on-street and/or within public parking areas. This enables most streets and other public spaces to be framed by buildings with zero or minimal front setbacks, creating “architectural enclosure” versus the progressively more open feel in other character areas (auto-oriented, suburban, etc.). All of these elements, along with a mixed-use orientation, makes these areas of a city the most conducive for pedestrian activity and interaction. Public plazas and pocket parks can provide green space amid the urban environment and a place to gather and host community events.	D, Downtown

Table 2-2, Overlay and Special Purpose Districts			
Zoning District	Future Land Use Category	Purpose	Former Zoning District
I-45 Overlay (I-45-O)	N/A	This designation is established to recognize the corridor as a unique area that promotes a mix of uses include commercial, retail, office, and special areas, along the corridor.	New

Table 2-2, Overlay and Special Purpose Districts			
Zoning District	Future Land Use Category	Purpose	Former Zoning District
Simple Living Residential (SLR)	All Residential Categories	This designation is for small lot living in a variety of structure types and arrangements including manufactured home parks, recreation vehicles, tiny homes, and cottage courts.	New
Veterans Memorial Parkway Overlay (VMPO)	N/A	This designation is for an area bounded by the right-of-way of Veteran's Memorial Parkway beginning at its most southern end at the intersection of the west feeder road of IH-45 and ending at its intersection with Col. Etheredge Blvd.	VMPO, Veterans Memorial Parkway Overlay
Planned Development (PD)	N/A	This designation is intended to allow a diverse mixture of residential and/or nonresidential uses and structures that function as cohesive and unified projects. The districts encourage innovation by allowing flexibility in permitted use, design, and layout requirements in accordance with a Unified Development Ordinance. This should provide benefits by providing opportunities for employment and services closer to residences.	PD, Planned Development
Residential Conversion Overlay (RC-O)	N/A	This designation is intended to provide for low-impact commercial uses that are small-scale and thus, may be appropriate in certain residential settings, as well as for the adaptive re-use of residential buildings for limited commercial uses.	New
Airport Hazard Overlay (AHO)	N/A	This designation is intended to protect the municipal airport and the surrounding area from the encroachment of incompatible land uses that may present hazards to users of the airport as well as persons living or working in the airport vicinity.	Airport Hazard Overlay (AHO)
Residential Protection Overlay (RP-O)	N/A	This designation is intended to protect property values by conserving the overall character and function of previously existing single-family detached house residential areas of the City.	NC, Neighborhood Conservation

2.200 ZONING DISTRICT MAP

2.201 Establishment

The location and boundaries of the zoning districts are shown on a geographic coverage layer that is maintained as part of the City's geographic information system (GIS). This geographic coverage layer constitutes the City's Official Zoning Map. The Official Zoning Map, including all notations, references, data and other information shown on it, is adopted and incorporated into this UDO and has the same legal force and effect as the UDO.

2.202 Available for Inspection

The map that is officially on file at City Hall is available for public inspection. This map shall control in the event of a conflict between the official map and any other reproduction of the map.

2.203 Maintenance, Updates, and Publishing

The City Planner is responsible for directing revisions to the Official Zoning Map to reflect its amendment as soon as possible after the effective date of any zoning map amendment. No unauthorized person may alter or modify the official map.

2.204 Map Interpretations

Where any uncertainty exists about a zoning district boundary, the City Planner is authorized to refer the matter to the Board of Adjustment for a determination or make an administrative interpretation using the following rules of interpretation:

2.203.A A boundary shown on the Official Zoning Map as approximately following lot lines will be construed as following those lot lines.

2.203.B A boundary shown on the Official Zoning Map as approximately following a street, alley, or railroad line will be construed as following the centerline of the street, alley or railroad right-of-way.

2.203.C A boundary shown on the Official Zoning Map as approximately following the shoreline or centerline of a river, stream, lake or other water body will be construed as following the actual shoreline or centerline of that water body.

2.203.D A boundary shown on the Official Zoning Map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as being actually parallel to, or an extension of, the feature.

2.203.E If a boundary shown on the Official Zoning Map is inconsistent with a description included within an amending ordinance, the amending ordinance governs.

2.205 Classification of Annexed Land

Territory annexed to the City will be classified in the RU zoning district unless otherwise provided by the annexation plan adopted by City Council.

2.300 Lot and Setback Regulations

Principal uses and structures in all zoning districts are subject to the lot and setback regulations of [Article 5](#).

2.400 Supplemental District Regulations

2.401 PD District Minimum Area

Each PD district established must have a minimum contiguous area of at least 5 acres.

2.402 MU District

2.402.A *Generally.* In addition to the applicable standards in this UDO, buildings in the Mixed Use (MU) District shall comply with the following standards.

2.402.B *Master Development Plan.* Approval in accordance with Section [12.1100](#), *Master Development Plan*, shall be required prior to developing in the MU District that is four acres or more in land area or where more than two lots or parcels are proposed for development.

2.402.C *Percentage of Residential.*

1. *Horizontal Mixed Use.* For a horizontal mixed use development, a maximum of 60 percent of the land area of the development shall consist of permitted residential uses. A Building Permit for residential construction shall not be approved for the development until Building Permits have been approved for a minimum of 20 percent of the planned nonresidential development on the approved Master Development Plan.
2. *Vertical Mixed Use.* For a vertical mixed use building, residential uses are prohibited on the first floor; however, there shall be no minimum or maximum percentage of mixing of permitted residential or nonresidential uses based on floor area.

2.402.D *Enhanced Building Form and Design.*

1. *360-Degree Architecture.* No particular architectural style is mandated. However, the architectural style of the front facade shall be expressed on all four sides of the building.
2. *Detailing.* All buildings shall contain architectural details that promote good design, which shall include a minimum of three of the following:
 - a. Entry portico;
 - b. Chimneys or cupolas;
 - c. Transom windows;
 - d. Dormers;
 - e. Window canopies;
 - f. Eaves in excess of 18 inches;
 - g. Covered porches (extending along 50 percent of the building facade and projecting a minimum of four feet from the face of the building);
 - h. A minimum of 80 percent of each facade visible from a public right-of-way, public park or open space, or residential use is composed of masonry, natural stone, or other material approved by the City Planner;
 - i. Decorative window shutters; or
 - j. Other features approved by the City Planner.
3. *Awnings and Canopies.* Awnings and canopies, if installed, shall meet the following standards:
 - a. Awnings and canopies shall be attached and integral to the principal structure;
 - b. Awnings and canopies shall not obstruct any portion of any window except that transom windows may be located under awnings and canopies;
 - c. Canopies shall have columns, beams, and/or brackets of adequate size to give both structural and visible means for support;
 - d. Backlit or internally illuminated awnings or canopies are prohibited; and
 - e. A minimum clearance of eight feet from finished grade to the bottom of the awning or canopy is required and it shall not exceed 16 feet in height.
4. *Blank Walls.* Except where necessary to accommodate the future expansion of a building intended for construction within two years, blank walls are not allowed. No building wall may include an area that is larger than 15 feet tall by 25 feet wide that does not include one or more of the following:

- a. Windows;
- b. Doors;
- c. Building wall offset that complies with the building wall offset requirements in Section 3.400;
- d. Sign(s), in accordance with Article 8;
- e. Architectural details that relieve the appearance of the blank wall;
- f. A canopy or an arcade;
- g. Vines or other plantings on wall trellises that cover at least 60 percent of the facade elevation; or
- h. Other methods approved by the City Planner.

ARTICLE 3 OVERLAY AND SPECIAL PURPOSE DISTRICTS

Contents:

3.100 General

3.200 Veteran's Memorial Parkway Overlay District

3.300 Airport Hazard Overlay District

3.400 I-45 Overlay

3.500 Simple Living Residential District

3.600 Residential Conversion Overlay

3.700 Residential Protection Overlay District

3.400 Historic Preservation Overlay

3.100 GENERAL

3.101 Purpose and Application

Overlay districts are tools for dealing with special situations or accomplishing area-specific planning goals. As the name implies, overlay districts are "over-laid" on zoning district classifications to alter some or all of the regulations that apply in the underlying zoning district.

3.102 Interpretation

- 3.102.A Overlay district regulations apply in combination with underlying (base) zoning district regulations and all other applicable regulations of this Development Code. Overlay districts impose additional regulations or modify regulations of the underlying zoning district.
- 3.102.B Unless otherwise expressly stated, all applicable regulations of the underlying zoning district apply to property in an overlay district.
- 3.102.C When overlay district regulations conflict with regulations that apply in the underlying zoning district, the regulations of the overlay district govern.

3.200 VETERAN'S MEMORIAL PARKWAY OVERLAY DISTRICT

3.201 Description

The Veteran's Memorial Parkway Overlay (VMPO) district is an area bounded by the right-of-way of Veteran's Memorial Parkway beginning at its most southern end at the intersection of the west feeder road of IH-45 and ending at its intersection with Col. Etheredge Blvd.

3.202 Overlay District Regulations

The following development standards apply within the VMPO district:

3.202.A Overhead and Underground Utilities

1. All utility crossings, whether service drops or primary, must be placed underground within the Veteran's Memorial Parkway right-of-way, except at state highways.
2. When allowed, any overhead utilities must be located within the right-of-way, as far as possible from the travel lanes of the road.
3. Any overhead facilities proposed along the section of Veteran's Memorial Parkway at the Raven's Nest Golf Course must be presented to City Council for review and approval, with options and cost estimates for overhead or underground facilities or re-routing around the perimeter of the golf course.

3.300 AIRPORT HAZARD OVERLAY DISTRICT

3.301 Purpose

The Airport Hazard Overlay (AHO) district is intended to protect the municipal airport and the surrounding area from the encroachment of incompatible land uses that may present hazards to users of the airport as well as persons living or working in the airport vicinity. The overlay district regulations are further intended to:

- 3.306.A Prevent or control influences that are adverse to the airport property and to the safe conduct of aircraft in the vicinity of the municipal airport;
- 3.306.B Prevent creation of conditions hazardous to aircraft operation;
- 3.306.C Prevent conflict with land development that may result in loss of life and property; and
- 3.306.D Encourage development that is compatible with airport use characteristics within the intent and purpose of this Development Code.

3.302 Zones Established

The Airport Hazard Overlay district is divided sub-districts (zones). These zones are shown on the City's official Airport Hazard Zoning Map, which is adopted as part of this Development Code. The zones are as follows:

3.306.A Nonprecision Instrument Runway Approach Zone (AHO/AN)

The inner edge of nonprecision instrument runway approach zone (also referred to simply as the "approach zone") coincides with the width of the primary surface and is 500 feet in width. The nonprecision instrument runway approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

3.306.B Transitional Zones (AHO/T)

The transitional zones are the areas beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway centerline, and the runway centerline extends at a slope of 7 feet horizontally for each one foot vertically from the sides of the primary approach surfaces to the point that they intersect the horizontal surface.

3.306.C **Horizontal Zone (AHO/H)**

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

3.306.D **Conical Zone (AHO/C)**

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward from the periphery for a horizontal distance of 4,000 feet.

3.303 **Height Limitations**

Except as otherwise provided, no person may erect, alter, allow to grow or maintain any structure or tree in any zone within the airport hazard overlay created to a height more than the applicable height limit established for such zone. If more than one height limitation covers an area, the more restrictive height limit governs.

3.306.A **Nonprecision Instrument Runway Approach Zone (AHO/AN)**

The nonprecision instrument runway approach zone slopes upward one foot vertically for each 34 feet of horizontal distance beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

3.306.B **Transitional Zones (AHO/T)**

The transitional zone slopes upward and outward one foot vertically for each 7 feet of horizontal distance beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation, which is 363 feet above mean sea level. Additionally, there are established height limits sloping upward and outward one foot vertically for each 7 feet of horizontal distance beginning at the side of and at the same elevation as the approach zones, and extending to where they intersect the horizontal or conical surface.

3.306.C **Horizontal Zone (AHO/H)**

The horizontal zone extends 150 feet above the airport elevation or a height of 513 feet above mean sea level.

3.306.D **Conical Zone (AHO/C)**

The conical zone slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

3.304 **Use Restrictions**

Notwithstanding any other provisions of this section, no one may use land or water within any airport hazard zone in a way that creates electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility near the airport, or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.

3.305 **Nonconforming Uses**

3.306.A **Regulations not Retroactive**

The airport hazard overlay regulations do not require the removal, lowering or other changes or alterations of any nonconforming structure or tree in existence on October 15, 1976.

3.306.B **Marking and Lighting**

The owner of any existing nonconforming structure or tree must install, operate and maintain any markers and lights that the City Council deems necessary to indicate to the operators of aircraft near the airport the presence of such airport hazards.

3.306 **AHO Permits**

3.306.A **Future Uses**

No person is allowed to make any material change in the use of the land, and no person can erect, alter, plant or otherwise establish a structure or tree in any airport hazard district zone unless the person applies for and receives an AHO permit from the City Planner.

1. No AHO permit is required for a tree or structure of less than 75 feet of vertical height above the ground in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway unless such tree or structure, because of the terrain, land contour or topographic feature, would extend above the height limit prescribed for the respective zone.
2. An applicant for an AHO permit must indicate the purpose of the permit with sufficient information to determine whether the resulting use, structure or tree would conform to the airport hazard overlay regulations. If such determination is in the affirmative, the permit will be granted. No AHO permit may be granted for activities that are inconsistent with the AHO district regulations unless a variance has been approved by the Board of Adjustment.

3.307 **Existing Uses**

No AHO permit may be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on October 15, 1976.

3.308 **Hazard Marking and Lighting**

Any AHO permit granted must, if such action is deemed advisable in light of the purposes of the airport hazard overlay zone and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain a signal to indicate to pilots the presence of an airport hazard.

3.400 I-45 Overlay

3.501 Purpose

The I-45 Overlay (I-45-O) is established to recognize the corridor as a unique area that promotes a mix of uses include commercial, retail, office, and special areas, along the corridor.

3.502 Applicability

The I-45-O District applies to properties with frontage along Interstate 45. This Overlay is illustrated on the Official Zoning Map.

3.503 Uses, Generally

The uses listed in Table 4.1, as permitted or conditional uses for each base zoning district upon which the I-45-O District is applied, shall be permitted or conditional uses allowed in the overlay.

3.504 Permitted Uses

The following uses shall be permitted by right regardless of the base zoning district:

- 3.507.A Apartment/condominium;
- 3.507.B Personal improvement service;
- 3.507.C Research service;
- 3.507.D Assembly and Entertainment;
- 3.507.E Financial service;
- 3.507.F Lodging;
- 3.507.G Office; and
- 3.507.H Retail sales.

3.505 Conditional Uses

The following uses shall require a conditional use permit regardless of the base zoning district:

- 3.507.A Hospital;
- 3.507.B Wireless communications;
- 3.507.C Animal service;
- 3.507.D Commercial service;
- 3.507.E Funeral or mortuary service; and
- 3.507.F Vehicle Sales and Service.

