



UNIVERSITY PARK ZONING ORDINANCE



Effective November 6, 2018

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ORDINANCE NO. 18-038

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE CODE OF ORDINANCES ARTICLE 14.02 BY ADOPTING A NEW COMPREHENSIVE ZONING ORDINANCE AND MAP FOR THE CITY OF UNIVERSITY PARK; ESTABLISHING ZONING DISTRICTS; PROVIDING REGULATIONS FOR EACH ZONING DISTRICT; AUTHORIZING USES FOR EACH ZONING DISTRICT; RECOGNIZING NONCONFORMING USES; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE AND MAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and City Council of the City of University Park, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes to the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally, and the City Council of University Park is of the opinion and finds that a new comprehensive zoning ordinance and map should be adopted to be the Comprehensive Zoning Ordinance and Map of the City of University Park;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS:

SECTION 1. That Article 14.02 “Zoning Ordinance”, Section 14.02.001, of the Code of Ordinances of the City of University Park is amended to read as follows:

“Sec. 14.02.001 Comprehensive Zoning Ordinance and Map Adopted

A Comprehensive Zoning Ordinance and Map for the City of University Park, Texas, are hereby adopted, as set out in full in Exhibit “A” attached hereto and made part of this Article for all purposes. A copy of this Ordinance shall be maintained and available on file in the office of the City Secretary at all times during regular City business hours.”

SECTION 2. All provisions of the ordinances of the City of University Park in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the

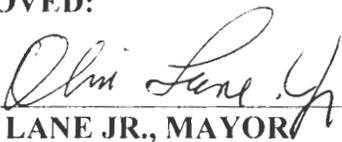
same shall not affect the validity of this ordinance, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of the Comprehensive Zoning Ordinance of the City of University Park shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

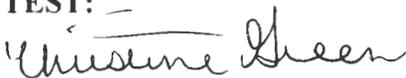
DULY PASSED by the City Council of the City of University Park, Texas, on the 6th day of November 2018.

APPROVED:



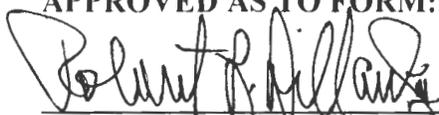
OLIN LANE JR., MAYOR

ATTEST: -



CHRISTINE GREEN, CITY SECRETARY

APPROVED AS TO FORM:



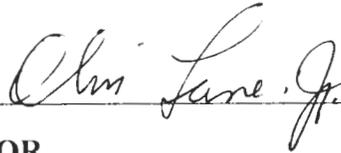
CITY ATTORNEY
(rld; 10/31/2018; 103966)

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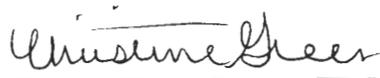
Duly passed by the City Council of the City of University Park, Texas, on the 6th day of November 2018.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY

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Sec. 1.1. Title

This ordinance is known and may be cited and referred to as the “zoning ordinance” of the City of University Park, Texas.

Sec. 1.2. Authority

This zoning ordinance is adopted under the authority granted and subject to any limitations imposed by the Constitution and laws of the State of Texas and the home rule charter of the city.

Sec. 1.3. Effective Date

The provisions of this zoning ordinance become effective on November 6, 2018, except as otherwise expressly stated.

Sec. 1.4. Considerations

The zoning regulations and districts have been made with reasonable consideration for, among other things, the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city consistent with the comprehensive plan. The comprehensive plan has been used as a guide to develop the regulations of this zoning ordinance.

Sec. 1.5. Applicability and Jurisdiction

The provisions of this zoning ordinance apply to all buildings, structures, land and uses within the corporate limits of the City of University Park.