3.506 Lot and Setback Regulations

- 3.507.A Residential Development. Dimensional requirements for new residential development in the I-45-O District shall comply with the standards for the HR zoning district in Sec. 5.200.
- 3.507.B Nonresidential Development. Proposed new mixed use and nonresidential development in the I-45-O District shall comply with the underlying base zoning district standards, as outlined in Section 5.300, except that:
 - 1. The minimum lot width shall be 125 feet; and
 - 2. The maximum front setback shall be 115 feet.

3.507 Parking and Driveway Access

Parking in the I-45-O District shall comply with the requirements of Article 6, except that

a maximum of 25 percent of the required parking may be located within the street building setback for interior lots and a maximum of 50 percent of the required parking may be located within the street building setback for corner lots.

3.508 **Landscaping and Buffers**

Landscaping and buffers in the I-45-O District shall comply with the requirements of [Article 7](#), Landscaping and Buffers, except that:

3.507.A Minimum Landscaping. At least 20 percent of the total lot area must be devoted to landscape development.

3.507.B Plantings Adjacent to Building. Plantings adjacent to the building, as depicted in Figure 3-1, shall be installed according to the following:

1. Minimum Area. Principal buildings shall have plantings adjacent to the base of the building, according to the following formula:

$$\frac{\text{Building area (sq. ft.)}}{\text{Lot area (sq. ft.)}} \times 20\% \text{ of lot area} = \text{Minimum planting area adjacent to building}$$

2. Width and Access. The planting area adjacent to the building shall be a minimum of six feet wide and may be crossed with walkways to provide access to the building.
3. Planting and Decorative Materials. A minimum of one ornamental or evergreen tree and five shrubs shall be planted within the planting area at the base of the building per every 50 linear feet, measured parallel to the building. The remaining portions of the planting area shall be planted with groundcover or consist of xeriscape groundcover, rocks, or decorative pavers.
4. Landscape Area Credit. Plantings adjacent to the building shall count toward the 20 percent minimum landscaping requirement established in [Sec 7.200](#).

Figure 3-1: Plantings Adjacent to Building



3.507.C **Parking Lot Plantings.** Plantings adjacent to the building, as depicted in Figure 3-1, shall be installed according to the following:

1. The minimum amount of landscape development that must be provided within (interior) and around (perimeter) off-street parking lot is calculated as follows:

$$\frac{\text{Parking lot area (sq. ft.)}}{\text{Lot area (sq. ft.)}} \times 30\% \text{ of lot area} = \text{Minimum required landscape development interior to parking area}$$

3.507.D **Tree Preservation Credit.** Landscaping credits established in Sec. 7.400, apply, except that the City Planner may reduce the minimum landscaping requirements of this Section from 20 percent to 15 percent, rather than to 7.5 percent, if the applicant fulfills the obligations of Sec. 7.400.

3.509 **Signs**

Signs in the I-45-O District shall comply with the requirements of [Article 8, Signs](#).

3.5010 **Building Design**

3.509.A **Building Design of Multi-Story Buildings.**

Buildings with more than two stories shall be designed with a clearly differentiated base, middle, and cap, as depicted in Figure 3-2.

1. **Building Cap.** A recognizable cap shall include one or more of the following features:
 - a. Three-dimensional cornice treatments, other than just colored stripes or bands;
 - b. Sloping roofs with overhanging eaves and brackets; or
 - c. Stepped parapets with varying elevations.

2. Building Base. A recognizable base shall include a minimum of one of the following:
 - a. Taller ground floor height than the upper stories (by at least 2 feet);
 - b. Thicker walls, ledges, or sills;
 - c. Raised planters, that are integral to the building façade; or
 - d. Change in building materials or facade treatments.

Figure 3-2: Building Base, Middle, and Cap



3.509.B Building Design of Multi-Story and Single-Story Buildings

The following standards shall apply to single- or multi-story buildings with facades that are visible from Interstate 45.

1. Building Windows/Transparency. Façade shall be occupied by windows or doorways that comprise a minimum of 35 percent but not more than 75 percent of the facade surface.
2. Building Entrances. Facades shall have clearly-defined customer entrances that include a minimum of three of the following features:
 - a. Canopies, awnings, porticos, arcades, or overhangs;
 - b. Over the door or peaked roof forms;
 - c. Arches;
 - d. Decorative lighting;
 - e. Outdoor patios or plazas;
 - f. Display windows;
 - g. Obviously differentiating architectural details such as moldings that are integrated into the building structure and design; or
 - h. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
3. Building Articulation. Facades visible from Interstate 45 shall be articulated to provide visual interest and break up a large building as depicted in Figure 3-3 and Figure 3-4. A building shall:
 - a. Incorporate a wall offset for a minimum of each 80 feet of building facade, where a portion of the facade (no less than 20 feet wide) is pushed back or pulled forward by a minimum of six feet; and

- b. Include a change in roof height of not less than 24 inches in height for a parapet roof or, for a pitched roof, modulation in which the highest ridge line and the lowest ridge line have a height difference of a minimum of six feet.

Figure 3-3: Horizontal Building Articulation

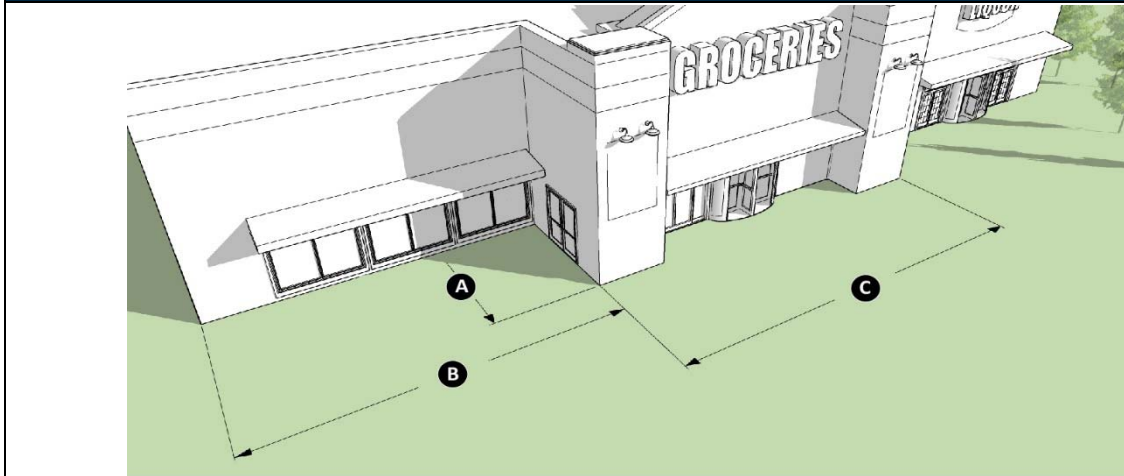


FIGURE NOTES:

A = Minimum of 6 feet | B = Minimum of 80 feet | C = Minimum of 20 feet

Figure 3-4: Vertical Building Articulation

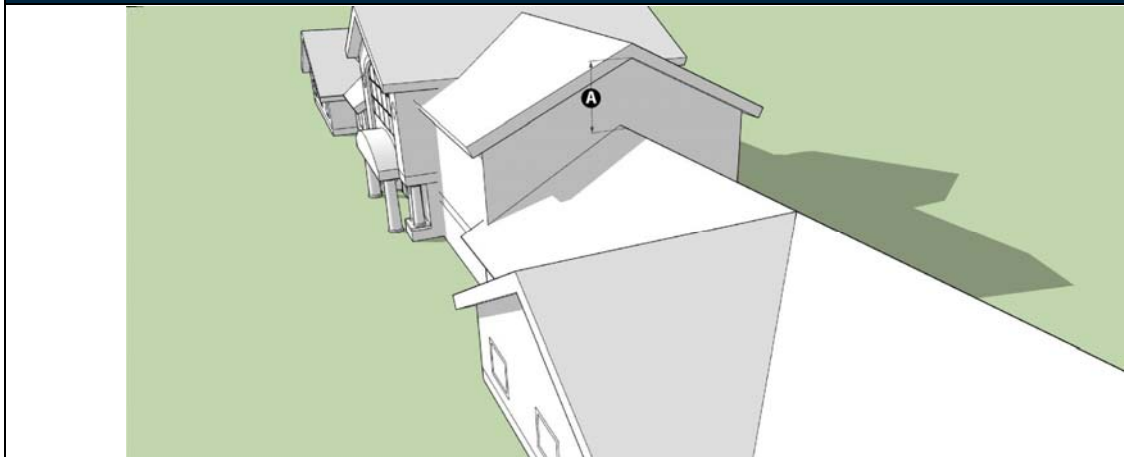


FIGURE NOTES:

A = Minimum of 6 feet

3.500 Simple Living Residential District

3.601 Purpose

The Simple Living Residential (SLR) District provides for a variety of different types and arrangements of housing that may be constructed or manufactured on- or off-site and which may be placed on individual lots or a common lot. This district may accommodate manufactured home parks, recreational vehicle parks, tiny homes on individual lots, or cottage court formats. Neighborhoods may serve as permanent or temporary residences.

3.602 Applicability

The SLR District may be applied within any residential land use category on the Future

Land Use Map. These residential use types provide options that contribute to the overall availability of housing choice in the City. They may be appropriate on smaller infill properties suitable for this scale of development, when the adjacent uses and natural environment provide for compatibility, and in locations proximate to employment areas.

3.603

Land Uses

The following land uses, as depicted in Figure 3-5, *SLR District Residential Uses*, are permitted as of right in the SLR District, subject to the standards of this Section:

- 3.607.A Manufactured home park or subdivision;
- 3.607.B Recreational vehicle park;
- 3.607.C Tiny house community; and
- 3.607.D All nonresidential land uses permitted as of right or by Conditional Use Permit in the MR District according to Table 4-1, *Use Table*.



3.604

Lot and Setback Regulations

3.607.A Residential Uses

Dimensional requirements for new residential development in the SLR District

shall comply with the standards in Table 3-1, *SLR District Lot Size and Building Setback Requirements*, below.

3.607.B **Nonresidential Development**

Proposed new mixed use and nonresidential development in the SLR District shall comply with the requirements of the GR District in Section 5.300, *Nonresidential and Mixed Use Lot Size and Building Setback Requirements*.

Table 3-1: SLR District Lot and Building Standards										
Housing Type	Min. Open Space (Percent of Site)	Min. Site Area (Acres)	Min. Lot or Pad Area (Feet)	Min. Lot or Pad Width (Feet)	Min. Setbacks (Feet)				Min. Building or Vehicle Separation (Feet)	Max. Height (Feet)
					Street	Street Side	Side	Rear		
Manufactured Home Park	10	10	5,000	50	20	20	20	20	10	35
Manufactured Home Subdivision	10	N/A	4,500	45	20	15	5	10	N/A	35
Recreational Vehicle Park	5	10	1,200	25	50 ¹	50 ¹	50 ¹	50 ¹	10	15
Tiny House Community	15	1	1,200	25	20	10	5	5	20	35
TABLE NOTES: ¹. No recreational vehicle parking pad shall be closer than 50 feet from any exterior property line.										

3.605 **SLR District Use Standards**

3.607.A **Recreational Vehicle Park**

Refer to Section 4.200, *Supplemental Use Regulations*.

3.607.B **Manufactured Home Park or Subdivision**

Refer to Section 4.200, *Supplemental Use Regulations*.

3.607.C **Tiny House Community**

1. **Building Standards**

A tiny house that is part of a tiny house community shall be built to the City's residential building code.

2. **Maximum Floor Area**

A tiny house shall consist of a total maximum floor area of 600 square feet, excluding any loft space.

3. **Permanent Foundations**

Tiny houses that are part of a tiny house community shall be constructed on a permanent foundation. Tiny houses on wheels or other non-permanent foundations are prohibited from being part of a tiny house community but may be placed on a lot with a single-family residence as an accessory dwelling unit.

4. **Prefabricated Tiny Houses**

A Prefabricated tiny house is required to be skirted.

3.606 **Open Space**

The following shall apply to required open space in the SLR District

- 3.607.A Open Space
Open space shall be provided at the minimum required in Table 3-1, *SLR District Lot and Building Standards*, and shall include a central green, lawn or garden area, playground, or plaza as a central focal point of all dwellings.
 - 3.607.B Walkways
Common improvements of the common area shall include pedestrian walkways connecting each dwelling unit to a community-wide sidewalk network, shared parking areas or garages.
 - 3.607.C Buffer Requirements
The site shall provide a buffer around the perimeter that preserves existing vegetation and incorporates landscape materials, berms, or a wall or fence to provide a visual buffer from adjacent development. See Section 7.500, *Buffers*.
- 3.607 **Garages**
The following garage structure requirements shall apply to a residential use in the SLR District.
- 3.607.A Access
If provided, detached garages serving more than one dwelling unit shall be accessed via a private drive or alley.
 - 3.607.B Bays
A detached garage building shall not exceed four car bays unless it is screened by a buffer required in Section 7.500, *Buffers*.
 - 3.607.C Design
Detached garage buildings shall be consistent in architecture and design to the principal dwellings.

3.600 Residential Conversion Overlay

- 3.701 **Purpose**
The Residential Conversion Overlay (RC-O) District is established to provide for low-impact commercial uses that are small-scale and thus, may be appropriate in certain residential settings, as well as for the adaptive re-use of residential buildings for limited commercial uses.
- 3.702 **Applicability**
The RC-O District applies to new development or to changes in use from residential to nonresidential on properties designated with such overlay on the Official Zoning Map.
- 3.703 **Uses, Generally**
The uses listed in Table 4.1, as permitted or conditional uses for each base zoning district upon which the RC-O District is applied, shall be permitted or conditional uses allowed in the overlay.
- 3.704 **Permitted Uses**
The following uses shall be permitted by right regardless of the base zoning district, subject to the standards of this Section:
- 3.506.A Detached house;
 - 3.506.B Two-unit house;
 - 3.506.C Day care;
 - 3.506.D Office; and
 - 3.506.E Personal improvement service except for the following uses:

1. Dry cleaning and pressing establishment;
2. Funeral home or mortuary;
3. Kennel;
4. Laundromat;
5. Photocopy, blueprint, and quick-sign service; and
6. Postal services (non-governmental).

3.705 **Lot and Setback Regulations**

- 3.506.A Residential Development. Dimensional requirements for new residential development in the RC-O District shall comply with the standards for the base zoning district of the property as established in Sec. 5.200, except as modified by this Section.
- 3.506.B Nonresidential Development. Proposed new mixed use and nonresidential development in the RC-O District shall comply with the underlying base zoning district standards, as outlined in Section 5.300, except as modified by this Section.

3.706 **Design and Performance Standards**

- 3.506.A Gross Floor Area. The maximum gross floor area of a new or converted nonresidential or mixed use structure shall be 3,000 square feet.
- 3.506.B Parking.
1. A maximum of two off-street parking spaces are allowed between the primary structure and the public right-of-way. The remainder of off-street parking spaces, whether required or overflow, shall be provided between the primary structure and the rear property line.
 2. A maximum of 110 percent of the parking spaces required for the use in Table 6-1: *Minimum Motor Vehicle Parking Ratios*, shall be provided.
- 3.506.C Roof. The primary structure shall have a roof pitch between 3:12 and 4:12. Alternatively, the roof pitch of the structure may be the average of the properties adjacent to the subject property, that have public entrances to the same street as the subject property.
- 3.506.D Signs. A wall sign, as provided for in Section 8.503.C, *Nonresidential Uses*, shall be the only permitted permanent sign type.
- 3.506.E Displays and Storage. No outdoor display or storage of inventory or materials related to the nonresidential or mixed use shall be permitted.
- 3.506.F Residential Character. There shall be no other activities or exterior indications on the property that varies from the residential character of the primary structure.
- 3.506.G Nuisances. The use shall not produce any noise, vibration, smoke, dust, odors, heat or glare that is out of character from a single-family residential use.