Sec. 1.6. Purposes

This zoning ordinance is adopted to advance the purposes defined in Sec. 211.004 of the Texas Local Government Code and to:

- 1.6.1. Maintain and enhance a high quality of life for city residents;
- 1.6.2. Protect the character of established neighborhoods;
- 1.6.3. Maintain economically vibrant and visually attractive business, commercial and mixed-use areas;
- 1.6.4. Promote a range of housing choices and options;
- 1.6.5. Establish clear and efficient development review and approval procedures that are commensurate with potential land use impacts;
- 1.6.6. Accommodate and promote innovation, creativity and flexibility; and
- 1.6.7. Encourage development, in accordance with the preceding purposes.

Article 1 Introductory Provisions

Sec. 1.7 Minimum Requirements

Sec. 1.7. Minimum Requirements

- 1.7.1. The provisions of this zoning ordinance are the minimum requirements deemed necessary to carry out the zoning ordinance's stated purposes.
- 1.7.2. In addition to the requirements of this zoning ordinance, all uses, buildings and structures must comply with all other applicable ordinances, laws and regulations.
- 1.7.3. All references in the zoning ordinance to other governmental regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the city to enforce regulations imposed by other government authorities.

Sec. 1.8. Compliance Required

- 1.8.1. Land may not be used for any purpose other than one that is allowed by the provisions of this zoning ordinance.
- 1.8.2. A building or structure may not be erected, located, moved, reconstructed, extended or structurally altered except as allowed by this zoning ordinance.
- 1.8.3. Buildings, structures and land may be used and occupied only in compliance with the provisions of this zoning ordinance.
- 1.8.4. All lots created or modified and all improvements and lot features must comply with all applicable provisions of this zoning ordinance.

Sec. 1.9. Creation of Building Sites

1.9.1. Legal Lot Required

Permits for the construction of a building upon any lot or parcel may be issued only after the community development director determines, based on evidence provided by the applicant, that at least one of the following criteria has been met:

- A. The lot or parcel is part of a plat or replat of record that has been reviewed and approved by the planning and zoning commission and filed in the plat records of Dallas County;

- B. The site, lot, or parcel is all or part of a site plan officially approved by the city council in a planned development district, and the approved site plan provides all utility and drainage easements, alleys, streets, and other public improvements necessary to meet the normal requirements for platting, including the designation of building areas and such easements, alleys, and streets have been properly dedicated and the necessary public improvements provided; or
- C. The lot or parcel abuts a dedicated street and was separately owned as a lot of record before November 7th, 1977, in which case a building permit for only one main building may be issued on each such original separately owned parcel, provided that a lot or parcel to be occupied by a detached dwelling structure in a single-family or duplex district must have a minimum lot width of at least 40 feet.

1.9.2. Plat Required

- A. Notwithstanding the provisions of [1.9.1](#), permits for construction of a structure may not be issued until such lot or parcel has been fully platted, either by original plat, replat, or amending plat as may be required or authorized by law.
- B. If the survey description or the submitted drawing indicates an existing property line or multiple property lines through the building lot, the process for amending the plat to remove the old property lines must be initiated for all new homes, additions, pools and detached accessory structures (excluding arbors, outdoor fireplaces and outdoor kitchens). However, an amending plat may be required when an alley dedication is necessary. An amending plat allows two or more lots to be combined into one lot.
- C. An individual single-family attached house must be located on its own lot. A survey or plat must be submitted with the building plans for attached houses showing that each house will be located on its own individual lot.

Sec. 1.10. Conflicting Provisions

1.10.1. State or Federal Regulations

If the provisions of this zoning ordinance are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

1.10.2. Other City Regulations

If the provisions of this zoning ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

1.10.3. Private Agreements and Covenants

This zoning ordinance does not interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning ordinance govern. The city is not responsible for monitoring or enforcing agreements or covenants among private parties.

Sec. 1.11. Language and Interpretation

1.11.1. Meanings and Intent

Words and terms expressly defined in this zoning ordinance including those defined in [Article 11](#) have the specific meanings assigned unless the context indicates another meaning. Words and terms that are not expressly defined in this zoning ordinance have the meaning given in *Merriam-Webster's Collegiate Dictionary*.