3.700 Residential Protection Overlay District

3.801 **Purpose**

The Residential Protection Overlay (RP-O) District intended to help protect property values by conserving the overall character and function of previously existing single-family detached house residential areas of the City. It is intended for application in stable single-family detached house neighborhoods.

3.802 **Applicability**

The RP-O District applies to existing development designated with such overlay on the Official Zoning Map.

3.803 **Uses, Generally**

In the RP-O District, when dwelling units are rented, tenancy shall be arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging and are prohibited.

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 Rural, Low Density Residential, Medium Density Residential, High Density Residential, Simple Living Residential, General Retail, Industrial, Mixed Use, Public and Institutional, and Downtown Districts

Principal uses are allowed in RU, LR, MR, HR, SLR, GR, IN, MU, PI, and D 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 3.500, *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 subject to limitations | **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	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	X	C	--
	Townhouse (2 units)	X	X	L	L	L	L	L	L	X	X	X	L	X	C	4.2011
	Townhouse (3+ units)	X	X	X	X	L	L	L	L	X	X	X	L	X	C	4.2011
	Two-unit house	X	X	X	X	P	P	P	P	X	X	X	P	X	C	--
	Multiplex	X	X	X	X	X	L	P	P	X	X	X	L	X	L	4.2012
	Apartment/condo	X	X	X	X	X	X	P	P	X	P	X	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	4.207
	Purpose-Built Shared Housing, Detached	X	X	X	X	X	X	X	L	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	4.203
	Manufactured Home Park / Subdivision	X	X	X	X	X	X	X	X	C	X	X	X	X	X	4.204
	Recreational Vehicle Park	X	X	X	X	X	X	X	X	C	X	X	X	X	X	4.205
	Tiny House Community	X	X	X	X	X	X	X	X	L	X	X	X	X	X	3.500
Group Living	Community Home	P	P	P	P	P	P	P	P	X	X	X	X	X	P	--
	Nursing Home	X	X	X	X	X	X	P	P	X	X	X	X	P	P	--
	All Other Group Living Uses	X	X	X	X	X	X	C	C	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	C	X	--
	College or University	X	X	X	X	X	X	X	X	X	X	X	P	P	P	--
	Community Center	C	C	C	C	C	C	C	C	C	P	P	P	P	P	--
	Correctional Facility (Private)	X	X	X	X	X	X	X	X	X	X	C	X	C	X	--
	Governmental Facility	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	P/C	P	P/C	4.2014
	Hospital	X	X	X	X	X	X	X	X	X	P	P	P	P	P	--

Table 4-1: Use Table

P = Permitted by right | **L** = Permitted by right subject to limitations | **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	MU	PI	DT	
		CV	CV	CL	CV	CL	IF	CV	IF							
	Library	C	C	C	C	C	C	C	C	C	P	P	P	P	P	--
	Museum or Cultural Facility	X	X	X	X	X	X	X	X	X	P	P	P	P	P	--
	Natural Resource Preservation	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	--
	Religious Assembly	C	C	C	C	C	C	C	C	C	P	P	P	P	P	--
	Safety Service	C	C	C	C	C	C	C	C	C	P	P	P	P	P	--
	School	C	C	C	C	C	C	C	C	C	P	P	P	P	P	--
	Trade School	X	X	X	X	X	X	X	X	X	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	--
	Utilities and Public Service Facility, Major	C	C	C	C	C	C	C	C	C	P	P	P	P	C	--
	Wireless Communications, Freestanding tower	X	X	X	X	X	X	X	X	X	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	4.206
COMMERCIAL																
Animal Service	All Animal Service	X	X	X	X	X	X	X	X	X	P/C	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	X	P	4.2016
Commercial Service	Research Service	X	X	X	X	X	X	X	X	X	X	P	P	X	X	--
	All Other Commercial Service Uses	X	X	X	X	X	X	X	X	X	P	P	X	X	X	--
Day Care	All Day Care	X	X	X	X	X	X	C	C	X	P	X	P	P	P	--
Eating Establishment	All Eating Establishments	X	X	X	X	X	X	C	C	X	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	P	X	P	--
Lodging	Recreational Vehicle Park	X	X	X	X	X	X	X	X	C	X	X	X	X	X	--
	All other Lodging Uses	X	X	X	X	X	X	X	X	X	P	X	P	X	P	--
Mobile Food Vendor	All Mobile Food Vendors	X	X	X	X	X	X	X	X	X	P/C	P	P	X	P	4.208 4.209
Office	Financial Service	X	X	X	X	X	X	X	X	X	P	P	P	X	P	--
	All other Office	X	X	X	X	X	X	L	L	X	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	X	P	4.2018
	All Personal Improvement Service	X	X	X	X	X	X	L	L	X	P	P	P	X	P	4.2018

Table 4-1: Use Table

P = Permitted by right | **L** = Permitted by right subject to limitations | **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	MU	PI	DT	
		CV	CV	CL	CV	CL	IF	CV	IF							
	All Repair Service	X	X	X	X	X	X	L	L	X	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	--
	Fuel Station	X	X	X	X	X	X	X	X	P	P	P	P/C	X	X	4.2019
	Vehicle Maintenance	X	X	X	X	X	X	X	X	P	P	X	P	X	X	--
	Vehicle Repair	X	X	X	X	X	X	X	X	L	P	X	P/C	X	X	4.2019
	Vehicle Sales, Rental, and Leasing	X	X	X	X	X	X	X	X	P	P	P	P	X	X	--
INDUSTRIAL																
Industrial, Heavy	All Heavy Industrial	X	X	X	X	X	X	X	X	X	X	C	X	X	X	--
Industrial, Light	All Light Industrial	X	X	X	X	X	X	X	X	X	X	P	X	X	X	--
Mining/Extraction	Underground	X	X	X	X	X	X	X	X	X	P	P	P	P	P	--
	Surface or Above-Ground	X	X	X	X	X	X	X	X	X	X	C	X	X	X	--
Recycling Facility	Recyclable Material Drop-off Facility	X	X	X	X	X	X	X	X	X	X	P	X	X	X	--
	Recyclable Material Processing Facility	X	X	X	X	X	X	X	X	X	X	C	X	X	X	--
Wholesale, Distribution & Storage	Self-Service Storage Facility	X	X	X	X	X	X	X	X	X	X	P	X	X	X	--
	All Other Wholesale, Distribution and Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	--
AGRICULTURE																
Agriculture	Farming/General Agricultural	P	X	X	X	X	X	X	X	X	P	P	P	P	P	--
	Community Garden	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

- The following accessory uses and structures are allowed in all zoning districts:
 - Attached and detached private garages;
 - Storage sheds;
 - Children's play equipment and playhouses;
 - Vegetable or flower gardens;
 - 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 §3.500, *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 3.500, *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.

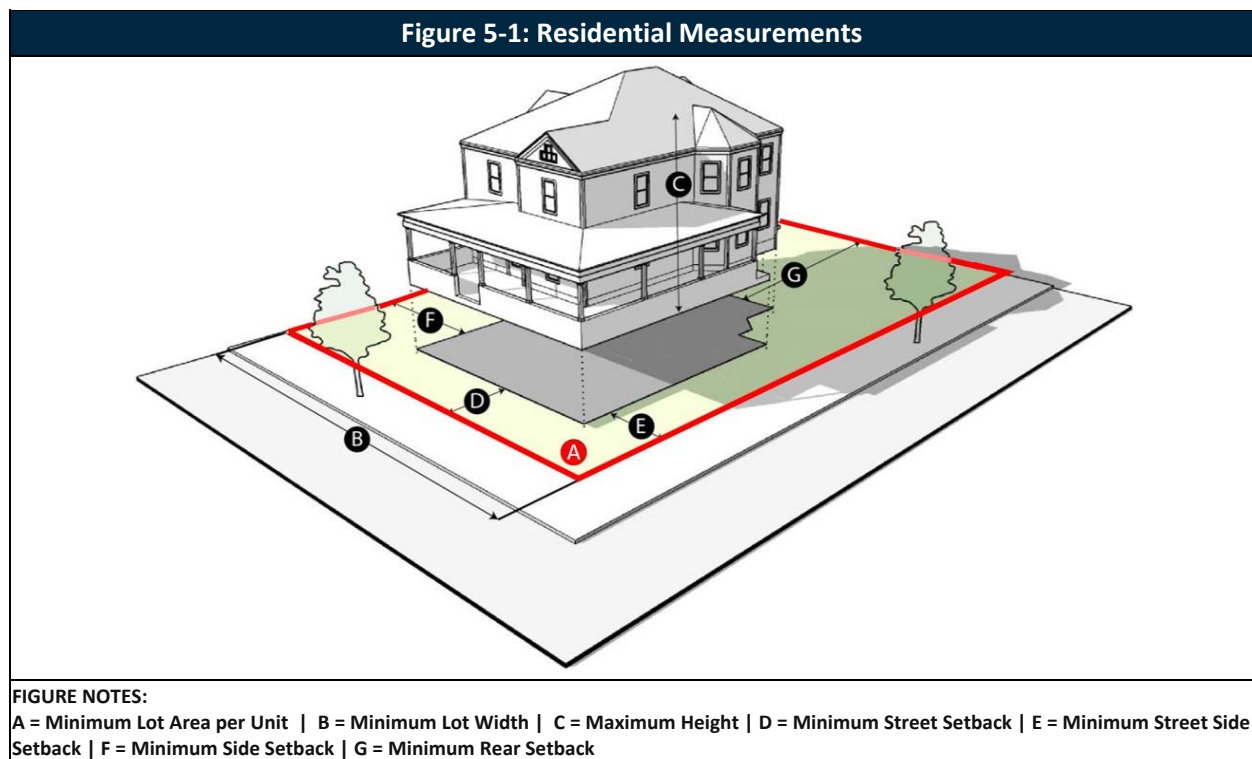
5.203 Measurements Reference

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 Regulations ¹									
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%	26,136	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 3.500, Simple Living Residential District						

TABLE NOTES:

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



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

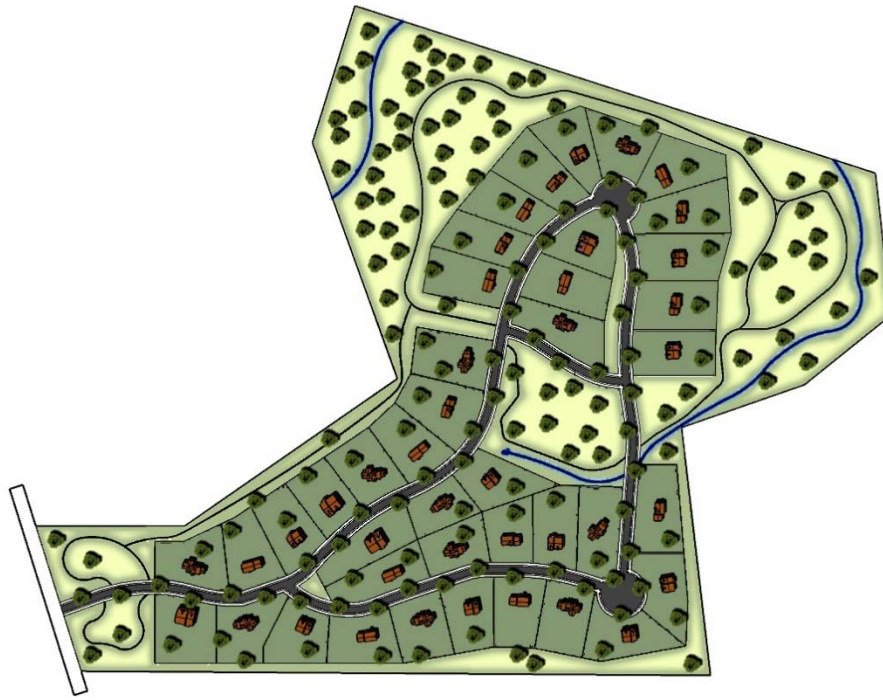


5.204.B. Cluster

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.

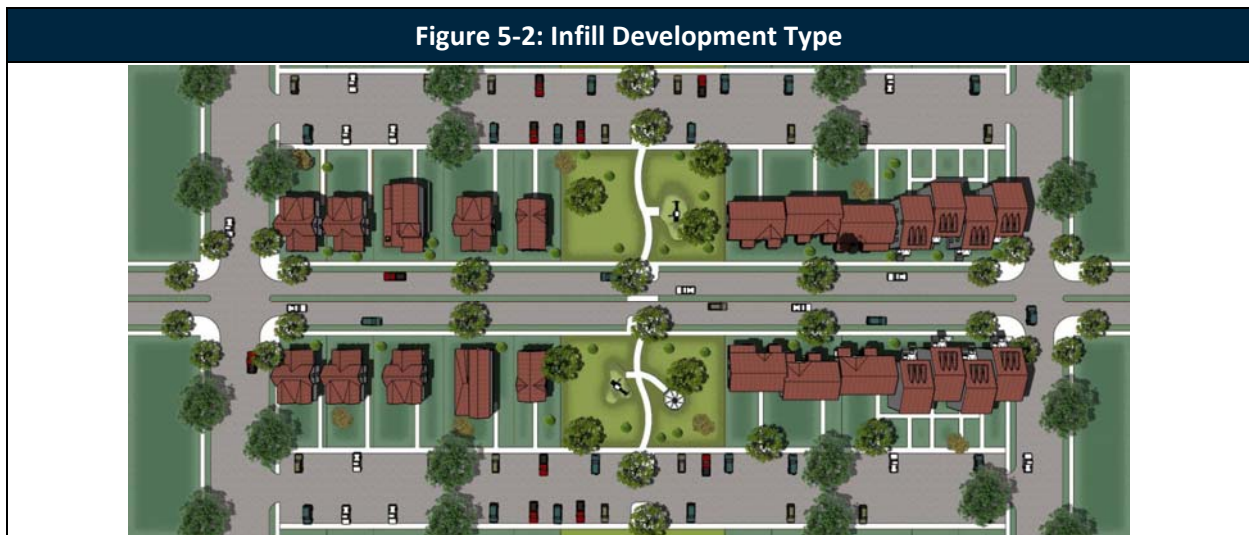
Figure 5-2: Cluster Development Type



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.



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
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 MU district
NA = No maximum density because residential is not permitted
-- = No minimum or maximum

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

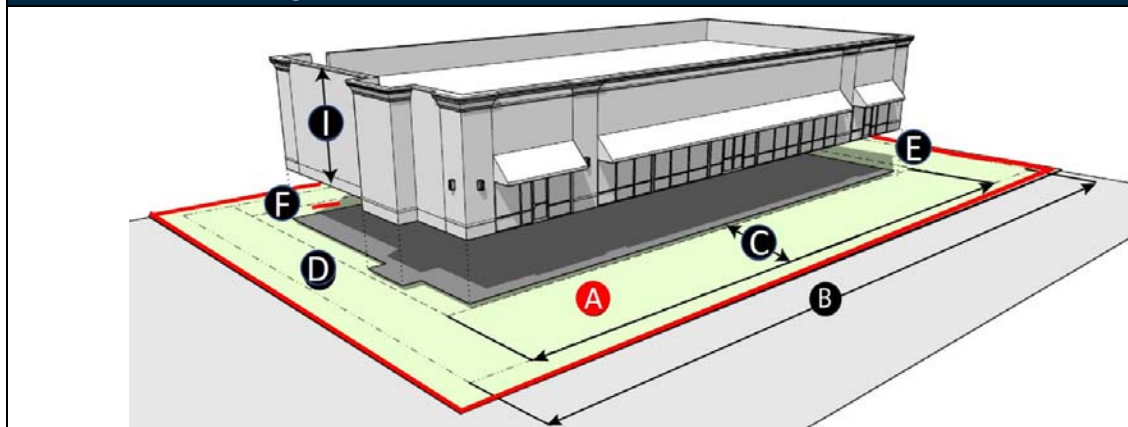


FIGURE NOTES:

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)

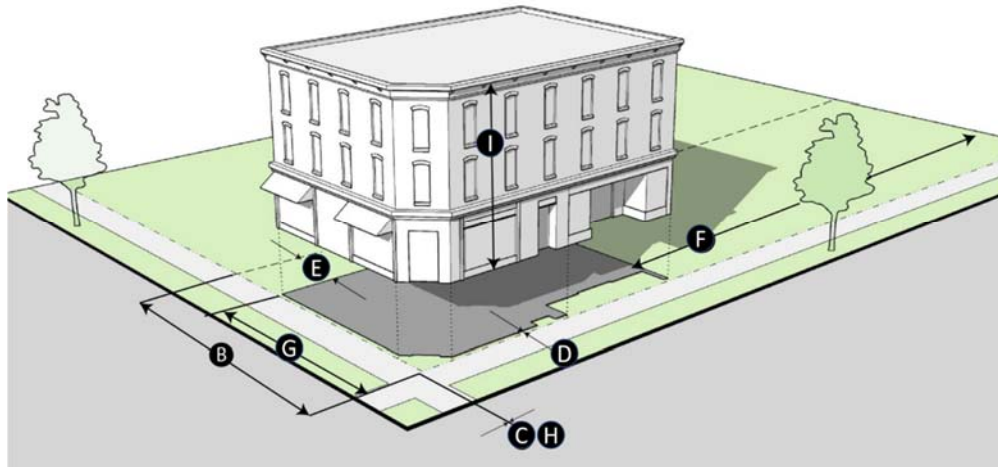


FIGURE NOTES:

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 Rural and Low Density Residential Districts

Residential lots in the RU and LR districts are subject to compliance with the lot and building setback regulations of Table 5-1. In addition, each plat in the RU and LR districts 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, except in a permitted cluster development. Residential subdivisions in the RU and LR districts may be constructed to alternative standards as defined in [Article 10](#).

5.502 Apartment / Condo

Apartment or condo lots in the HR district are subject to compliance with the lot and building setback regulations of Table 5-1. Except as otherwise expressly stated in this Development Code, apartment /condo 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 RU, LR, and MR 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 **[Reserved]**
- 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

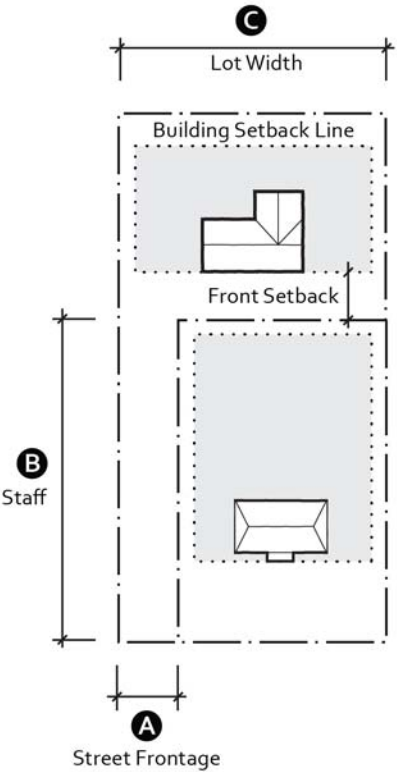
Commercial, office, industrial, public, civic and institutional and other nonresidential uses are subject to compliance with the nonresidential lot and building setback regulations of [Table 5-1](#).

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

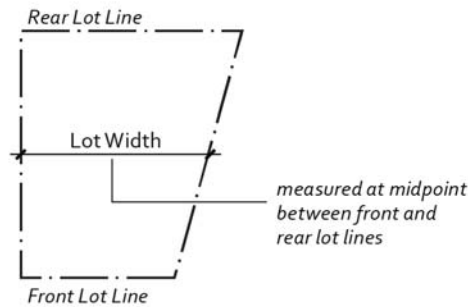
Lot Area per Dwelling Unit

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.

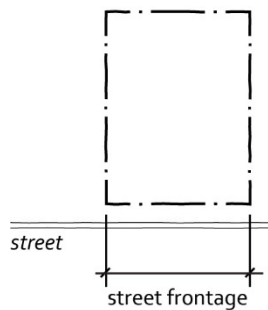
Figure 5-2: Lot Width Measurement



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



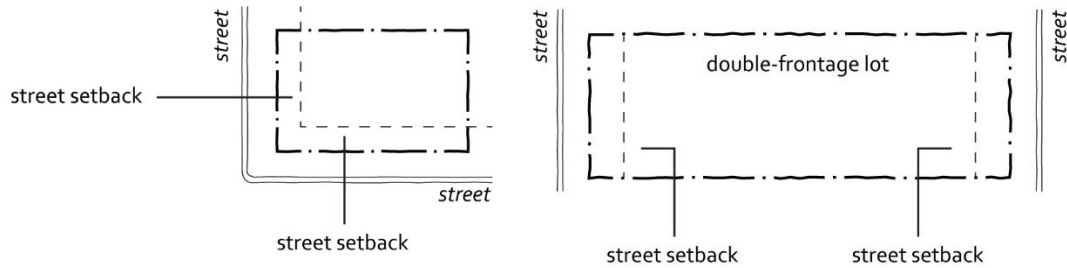
5.805 **Setbacks**

5.805.A. **Measurement**

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

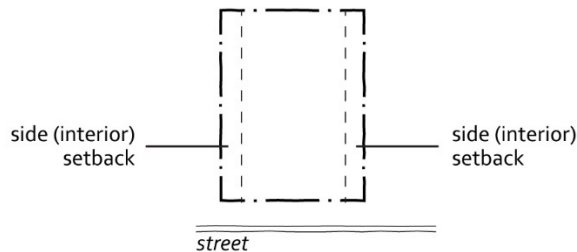
1. Street setbacks are measured from all lot lines that abut a street. See Figure 5-4. On corner lots, street setbacks apply along both streets.

Figure 5-4: Street Setback Measurement



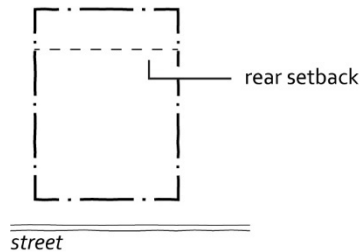
2. Side (interior) setbacks are measured from all side lot lines that do not abut a street. See Figure 5-5. Interior side setbacks do not apply to attached or abutting walls in a townhouse project.

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 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

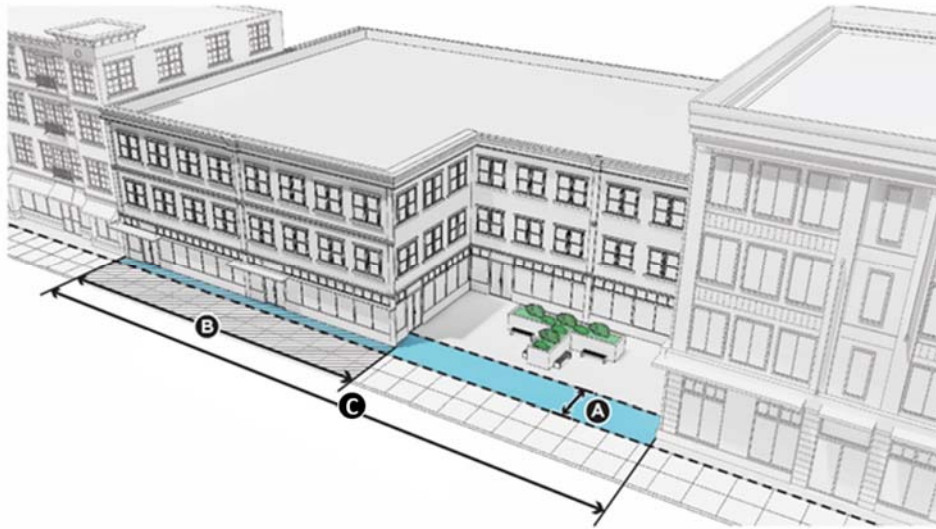


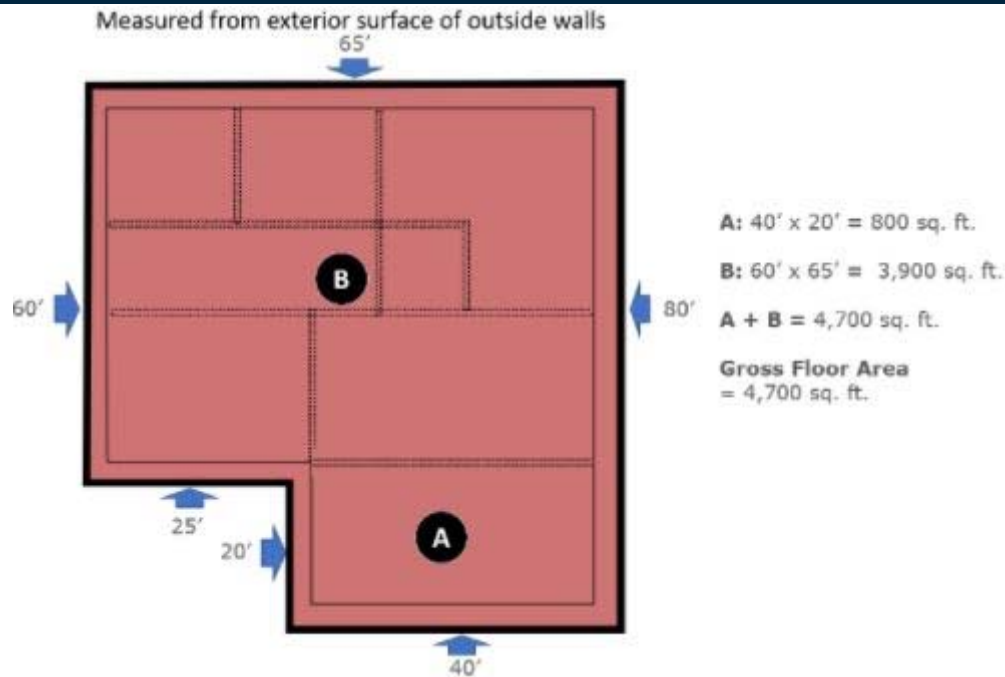
FIGURE NOTES:

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.

ARTICLE 6 PARKING AND DRIVEWAY ACCESS

Contents:

- 6.100 General
- 6.200 Minimum Parking Ratios
- 6.300 Calculation of Required Parking
- 6.400 Parking Exemptions and Reductions
- 6.500 Use of Parking Areas
- 6.600 Location
- 6.700 Design
- 6.800 Pedestrian Circulation
- 6.900 Accessible Parking for People with Disabilities
- 6.1000 Drive-through Facilities
- 6.1100 Driveways
- 6.1200 Loading

6.100 GENERAL

6.101 Purpose

The regulations of this article are intended to help ensure off-street motor vehicle parking facilities are provided in rough proportion to the generalized demands of different land uses. By requiring parking, it is the intent of this article to help avoid the negative impacts associated with spillover parking into adjacent areas, while at the same time avoiding the negative environmental and visual impacts that can result from unnecessarily large parking and vehicular use areas.

6.102 Applicability

6.102.A General

Unless otherwise expressly stated, the regulations of this article apply in all zoning districts.

6.102.B New Uses and Development

Unless otherwise expressly stated, the parking regulations of this article apply to all new buildings constructed and all new uses established.

6.102.C Enlargements and Expansions

1. Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees, or other units of measurement used for establishing off-street parking requirements.
2. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address a lawful, existing parking deficit.

6.102.D Change of Use

When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building, based on the standards of this Development Code. Credit is given to the most recent lawful use of the property for the number of parking spaces that would be required under this Development Code, regardless of whether such spaces are actually provided. A new use is not required to address a lawful, existing parking deficit.

6.102.E **Existing**

Existing off-street parking and loading areas may not be eliminated, reduced or modified below the minimum requirements established in this article.

6.200 MINIMUM PARKING RATIOS

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with Table 6-1.

Table 6-1: Minimum Motor Vehicle Parking Ratios	
USE CATEGORY	Minimum Motor Vehicle Parking Requirement
Subcategory Specific Use	
RESIDENTIAL	
Household Living	
Apartment/condo	1.0 spaces per bedroom
Purpose-Built Shared Housing	Refer to Purpose-Built Shared Housing Design Criteria
All other household living	2 spaces per dwelling unit, with 3 bedrooms or less, plus 1 space for each additional bedroom for dwelling units with more than 3 bedrooms.
Group Living	1 space per 2 beds
PUBLIC, CIVIC AND INSTITUTIONAL	
Aircraft Landing Area	Established in accordance with Sec. 6.307
College or University	Established in accordance with Sec. 6.307
Community Center	1 space per 300 square feet
Governmental Facility	Established in accordance with Sec. 6.307
Fraternal Organization	1 space per 200 square feet
Hospital	1 space per 2 beds
Library	1 space per 300 square feet
Museum or Cultural Facility	1 space per 300 square feet
Natural Resource Preservation	Established in accordance with Sec. 6.307
Parks and Recreation	Established in accordance with Sec. 6.307
Religious Assembly	0.25 spaces per seat in main assembly area
Safety Service	Established in accordance with Sec. 6.307
School	
Elementary and Junior High	2 spaces per classroom

Table 6-1: Minimum Motor Vehicle Parking Ratios	
USE CATEGORY	Minimum Motor Vehicle Parking Requirement
Subcategory Specific Use	
Senior High	10 spaces per classroom
Utilities and Public Service Facility	
Minor	None
Major	Established in accordance with Sec. 6.307
Wireless Communications	
Freestanding tower	None
Building or tower-mounted antenna	None
COMMERCIAL	
Animal Service	1 space per 250 square feet
Assembly and Entertainment	1 space per 4 seats
Commercial Service	
Personal Service	1 space per 250 square feet
All other commercial service uses	1 space per 300 square feet
Day Care	1 space per employee + 1 drop-off/pick-up space per 1,000 square feet, with no more than 10 spaces required
Eating Establishment	1 space per 150 square feet
Financial Service	1 space per 250 square feet
Funeral or Mortuary Service	1 space per 4 seats
Lodging	
Recreational Vehicle Park	1 space per camping or RV space
All other Lodging Uses	1 space per room
Mobile Food Vendor	3 spaces per vendor plus required parking for all uses occurring on site plus one space per each employee on site
Mobile Food Vendor Court	2.5 spaces per vendor plus required parking for all uses/activities occurring on site (including entertainment) plus one space per each employee on site
Office	
Medical	1 space per 250 square feet
All other office uses	1 space per 300 square feet
Retail Sales	1 space per 250 square feet
Self-service Storage Facility	1 space per 10 storage spaces
Trade School	1 space per 300 square feet
Vehicle Sales and Service	2 spaces per fuel pump + 4 spaces per service bay
INDUSTRIAL	
Mining/Extraction	1 space per employee
Recycling Facility	
Recyclable Material Drop-off Facility	3 spaces

Table 6-1: Minimum Motor Vehicle Parking Ratios	
USE CATEGORY	Minimum Motor Vehicle Parking Requirement
Subcategory Specific Use	
Recyclable Material Processing Facility	1 space per 1,000 square feet
Wholesale, Distribution & Storage	
Wholesale, Distribution and Storage (Indoor)	1 space per 1,000 square feet
All Other Wholesale, Distribution and Storage	1 space per 1,000 square feet
All Other Industrial Uses	1 space per 1,000 square feet
AGRICULTURE	
Farming/General Agriculture	None
Community Garden	None

6.300 CALCULATION OF REQUIRED PARKING

The following rules apply when calculating the required number of off-street parking spaces:

6.301 Multiple Uses

Unless otherwise expressly allowed in accordance with the shared parking regulations of Sec. 6.402, lots containing more than one principal use must provide parking in an amount equal to the total of the requirements for all principal uses on the lot.