1.11.2. Computation of Time

- A. References to "days" are to calendar days unless otherwise expressly stated. References to "business days" are references to regular city government working days, excluding Saturdays, Sundays and holidays observed by city government.
- B. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday

or holiday observed by city government, that day is excluded and the "last day" is the next business day.

- C. A day concludes at the close of business and any materials received after that time will be considered to have been received the following business day.

1.11.3. Tenses and Usage

- A. Words used in the singular include the plural, and words in the plural include the singular.
- B. Words used in the present tense include the future tense. The reverse is also true.
- C. The words "must," "will," "shall" and "may not" are mandatory.
- D. The word "may" is permissive, not mandatory or required.
- E. When used with numbers, "up to x," "not more than x" and "a maximum of x" all include "x."
- F. The word "person" includes a firm, association, organization, partnership, limited liability company, trust, or corporation, as well as an individual.
- G. The words "used" and "occupied" include "intended, designed or arranged to be used or occupied."

1.11.4. Conjunctions

- A. Unless the context otherwise expressly indicates, conjunctions have the following meanings:
- B. "And" indicates that all connected items or provisions apply; and
- C. "Or" indicates that the connected items or provisions may apply singularly or in combination.

1.11.5. Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any heading, drawing, table, figure or illustration, the text governs.

1.11.6. Versions and Citations

All references in this zoning ordinance to other city, state or federal regulations are to be construed as referring to the most up-to-date version and citation for

Article 1 Introductory Provisions

Sec. 1.12 Zoning Map

those regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other regulations, zoning ordinance requirements for compliance are no longer in effect.

1.11.7. Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

1.11.8. Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom he or she has authority. Delegation of authority is not allowed when the provisions of this zoning ordinance expressly prohibit such delegation.

1.11.9. Public Officials and Agencies

Unless otherwise expressly stated, all employees, public officials, bodies and agencies to which references are made in this ordinance are those of the City of University Park or individuals or agencies legally authorized to act on behalf of the City of University Park.

Sec. 1.12. Zoning Map

1.12.1. Establishment

The location and boundaries of the districts included in this zoning ordinance must be established by ordinance and shown on a geographic coverage layer that is maintained as part of a geographic information system (GIS). This “zoning” geographic coverage layer constitutes the city’s official zoning map.

1.12.2. Maintenance and Updates

The community development director 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 amendments (rezonings) or other actions requiring notation on the zoning map.

1.12.3. Amended Boundaries

When a zoning map amendment is approved, amended boundary lines of districts must be described by legal description or by a map that accompanies the ordinance establishing the district or amending the district boundaries. When a legal description is used, the boundary is deemed to extend to the centerline of abutting streets. When a map is used, boundary lines must be established by dimensions, property lines, recorded lot lines, or the centerline of abutting streets, alleys, or railroad rights-of-way, as those features were of record at the time of adoption.

1.12.4. Map Interpretations

Where any uncertainty exists about a zoning boundary that was established by legal description, the legal description accompanying the amending ordinance governs. In other cases, the community development director is authorized to make an interpretation of the boundaries. The following rules apply to all zoning map interpretations:

- A. Boundaries shown as approximately following the centerlines of streets, highways, alleys or other public rights-of-way must be construed to follow such centerlines.
- B. Boundaries shown as approximately following plat-
ted lot lines must be construed as following such lot lines.
- C. Boundaries shown as approximately following city limit lines must be construed as following those lines.
- D. Boundaries shown as approximately following rail lines must be construed to be midway between the main tracks.
- E. Boundaries shown as approximately following the shoreline or centerline of a river, stream, lake or other watercourse must be construed as following the actual shoreline or centerline of the watercourse. If, after establishment of the boundary, the shoreline or centerline of the water-course moves as a result of natural processes (flooding, erosion, sedimentation, etc.), the boundary must be construed as moving with the shoreline or centerline of the watercourse.

- F. Where physical features on the ground are at odds with information shown on the zoning map, or if questions arise about how or whether property is zoned and the question cannot be resolved by the application of paragraphs A through E of this subsection or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property remains zoned in accordance with the ordinance immediately preceding the invalidated one.