6.302 Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half (0.5) is rounded down to the next lower whole number, and any fraction of one-half (0.5) or more is rounded up to the next higher whole number.

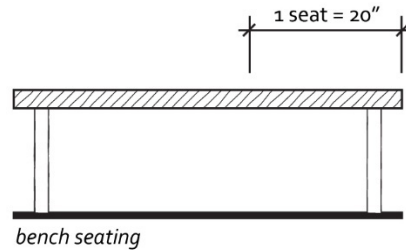
6.303 Area Measurements

Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed based on the sum of the gross horizontal areas of a building devoted to a use requiring off-street parking. The following areas are not counted as floor area for the purpose of calculating off-street parking and loading requirements: floor space devoted primarily to the housing of mechanical or electrical equipment, elevator shafts, stairwells, storage (except as otherwise noted), commercial kitchen areas, ramps, aisles, and maneuvering space devoted to off-street parking or loading facilities, or basement floor space unless the basement area is devoted to merchandising activities, the production or processing of goods, business or professional offices or residential dwelling units.

6.304 Bench Seating

Each 20 inches of seating area in bleachers, pews or similar bench-seating arrangement counts as one seat for the purpose of calculating seating-based parking requirements. See Figure 6-1.

Figure 6-1: Bench Seating Measurement



6.305 Occupancy- or Capacity-based Standards

For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on occupancy standards established by the building code.

6.306 Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Building Official is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with § 6.307.

6.307 Establishment of Other Parking Ratios

The Building Official is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios may be established on the basis of a similar use/parking determination (as described in Sec. 6.306), on parking data provided by the applicant or information otherwise available to the Building Official. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations (e.g., Institute of Transportation Engineers (ITE) or American Planning Association [APA]). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

6.400 PARKING EXEMPTIONS AND REDUCTIONS

6.401 Downtown District

Off-street parking is not required for buildings that were in existence in the D zoning district on or before January 1, 1978. After January 1, 1978, new buildings and building expansions in the D district must provide off-street parking as required by Sec. 6.200 unless the minimum number of off-street parking spaces required to serve the new building or building expansion is 10 or fewer spaces, in which case no off-street parking is required.

6.402 Shared Parking

6.402.A Purpose

Sharing parking among different users can result in overall reductions in the amount of motor vehicle parking required. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

6.402.B **Applicability**

Shared parking facilities are allowed for mixed-use projects and for multiple uses with different periods of peak parking demand, subject to approval by the Building Official. Required residential parking and accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.

6.402.C **Methodology**

The number of parking spaces required under a shared parking arrangement must be determined in accordance with the following:

1. Multiply the minimum parking required for each individual use, as set forth in [Table 6-1](#) by the percentage identified for each of the 6 designated time periods in Table 6-2.
2. Add the resulting sums for each of the 6 columns.
3. The minimum shared parking requirement is the highest sum among the 6 columns resulting from the above calculations.
4. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

Table 6-2: Shared Parking Calculations						
Land Use	Weekday			Weekend		
	Midnight–7:00 a.m.	7:00 a.m. – 6:00 p.m.	6 p.m. – Midnight	Midnight–7:00 a.m.	7:00 a.m.– 6:00 p.m.	6 p.m. – Midnight
Office and Industrial	5%	100%	10%	0%	60%	5%
Lodging	100%	60%	90%	100%	65%	80%
Eating and Drinking	50%	70%	100%	45%	70%	100%
Religious Assembly	0%	10%	30%	0%	100%	30%
Assembly & Entertain.	10%	50%	100%	5%	80%	100%
Retail & Comm. Service	5%	70%	90%	0%	100%	60%

6.402.D **Other uses**

If one or more of the land uses proposing to make use of shared parking arrangement do not conform to the land use classifications in Table 6-2, as determined by the Building Official, then the applicant must submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Building Official is authorized to determine the appropriate shared parking requirement, if any, for such uses.

6.402.E **Alternative Methodology**

As an alternative to the shared parking methodology established in §6.402.C, the Building Official is authorized to approve shared parking calculations based on the latest edition of the Urban Land Institute's or the Institute of Transportation Engineer's shared parking model or based on studies prepared by professional transportation Planner or traffic engineer. The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.

6.402.F **Location**

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of Sec. 6.602.

6.402.G **Shared Parking Agreement**

The owners of uses proposing to make use of shared parking areas to satisfy minimum parking requirements must submit a shared parking agreement, in a form approved by the City Attorney, guaranteeing the long-term availability of the shared parking, commensurate with the use served by the parking. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article. Shared parking agreements must be recorded in the Walker County's clerk's office.

6.403 **Motorcycle Parking**

In parking lots containing over 20 motor vehicle parking spaces, motorcycle or scooter parking may be substituted for up to 5 automobile parking spaces or 5% of required motor vehicle parking, whichever is less. For every 4 motorcycle or scooter parking spaces provided, the motor vehicle parking requirement is reduced by one space. Each motorcycle and scooter space must have minimum dimensions of 4 feet by 8 feet.

6.500 USE OF PARKING AREAS

6.501 Required off-street parking facilities may be used only for the temporary parking of licensed passenger motor vehicles by residents, tenants, patrons, employees, or guests of the principal use. Off-street parking spaces required by this Development Code must be maintained for the life of the principal use.

6.502 Off-street parking facilities may not be used for the parking of vehicles for the purpose of displaying the same for sale unless the principal use of the property on which the parking facility is located is the business of selling or leasing used or new vehicles. This provision is not intended to prohibit an owner or occupant of residential dwelling unit from selling a personal vehicle.

6.503 No vehicle repair or service of any kind shall be permitted in conjunction with off-street parking facilities in a residential district, except for minor repairs or service on vehicles owned by an occupant or resident of the premises.

6.600 LOCATION

6.601 **General**

Except as otherwise expressly stated in this Development Code, required off-street parking spaces must be located on the same lot and under the same control as the building or use they are required to serve.

6.602 **Off-Site Parking**

6.602.A **When Allowed**

All or a portion of required off-street parking for nonresidential use may be provided off-site, in accordance with the regulations of this section.

1. Required accessible parking spaces and parking required for residential uses may not be located off site.
2. No more than 50% percent of the off-street parking spaces required for theaters, bowling alleys, dance halls, nightclubs, restaurants, or similar uses may be located off site.
3. No more than 80% of the off-street parking spaces required for a church, school auditorium or similar use may be located off-site.

6.602.B **Location**

Off-site parking areas must be located within a 500-foot radius of the use served by such parking, measured between the main entrance of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in districts that permit the principal use to be served by the off-site parking spaces.

6.602.C **Design**

Off-site parking areas must comply with all applicable parking area design and landscape regulations of this Development Code.

6.602.D **Control of Off-Site Parking Area**

The off-site parking area may be under separate ownership from the use to be served by the parking only if an agreement is provided, in a form approved by the City Attorney, guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article. Off-site parking agreements must be recorded in the Walker County's clerk's office.

6.700 DESIGN

6.701 **Surfacing**

All required outdoor parking spaces must be properly designed and improved with a compacted stone base and surfaced with asphalt, concrete, or other comparable all-weather, dust-free material approved by the City Planner.

6.702 **Wheel Stops**

In all parking lots containing 5 or more parking spaces, wheel stops must be installed where necessary to prohibit vehicle overhang onto adjacent pedestrian ways or landscape areas.

6.703 **Driveway Access**

See Sec. 6.1100.

6.704 **Landscaping**

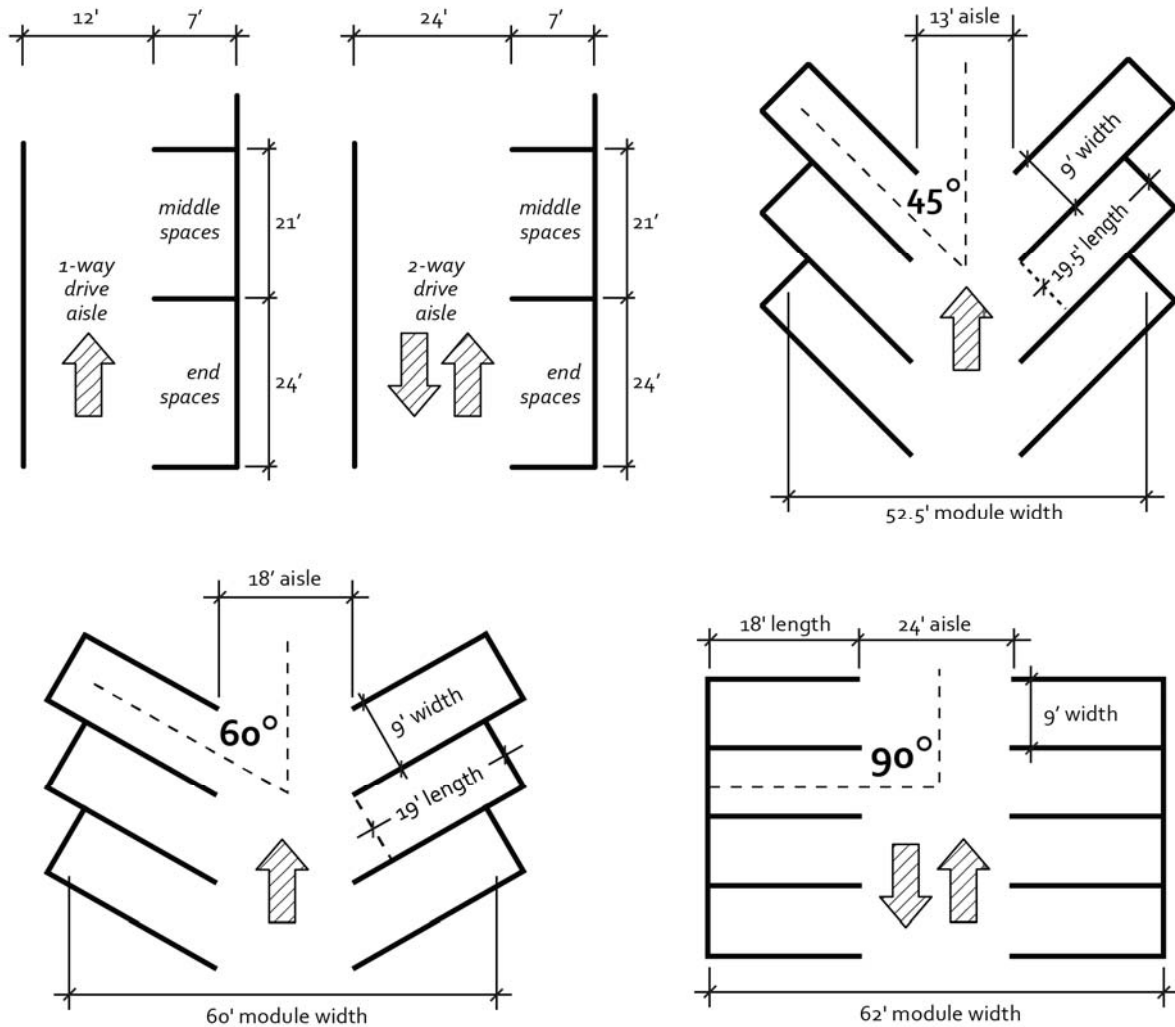
See [Article 7](#).

6.705 **Stall Sizes and Parking Lot Geometrics**

Off-street parking areas must be designed to allow all vehicle maneuvers such as backing, parking and vehicle turning to take place on the lot. The dimensions of parking stalls and drive aisles must comply with the regulations of Table 6-3. Accessible parking spaces (for people with disabilities) are subject to the regulations of Sec. [6.900](#).

Table 6-3: Parking Area Dimensions				
	Angle of Paring			
	0° (Parallel)	45°	60°	90°
Stall Width (feet)	7	9	9	9
Stall Length (feet)	21 (middle), 24 (ends)	19.5	19	18
Aisle Width (feet)	12 (one-way), 24 (two-way)	13	18	24
Module Width (feet)	NA	52.5	60	62
Note: Dimensions are measured from the centerline of the stripe delineating the space.				

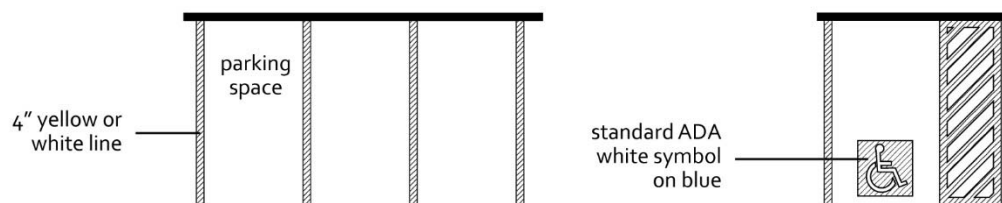
Figure 6-2: Parking Area Layout/Dimensions



6.706 Striping

In all parking lots containing 5 or more parking spaces, striping consisting of parallel lines, 4 inches in width must be provided for each parking space. Striping must be yellow or white. Accessible parking spaces must be painted in accordance with the [Texas Accessibility Standards](#). See Figure 6-3.

Figure 6-3: Parking Lot Markings



6.707 Fire Lane Markings

Fire lanes must be marked in accordance with the fire code.

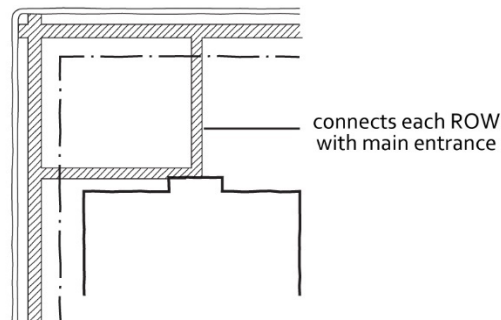
6.800 PEDESTRIAN CIRCULATION

An on-site circulation system for pedestrian and non-motorized travel must be provided in accordance with the requirements of this section. These pedestrian circulation requirements do not apply to lots occupied by detached houses, two-unit houses or attached houses.

6.801 Connection to the Street

The on-site pedestrian circulation system must connect all adjacent public rights-of-way to the main building entrance. The connection must follow a direct route and not involve significant out-of-direction travel for system users. See Figure 6-4.

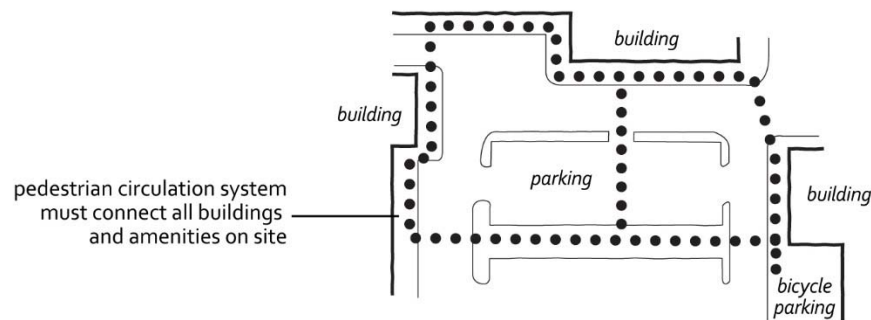
Figure 6-4: Connecting Building Entrances to Street



6.802 Internal Connections

The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians and non-motorized travel, such as parking areas, bicycle parking, recreation areas, plazas and similar amenity features. See Figure 6-5.

Figure 6-5: Internal Site Connections



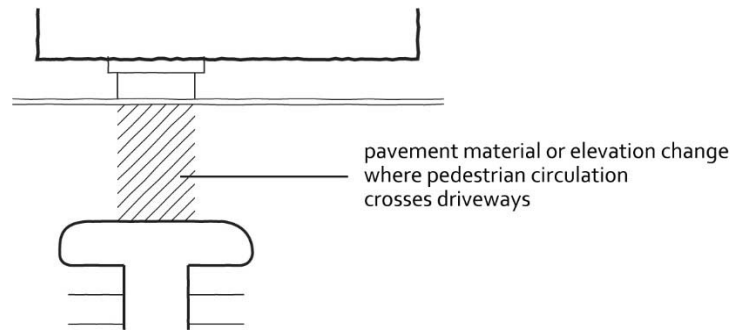
6.803 Design

Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:

- 6.803.A The on-site pedestrian circulation system must be hard-surfaced, with a dust-free material and be at least 5 feet in width.
- 6.803.B When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of

elevation changes, a different paving material or other equally effective methods. Striping does not meet this requirement. See Figure 6-6.

Figure 6-6: Driveway Crossing



- 6.803.C When the on-site pedestrian circulation system is parallel and adjacent to a motor vehicle travel lane, it must be a raised path at least 6 inches above the vehicle travel lane surface or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
- 6.803.D The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting must be at a height appropriate for a pedestrian pathway system.

6.900 ACCESSIBLE PARKING FOR PEOPLE WITH DISABILITIES

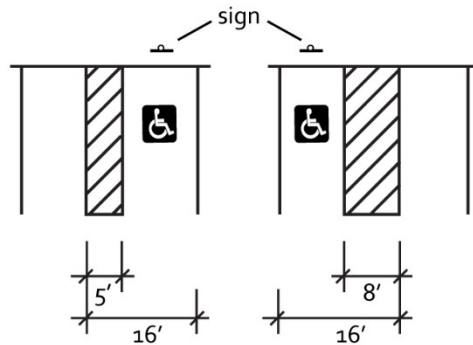
- 6.901 The number, location and design of accessible parking spaces for people with disabilities must be provided in accordance with this section and the [Texas Accessibility Standards](#).
- 6.902 Accessible spaces must be provided in accordance with Table 6-4.

Table 6-4: Minimum Accessible Parking Space Ratios	
Total Off-Street Parking Spaces Provided	Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

- 6.903 Accessible parking spaces count towards the total number of parking spaces required.
- 6.904 Each accessible parking space, except on-street spaces, must be at least 16 feet in width, with either an 8-foot or 5-foot wide diagonally striped access aisle. The access aisle may be

located on either side of the vehicle portion of the accessible space. Abutting accessible parking spaces may not share a common access aisle. See Figure 6-7.

Figure 6-7: Accessible Parking Spaces



- 6.905 Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
- 6.906 The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.

6.1000 DRIVE-THROUGH FACILITIES

6.1001 Purpose

These regulations of this section are intended to help ensure that

- 6.1004.A There is adequate on-site maneuvering and circulation area for vehicles and pedestrians;
- 6.1004.B Vehicles awaiting service do not impede traffic on abutting streets; and
- 6.1004.C Impacts on surrounding uses are minimized.

6.1002 Applicability

The regulations apply to new developments, the addition of drive-through facilities to existing developments and the relocation of existing drive-through facilities.

6.1003 Stacking Spaces Required

Stacking lanes must be provided in accordance with the minimum requirements of Table 6-5.

Table 6-5: Stacking Space Requirements	
Use	Minimum Number of Stacking Spaces Required
Bank/financial institution	4 spaces per drive-through lane
Car wash	2 spaces per approach lane, plus 2 drying spaces at end of bay
Vehicle repair/maintenance	2 per service bay
Gasoline pump	2 spaces per pump per side
Restaurant	6 total spaces, with at least 3 spaces between order and pick-up station
Other	3 spaces per lane, ordering station or machine

6.1004 **Stacking Lane Dimensions, Design and Layout**

6.1004.A Stacking lanes must be designed so that they do not interfere with parking movements or safe pedestrian circulation. Stacking lanes must have a minimum width of 9 feet.

6.1004.B All stacking lanes must be clearly identified, through such means as striping, landscaping, pavement design, curbing and/or signs.

6.1005 **Setbacks**

Stacking lanes must be set back at least 50 feet from any abutting RU, LR, and MR districts.

6.1006 **Noise**

Sound attenuation walls, landscaping or other mitigation measures must be provided to ensure that drive-through facilities will not have adverse noise-related impacts on nearby residential uses.

6.1100 DRIVEWAYS

6.1101 **Applicability**

All new, expanded, upgraded and reconstructed driveways are subject to the regulations of this section

6.1102 **Street Access**

Driveways are allowed to take access only to streets where full street improvements exist and are maintained as public streets by the City, provided that low-volume (residential) driveways may take access to public lanes, alleys or other accepted public access facilities in existence before June 10, 1986.

6.1103 **Permits Required**

No driveway may be constructed, expanded, upgraded and reconstructed until a driveway permit is obtained from the Building Official.

6.1104 **Driveway Location**

The location of driveways is based on many factors, including the location of individual property lines and available street frontage, requirements of internal site design, the number of vehicles expected to use the driveways, and traffic safety. Generally, the farther from an intersection that a driveway can be located, the less it will affect traffic safety, through traffic and the less delay it will cause to vehicles using the driveway.

6.1105.A All driveways must be located so as not to interfere with pedestrian crosswalks and to safely accommodate non-motorized traffic.

6.1105.B Low-volume (residential) driveway approaches must be located entirely within the frontage of the lot and set back at least 5 feet from any side property line, except as allowed by §6.1105.B.

6.1105.C High-volume driveway approaches must be located entirely within the frontage of the lot and set back at least 10 feet from any side property line. This location restriction does not apply to joint-access driveways governed by a permanent joint-access agreement among the respective property owners either through platting or a mutual access easement.

6.1105.D The location of other driveways on the opposite side of the street must be taken into consideration when locating a proposed driveway. Whenever possible, driveways on opposite sides of the street must be aligned to reduce adverse effects on through traffic and to optimize efficiencies of the driveway.

Driveways directly opposite each other are preferable to staggered driveways. Where it is not possible to place driveways directly opposite each other, a driveway must be placed so that adequate left-turn storage capacity is provided ahead of each driveway to avoid the overlap of left-turn movements.

- 6.1105.E Driveways must be set back at least 3 feet from any obstruction, such as a street light or utility pole, fire hydrant, traffic signal controller, telephone junction box, etc

6.1105 **Number of Driveways per Lot**

- 6.1105.A The maximum number of driveways per lot may not exceed the limits established in Table 6-6, except as stated in §6.1105.B.

Table 6-6: Maximum Number of Driveways per Lot		
Street Type	Street Frontage (feet)	Permitted Driveways
Local	< 100	1
	101–200	2
	Over 200	1 per additional 100 feet
Collector	< 100	1
	100–250	2
	Over 250	1 per additional 200 feet
Arterial	< 100	1
	100–300	2
	Over 300	1 per additional 300 feet

- 6.1105.B When the owners of abutting lots agree to permanently combine driveway access points, the total street frontage required will be reduced by 15% for each lot. In addition, if the agreement also includes a shared parking agreement, the required number of parking spaces may be reduced by 15% for each development.

6.1102 **Driveway Design and Construction**

6.1106.A **Width**

Driveway entrance widths must be designed and constructed to accommodate all vehicle types that will be entering the lot, including delivery vehicles. Minimum and maximum driveways widths are established in Table 6-7.

Table 6-7: Driveway Widths				
	Low-Volume Driveways	High-Volume Driveways		
		1-way Entrance	1-way Exit	2-way entrance/exit
Minimum Width (feet)	12	20	20	25
Maximum Width (feet)	24	24	24	32

Figure 6-8: Low-volume Driveway Width

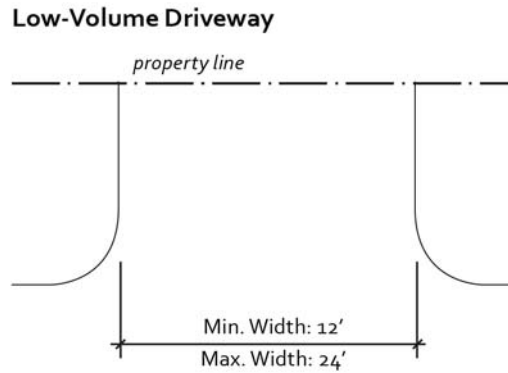
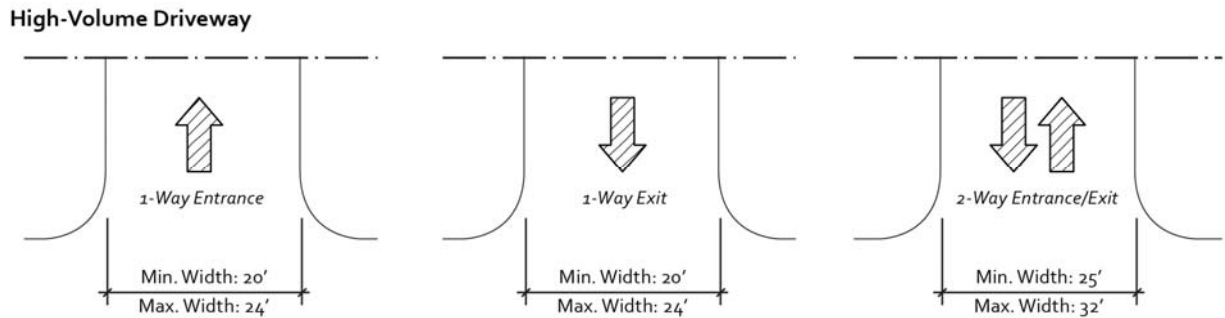


Figure 6-9: High-volume Driveway Width

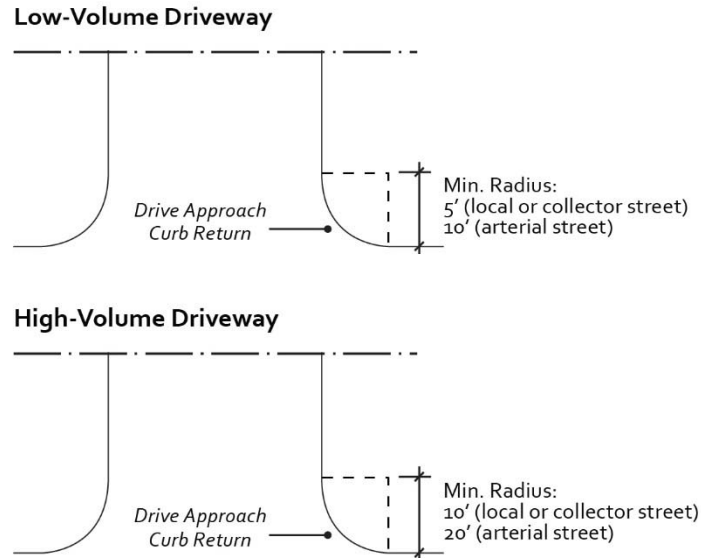


6.1106.B Curb Return Radii

Driveway curb return radii must be designed and constructed according to the type of driveway and the classification of street, as established in Table 6-8.

Table 6-8: Driveway Curb Return Radii		
Street Classification	Low-Volume Driveway (feet)	High-Volume Driveway (feet)
Local	5	10
Collector	5	10
Arterial	10	20

Figure 6-10: Driveway Curb Returns



6.1106.C Deceleration Lanes

Tapered or channelized deceleration lanes for vehicles turning right into high-volume or intersection type driveways may be required on arterial streets. Where such lanes are deemed necessary by the City Engineer, additional right-of-way may also be required.

6.1106.D One-Way Driveways Encouraged

The use of one-way driveways, supported by an appropriate internal circulation system, is encouraged so that entrances and exits can be separate driveways. This will promote smoother traffic flow into and out of the driveways and reduce traffic congestion in through lanes on the street.

6.1106.E Special Designs

When deemed necessary for the safe and efficient movement of traffic, the City Engineer is authorized to require that special design techniques be employed to restrict or limit turning movements into or out of a driveway.

Figure 6-11: Right-in, Right-out Driveway Design

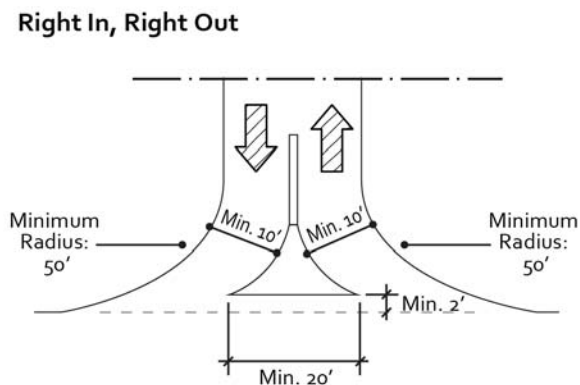


Figure 6-12: Right-in, Right-out, Left-in Driveway Design

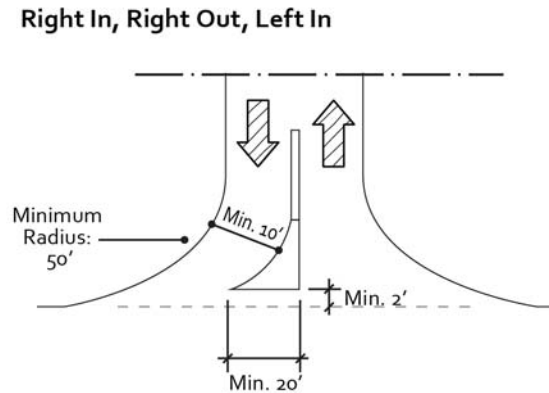
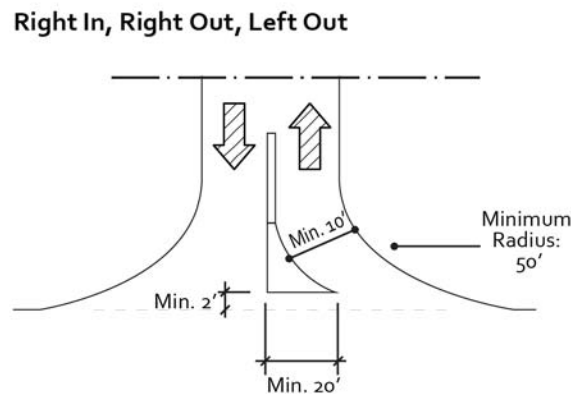


Figure 6-13: Right-in, Right-out, Left-out Driveway Design



6.1106.F Fueling Stations

Sites that include fuel pumps parallel to the street are subject to the following additional regulations:

1. A minimum corner clearance of 35 feet is required, as measured from the point of intersecting right-of-way lines to the point of tangency of the curb return radii leading to the driveway approach. The point of tangency of the curblane corner radius and that of the curb return radius of the driveway approach is not compounded.
2. The spacing between driveway approaches within the same property lines must be at least 25 feet of tangent curb length.
3. A distance between the fuel pump, island and the right-of-way or property line must be at least 25 feet.

6.1107 Spacing of High-Volume Driveways

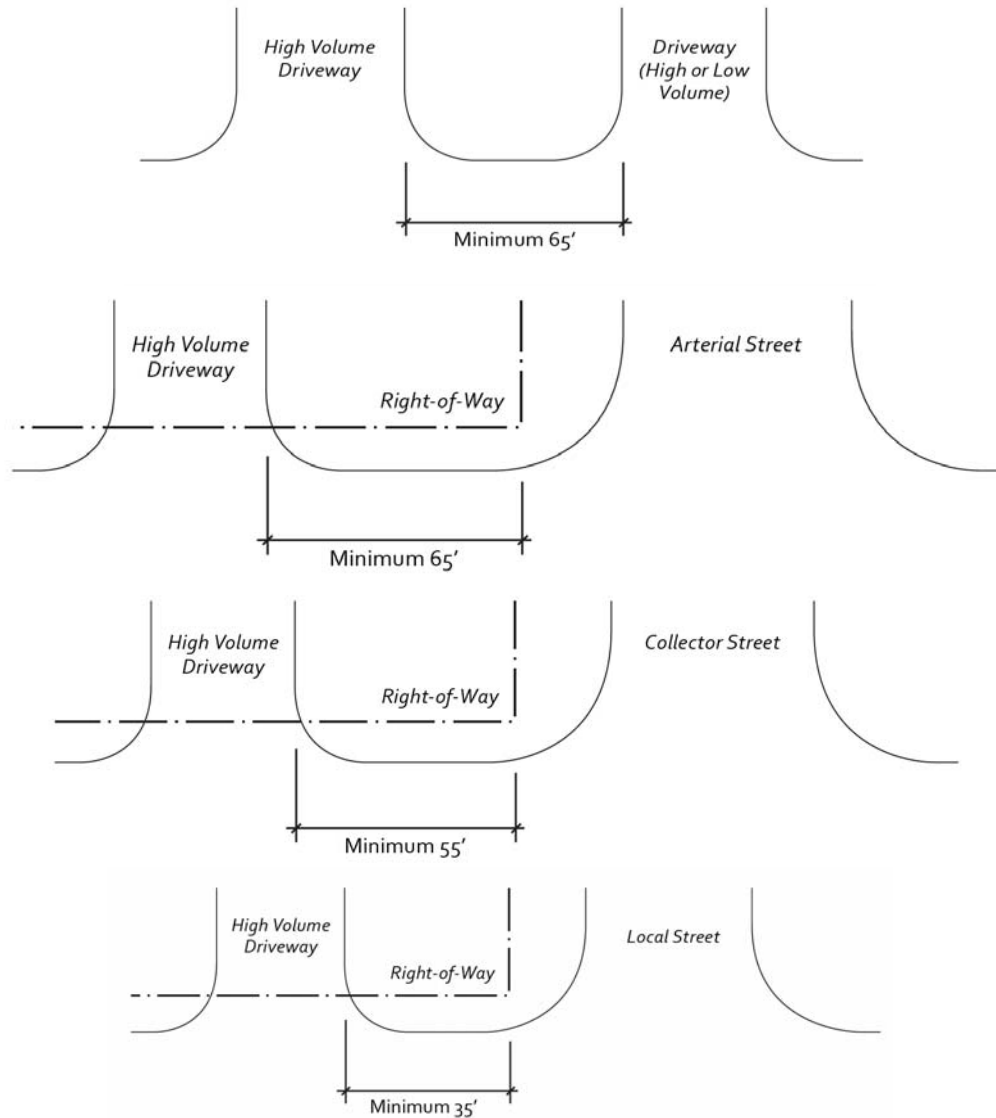
6.1107.A High-volume driveways must be separated from other (high-volume and low-volume) driveways by a minimum distance of 20 feet.

6.1107.B High-volume driveways must be separated from intersecting street rights-of-way in accordance with the following minimum requirements:

1. Driveway spacing from intersecting arterial street ROW: 65 feet
2. Driveway spacing from intersecting collector street ROW: 55 feet

3. Driveway spacing from intersecting local street ROW: 35 feet

Figure 6-14: Required Spacing of High-volume Driveways



6.1108 Sight Distance Requirements

Driveways must comply with the intersection sight distance requirements of §10.407.D.

6.1109 Additional Safety-related Access Restrictions

The City Engineer is authorized to restrict or prohibit access to public streets when any of the conditions described below compromise the safety or mobility of motorized or nonmotorized travelers.

6.1110.A Backing Maneuvers

Access may be denied for parking or loading areas that require backing maneuvers in a public street right-of-way except for detached houses or two-unit houses on local streets.

6.1110.B Signalized Intersections

Access drives within the area of intersection of public streets where traffic signals are installed, or are anticipated to be installed in the future are prohibited.

6.1110.C **Provision of Access**

If a lot has frontage on more than one street, access will be allowed only on those street frontages where driveway regulations can be met. If a lot cannot be served by any access point meeting these regulations, the City Engineer is authorized to designate an allowed access based on traffic safety, operational needs and conformance to as many of the applicable driveway requirements as possible.

6.1110.D **State Highway Access**

Driveway openings on to state highways require approval of the Texas Department of Transportation.

6.11010 **Driveway Construction**

The portion of the driveway approach within the street right-of-way must be paved with concrete or asphalt, as follows:

6.1110.A **Apartment/Condo, Commercial, or Industrial**

All pavement must be concrete.

6.1110.B **Residential (other than Apartment/Condo)**

All driveway pavement abutting curb and gutter streets must be concrete. Driveway pavement abutting on non-curb and guttered streets may be concrete or asphalt or may be addressed as follows:

6.1110.C Property owners developing apartment/condo, commercial or industrial driveways located on non-curbed and guttered streets are responsible for all culvert installations.

6.1110.D Residential driveways taking access to non-curbed and guttered streets within the City limits will be provided culverts by the City. The City will charge the property owner its actual material and installation costs.

6.11011 **Maintenance of Driveway Approaches**

For driveway approaches and associated appurtenances used for ingress and/or egress to the property abutting, it is the duty of the subject property owner to maintain the driveway approach and associated appurtenances in accordance with City standards and specifications.

6.1200 LOADING

Any use that regularly receives or distributes materials or merchandise by truck must provide off-street loading spaces in accordance with the regulations of this section.

6.1201 **Minimum Ratios**

Off-street loading spaces must be provided in accordance with Table 6-9.

Table 6-9: Off-street Loading Requirements	
Use Type	Minimum Loading Spaces Required
Public, Civic, Institutional, Commercial and Industrial	
Under 25,000 square feet	None
25,000–49,999 square feet	1 space
50,000+	1 space per 50,000 square

6.1202 Design and Location

- 6.1202.A Off-street loading spaces must be at least 12 feet in width and 35 feet in length unless off-street loading will involve the use of vehicles in excess of 35 feet in length, in which case the minimum size of a loading space is 12 feet by 55 feet. All loading spaces must have a minimum vertical clearance of 14 feet.
- 6.1202.B All loading spaces must include sufficient maneuvering space to prevent interference with pedestrian or vehicular circulation on the subject site and on public streets and sidewalks, as determined by the City Engineer.
- 6.1202.C All loading spaces must be located on the subject lot, provided that the City Planner is authorized to approve central off-street loading spaces for a group of contiguous lots as a substitute for loading berths on individual lots if the following conditions are met:
1. Each lot served must have direct access to the central loading area without at-grade crossings streets or alleys; and
 2. No lot served may be more than 500 feet from the central loading area.
- 6.1202.D All loading spaces for semi-tractor trailer combinations must be set back at least 50 feet from all residential districts. Loading spaces may be located within 50 feet of a residential district if completely enclosed by a solid wall at least 6 feet in height.
- 6.1202.E All off-street loading areas must be properly designed and improved with a compacted stone base and an all-weather, dust-free surface, generally asphalt or concrete.
- 6.1202.F Plans for the location, design and construction of all loading areas are subject to approval by the City Planner.
- 6.1202.G Loading spaces may not be used to satisfy off-street parking requirements or for the conduct of vehicle repair or service work of any kind.

ARTICLE 7 LANDSCAPING AND BUFFERS

Contents:

7.100 General

7.200 Minimum Landscaping

7.300 Distribution of Required Landscaping

7.400 Credits and Incentives

7.500 Buffers

7.600 Garbage and Recycling Dumpsters

7.700 Landscape Planting Areas and Maintenance Requirements

7.800 Trees in Public Rights-of-way

7.900 Tree Preservation

7.1000 Inspections, Permits, and Fees

7.1100 Regulations and Restrictions

7.1200 Development Standards

7.1300 Enforcement for Violations

7.100 GENERAL

7.101 Purpose

The landscaping and buffer regulations of this article establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this Development Code and to help:

- 7.102.A Maintain and enhance the City's appearance;
- 7.102.B Mitigate possible adverse impacts of higher intensity land uses that are established near lower intensity land uses;
- 7.102.C Reduce the impacts of noise and glare.
- 7.102.D Maintain and improve air quality;
- 7.102.E Protect water quality and reduce the negative impacts of stormwater runoff by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;
- 7.102.F Moderate heat by providing shade;
- 7.102.G Ensure wise use of water resources; and
- 7.102.H Encourage preservation of existing trees and landscaping.

7.102 General Exemption

The following are exempt from the landscaping and screening regulations of this article:

- 7.102.A Agricultural uses;
- 7.102.B Public parks and open spaces;
- 7.102.C Detached houses and duplexes, except that the Residential Planting Requirements of Article 7.305 shall be provided for; and
- 7.102.D Lots within the Downtown (D) zoning district.

7.200 MINIMUM LANDSCAPING

7.201 New Buildings and Developments

Minimum landscaping requirements for new buildings and developments are as follows:

- 7.201.A In the GR zoning district, at least 10% percent of the total lot area must be devoted to landscape development.
- 7.201.B In the MU and PI zoning districts, at least 15% of the total lot area must be devoted to landscape development.
- 7.201.C In the IN zoning district, at least 5% of the total lot area must be devoted to landscape development.
- 7.201.D In all other zoning districts, no landscape development must be provided.
- 7.201.E At least 18 diameter inches of canopy trees must be provided per acre of total lot area.

Commentary: The size of existing (planted) trees is measured as "diameter at breast height (DBH)". "Caliper" size is used to measure trees to be planted.

- 7.201.C Non-canopy trees and shrubs must be provided in at least 10% of the required landscape development.

7.202 Additions to Existing Buildings and Developments

- 7.202.A When an existing building or development is expanded to include additional floor area, landscaping must be provided in proportion to the amount of expansion, as follows:

$$\frac{\text{(gross floor area new)}}{\text{(gross floor area new + existing)}} \times \begin{array}{l} \text{landscaping required for} \\ \text{new buildings and} \\ \text{developments per Sec.} \\ 7.201 \end{array} = \begin{array}{l} \text{landscaping required for expansion} \\ \text{of existing building/development} \end{array}$$

- 7.202.B Nothing in this article is to be construed as requiring an owner that expands an existing building to landscape more than 10% percent of the site.

7.300 DISTRIBUTION OF REQUIRED LANDSCAPING

Landscaping required under Sec. 7.200 must be distributed in accordance with the requirements of this section.

7.301 Adjacent to Building

- 7.301.A The minimum amount of landscape development that must be provided adjacent to buildings is calculated as follows:

$$\frac{\text{Building area (sq. ft.)}}{\text{Lot area (sq. ft.)}} \times \begin{array}{l} 10\% \text{ of lot} \\ \text{area} \end{array} = \begin{array}{l} \text{Minimum landscape development adjacent to} \\ \text{building} \end{array}$$

- 7.301.B Landscaping required adjacent to buildings must be located between the street-facing building façade and the abutting street right-of-way and within 50 feet of the street-facing building façade.

7.302 Parking Lots (Perimeter and Interior)

The minimum amount of landscape development that must be provided within (interior) and around (perimeter) off-street parking lot is calculated as follows:

$$\frac{\text{Parking lot area (sq. ft.)}}{\text{Lot area (sq. ft.)}} \times 20\% \text{ of lot area} = \text{Minimum required landscape development interior to parking area}$$

7.303 **Other Areas**

After satisfying the minimum requirements for areas adjacent to buildings and within and around parking lots, the remaining landscaping requirements must be dispersed in remaining areas of development.

7.304 **Waivers for Tree Preservation**

In order to preserve existing trees, the City Planner is authorized to waive the landscape development distribution requirements for up to 50% of the canopy trees required by §7.201.B, provided that the planting and tree protection areas comply with Sec. 7.402.

7.305 **Residential Planting Requirements**

The minimum planting requirement for new single-family dwellings, Duplexes and Townhouses is two (2) Protected Trees per residential unit, one of which must be located in the front setback of the lot.

7.400 CREDITS AND INCENTIVES

7.401 **Landscape Development within Setbacks**

Landscape development provided within street setback areas are given double credit towards meeting the minimum landscaping requirements of Sec. 7.200.

7.402 **Preservation of Existing Trees**

The City Planner is authorized to reduce the minimum landscaping requirements of Sec. 7.200 to 7.5% in accordance with the following tree preservation and credit provisions:

7.403.A Existing trees are given credit against minimum landscaping requirements, as follows:

1. For preservation of existing trees with a diameter at breast height of 12 inches or more, each diameter inch of preserved tree may be credited as 20 square feet of landscaped development.
2. For preservation of existing trees with a diameter at breast height of more than 3 inches but less than 12 inches, each diameter inch of preserved tree may be credited as 10 square feet of landscaped development.
3. Trees with a diameter at breast height of 3 inches or less may be counted towards satisfying tree planting requirements but are not given additional credit towards satisfying landscaped development requirements.

7.403.B The tree preservation credits of this section are in addition to the planting area in which the tree is contained, provided that:

1. No tree may be given credit unless it is in a planting area whose least dimension is the radius of the crown spread of the tree measured from the trunk center, unless a landscape architect or arborist certifies in writing that the proposed planting area is sufficient to ensure the tree's long-term health.

2. Any tree credits given must be revoked and disallowed if, during development and construction, the owner, contractor or any of their agents or employees, place solvent, materials, construction machinery, or temporary soil deposits within 6 feet, or the radius of the subject tree's crown spread, whichever is greater.

7.403 **Landscaping in Lieu of Off-Street Parking**

- 7.403.A The City Planner is authorized to reduce minimum off-street parking requirements by up to 10% or 1 space, whichever is greater, in order to accommodate minimum parking lot landscaping requirements.
- 7.403.B The City Planner is also authorized to reduce minimum off-street parking requirements by up to 10% or 1 space, whichever is greater, for developments that exceed minimum landscaping requirements, provided that at least one additional 3-inch caliper tree is provided for every parking space eliminated.

7.500 BUFFERS

7.501 **Purpose**

Buffers are intended to mitigate the possible adverse effects (e.g., noise, lighting, and other site-related and operational impacts) that can occur when higher intensity development occurs abutting low-density, detached house residential areas.

7.502 **Applicability**

- 7.504.A Buffers are required when any nonresidential development occurs on parcels that abut RU, LR, and MR zoning districts or lots occupied by detached houses.
- 7.504.B Buffers are required when any apartment/condo or group living use is developed on lots that abut a RU, LR, and MR district or a lot occupied by detached houses.
- 7.504.C The buffer requirements of this section are triggered when new development occurs or when existing uses or buildings are expanded by more than 10% of their existing gross floor area.

7.503 **Standards**

- 7.504.A **Location** Removal of existing vegetative buffers adjacent to lots occupied by detached homes is prohibited. A minimum of ten feet (10') of existing vegetative buffer must be retained.

Buffers must be provided along the entire property line that abuts the RU, LR, and MR district or lot occupied by a detached house. Buffers may not be located on any existing, dedicated, or reserved public or private street or right-of-way.

7.504.B **Options**

Either of the following options may be used to satisfy the buffer requirements of this section:

1. **Landscape Buffer**

Provide a landscape development area at least 8 feet in width with at least 3 evergreen shrubs per 10 linear feet of buffer area, plus at least one tree per 30 linear feet of buffer area. Required shrubs must be at least 18 inches in height upon planting and at least 4 feet in height at maturity. Required trees must be at least 10 feet in height at maturity.

2. **Fence or Wall**

Provide a 6-foot solid wall or fence along the property line and at least one tree per 30 linear feet of fence or wall. Required trees and landscaping must be placed inside the fence or wall.

7.504 Use of Buffers

- 7.504.A Required buffers may be used for nonmotorized trails and passive recreation uses, provided that:
1. No plant material is eliminated.
 2. The total width of the buffer is maintained.
 3. All other regulations of the Code are met.
- 7.504.B With written permission of the City, a required buffer may include a stormwater detention area.
- 7.504.C Buffers may not be used for any of the following: playfields, stables, swimming pools, tennis courts, or similar active recreation uses.

7.600 GARBAGE AND RECYCLING DUMPSTERS

Garbage and recycling dumpsters must be placed on concrete pads and be screened from view of streets and all abutting parcels with a solid fence or wall at least 6 feet in height. Dumpster locations and designs must comply with all applicable Solid Waste Services Division requirements and be indicated on required site plans.

7.700 LANDSCAPE PLANTING AREAS AND MAINTENANCE REQUIREMENTS

The planting area and maintenance requirements of this section apply to all required buffers and landscape areas.

- 7.701 Required trees must be located in a planting area sufficient for growth, maintenance and irrigation.
- 7.702 All trees within or near parking areas and driveways must be protected from damage by vehicles by a curb, wheel stop or other City-approved barrier.
- 7.703 Required landscaping must be irrigated by an irrigation or sprinkler system or be located within 150 feet of a hose connection.
- 7.704 The developer must maintain and protect landscaped areas and must replace any diseased, dying or dead landscaping within 45 days after receiving notification from the City. Extensions of this replacement period may be allowed based upon seasonal considerations. Replacement plantings must equal or exceed the size and quality of plantings being replaced.

7.800 TREES IN PUBLIC RIGHTS-OF-WAY

A person commits an offense if he removes or destroys a tree in the street right-of-way or in any public place without first obtaining a permit from the City Manager.

7.900 TREE PRESERVATION

7.901 Purpose

The purpose of this section is to establish rules and regulations governing the protection of trees within the City of Huntsville, to encourage the protection of native, healthy and desirable trees and to provide for the replacement and replanting of trees that are removed from developed or undeveloped property, or are necessarily removed during construction, development, or redevelopment. This Tree Preservation Criteria may be used as credit to comply with the Landscaping and Buffer requirements of Article 7.100

7.902 **Applicability**

The terms and provisions of this section shall apply to real property as follows:

- 7.902.A All real property upon which any designated protected tree is located.
- 7.902.B All vacant and undeveloped property.
- 7.902.C All property to be redeveloped, including additions and alterations.
- 7.902.D The yard areas of all developed property, excluding owner-occupied single-family residential property; rental properties are not excluded and are specifically subject to the provisions of this section.
- 7.902.E All easements and rights-of-way except those included in a plat approved by the City Planning Commission shall meet the terms and provisions of this section. Protected trees located within platted rights-of-way, easements and buildable areas need not be included in calculated replacement plans.
- 7.902.F City of Huntsville Officials may require the removal of nuisance trees that can have an adverse effect on other trees or structures, either on public or private properties, by requiring their removal.

7.1000INSPECTIONS, PERMITS, AND FEES

7.1001.A **Tree Removal Permit Required**

A tree removal permit shall be required when protected trees are to be removed from a site. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree situated on property described above without first obtaining a tree removal permit from the city.

7.1001.B **Protected Tree Removal Permit**

Permits for removal or replacement of protected trees covered herein shall be obtained by making application on a form prescribed by the city and submitted to the Development Services Department. The application shall be accompanied by a Tree Survey/Inventory showing the exact location, caliper size, height, and common name of all protected trees to be removed. The application shall also be accompanied by a written document indicating the reasons for removal or replacement of protected trees and two copies of a Tree Survey/Inventory plan drawn to the largest practicable scale indicating the following:

1. Location of all existing or proposed structures, improvements such as streets, alleyways, etc. and site uses, properly dimensioned and referenced to property lines, setback and yard requirements and special relationships.
2. Date, scale, north point, and vicinity map.
3. Location of existing and proposed public utility easements, public access easements and drainage easements on the lot.
4. Location and dimensions of visibility triangles on the lot.
5. Location of all protected trees on the site to remain that are three-inch caliper or greater when measured at a point 4½ feet above the ground level. Protected trees to remain shall be designated by a circle.

6. Location of all protected trees on the site to be removed that are three-inch caliper or greater when measured at point 4½ feet above the ground level. Protected trees to be removed shall be designated by a triangle.
 7. Tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal.
 8. Protected tree replacement plan: The plan shall exhibit the location of protected trees proposed to be replaced and include a legend indicating the species, caliper size and height of proposed tree replacement. Replacement trees shall be designated by a square
- 7.1002.B **Tree protection plan:** The plan shall describe how existing healthy protected trees proposed to be retained will be protected from damage during construction.
- 7.1002.C **Application review:** Upon receipt of a complete application, Development Services staff shall review the applications for compliance with this section; said review may include a field inspection of the site, and the application may be referred to such departments as deemed appropriate for review and recommendations. Following the review and inspection, the permit applications will be approved, disapproved, or approved with conditions by Development Services staff as appropriate.

7.1100 REGULATIONS AND RESTRICTIONS

7.1101.A Protected Tree Removal

No protected tree or trees shall be removed prior to issuance of a tree removal permit unless one of the following conditions exist:

1. The protected tree is located in a public utility easement, public access easement or public street right-of-way as recorded on a plat initially approved by the Planning Commission.

In the event that certain protected trees outside the above areas or protected trees located partially outside the easement are requested to be removed to allow the operation of equipment, the applicant shall submit a site plan which indicates the exact operation area needed.

2. The protected tree is diseased, injured, in danger of falling, interferes with utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations, the protected tree may be removed with the approval of the director of development services.
3. Except for the above, under no circumstances shall there be clear cutting of protected trees on a property prior to the issuance of a tree removal permit.
4. The Director of Development Services may approve the removal of protected trees that interfere with the construction of a building and/or the drainage of a lot.
5. The Director of Development Services may approve of the removal of a protected tree or trees located within a drainage easement if the removal is determined to be necessary to ensure the proper construction or maintenance of said drainage easement.
6. The following species of trees are exempt from the protection and preservation requirements stated within this ordinance and are considered invasive species. Invasive trees shall not be planted nor counted towards any tree caliper credit.
 - Tree of Heaven

- Mimosa, Silk Tree
- Paper Mulberry
- Chinese Parasol Tree
- Large Leaf Privets
- Chinaberry 1
- Chinese Pistache 1
- Chinese Tallow

This list may not be all inclusive and is subject to change and will be periodically reviewed and updated if necessary, by the Planning Commission.

7. If under brushing is essential in order to conduct survey work necessary to produce a Survey/Inventory plan, the applicant shall request approval from the Director of Development Services prior to any under brushing activities taking place.

- 7.1101.B Upon issuance of a tree removal permit: a developer shall be allowed to remove protected trees located on the buildable area of the property as identified on the approved tree survey/inventory.
- 7.1101.C Protected tree replacement requirements. In the event that it is necessary to remove protected tree(s) outside the buildable area, the developer, as a condition of issuance of a protected tree removal permit, may be required to replace the protected tree(s) being removed with comparable trees somewhere within the development. Trees removed from the Buildable Area are not required to be replaced
- 7.1101.D Replacement tree specifications: A sufficient number of trees shall be planted to equal, in caliper, the ratio of diameter of the trees removed. Said replacement trees shall be a minimum of two inches caliper and six (6) feet in height when planted and shall be selected from the list of approved replacement trees maintained by the Development Services Department.
- 7.1101.E In order to maximize the preservation of existing trees, surveyed trees in good health that have a caliper of at least six (6) inches measured four feet – six inches (4'-6") from the ground may provide credit towards the replacement requirements. Each existing tree preserved between six inches (6") and twelve inches (12") in diameter measured four feet – six inches (4'-6") from the ground may receive replacement credits for two (2) replacement trees. Each existing tree preserved greater than twelve (12") inches in diameter measured four feet – six inches (4'-6") from the ground may receive credit for three (3) replacement trees.
- 7.1101.F Protected trees that are removed without a permit shall be replaced at an equivalent caliper inch equaling 100 percent of those protected trees removed from the site as estimated by the Director of Development Services.
- 7.1101.G No replacement tree may be planted within a visibility triangle, a watercourse, utility easement or an existing or proposed street or alley.
- 7.1101.H A replacement tree must have a minimum caliper of at least two inches when measured at 4 to 6 inches above ground level.
- 7.1101.I A replacement tree that dies must be replaced by another replacement tree that complies with the tree removal permit.
- 7.1102 Tree reforestation fund: In situations in which it is not feasible to place the replacement trees on either the subject site or an alternate site, the applicant, upon approval of the

Director of Development Services, may make a payment into the tree reforestation fund. The fund amount shall be equivalent to 100 percent of the tree ratio replacement cost. For those protected trees removed without a permit, the fund amount shall be the equivalent of 100 percent of the cost to replace the same caliper of trees removed without a permit. The funds shall be used only for purchasing and planting trees on public property. The amount of payment that is required for each replacement tree should be calculated based on the average cost of a quality tree added to the average cost of planting a tree. No certificates of occupancy shall be issued for the site until the required payment has been made to the tree reforestation fund.

7.1200 DEVELOPMENT STANDARDS

7.13012 Tree Protection.

- 7.1201.A During any construction or land development, the developer shall clearly mark all protected trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, and debris or fill to be placed within the drip line of any protected tree.
- 7.1201.B During the construction stage of development, the developer shall not allow the cleaning of equipment or material under the canopy of any protected tree or trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any protected tree or trees.
- 7.1201.C No attachment or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.
- 7.1201.D Exceptions.
 - 1. In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, authorization may be given by the Director of Development Services and the tree may then be removed without obtaining a written permit as herein required.
 - 2. During the period of an emergency such as a tornado, storm, flood, the requirements of this section may be waived as may be deemed necessary by Director of Development Services.
 - 3. Utility companies franchised by the City may remove trees which endanger public safety and welfare by interfering with utility service.
 - 4. Properties that retain Walker County Appraisal District agricultural, timber or wildlife exemptions are excluded from the provisions of this section.
 - 5. The provisions of this section shall not apply to any development that has received a building permit approval prior to the effective date of this ordinance.

7.1300 ENFORCEMENT FOR VIOLATIONS

- 7.13013 The City Arborist, Building Official or an authorized representative of the City shall have the authority to place a Stop Work Order on any activity involving the removal of Protected Tree(s) or that may otherwise endanger trees contrary to the provisions of this Subsection. The Director of Development Services may deny all Permits and Certificates of Occupancy for any site which is not in compliance with this Subsection.

7.13014 It shall be a violation of this article for any person to intentionally or knowingly remove or destroy or allow the removal or destruction of a protected or Historic tree(s) located on any property to which this article applies, or for any person to knowingly or intentionally perform any regulated activity in manner that does not conform to the requirements of this article. Any act or omission contrary to the requirements or directives of this article, or any breach of any duty imposed by this article shall constitute a violation hereof.

7.13015 Any person, firm, company or corporation violating any provision of this article shall, upon conviction be subject to a minimum fine of \$200.00 per violation. Each and every tree removed in violation of this article will be considered a separate violation. Additionally, each and every day until the illegally removed tree has been replaced or otherwise mitigated may be considered a separate violation.

7.13016 Protected Tree Species

- Live Oak
- Pecan Tree
- Smooth Hackberry
- American Elm
- Water Oak
- Redbud
- Loblolly Pine
- Crepe Myrtle
- Catalpa
- Post Oak
- Bois d’Arc
- Southern Red Oak
- Black Hickory
- Cherry Laurel
- Winged Elm
- Sycamore Tree
- Box Elder
- Southern Magnolia
- Cottonwood
- Mimosa
- Chinaberry

This list may not be all inclusive and is subject to change and will be periodically reviewed and updated if necessary, by the Planning Commission.