1.12.5. Right-of-Way Vacations

Whenever any street, alley or other public way is vacated by official action of the city council or whenever street or alley area is franchised for building purposes, the zoning boundary line adjoining each side of such street, alley or other public way is extended to the centerline of such vacated street, alley or way, and all area so involved will be subject to all regulations of the extended zoning district.

Sec. 1.13. Transitional Provisions

The provisions of this section address the transition to this zoning ordinance, from the zoning ordinance in effect immediately before the effective date specified in [Sec. 1.3](#).

1.13.1. Completion of Building

Any building, development or structure for which a building permit was issued or a complete building permit application had been accepted for processing before the effective date specified in [Sec. 1.3](#) may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this zoning ordinance. If the building, development or structure is not commenced and completed within the time allowed under the original building permit and any authorized permit extension, the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

1.13.2. Pending Approvals

Complete applications for variances, special exceptions, specific use permits, planned development districts and other zoning-related matters that are pending

approval on the effective date specified in [Sec. 1.3](#) must be reviewed wholly under the terms of the zoning ordinance in effect immediately preceding the effective date specified in [Sec. 1.3](#).

1.13.3. Issuance of Permits

The community development director is authorized to issue permits for construction or development approved before the effective date specified in [Sec. 1.3](#) and for approved developments that were pending approval before that effective date, subject to all applicable conditions of the approval. If construction of development is not commenced and completed within the time allowed under the permit and any authorized permit extension, then the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

1.13.4. Violations

The adoption of this zoning ordinance does not affect any pending or future prosecution of, or action to abate, violations of the previous zoning ordinance that occurred before the effective date specified in [Sec. 1.3](#).

Sec. 1.14. Severability

The sections, paragraphs, sentences, clauses and phrases of this zoning ordinance are severable. If any phrase, clause, sentence, paragraph or section is declared unconstitutional or invalid by a court of competent jurisdiction that portion of the ordinance is to be deemed severed from the zoning ordinance and in no way affects or diminishes the validity of the remainder of the zoning ordinance.

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Article 2 Residential Districts

Sec. 2.1 Districts

Sec. 2.1. Districts

The residential zoning districts are listed in [Table 2-1](#). When the provisions of this zoning ordinance refer to “residential” districts they are referring to these districts.

Table 2-1: Residential Districts

District Name	Map Symbol
Single-family detached dwelling district 1	SF-1
Single-family detached dwelling district 2	SF-2
Single-family detached dwelling district 3	SF-3
Single-family detached dwelling district 4	SF-4
Single-family attached dwelling district	SFA
Duplex dwelling district 1	D-1
Duplex dwelling district 2	D-2
Multiple-family dwelling district 1	MF-1
Multiple-family dwelling district 2	MF-2
Multiple-family dwelling district 3	MF-3

Sec. 2.2. Purpose

The residential districts are intended to accommodate single-family detached and attached houses, duplexes, and multiple-family buildings. The regulations for these districts are intended to maintain and promote the desired physical character of existing neighborhoods.

Sec. 2.3. Additional Regulations

2.3.1. Uses

Uses are allowed in single-family districts in accordance with [Article 5](#).

2.3.2. Tree Preservation

See Article 3.08 of the Code of Ordinances for tree preservation regulations.

Sec. 2.4. SF District Regulations

2.4.1. References

When the provisions of this zoning ordinance refer to “single-family” or “SF” districts, they are referring to SF-1, SF-2, SF-3, and SF-4 districts.

2.4.2. Lot of Record Prior to Adoption

The minimum dimensional and intensity standards for the SF districts shall be in accordance with [Sec. 2.4](#), except for any lot that was an official lot of record before the effective date specified in [Sec. 1.3](#). See also the nonconforming lot provisions of [10.3.2](#).

2.4.3. Lot and Building Zones

For the purpose of presenting SF lot and building regulations, lots are divided into a series of smaller segments or “zones,” as described in this subsection and illustrated in [Figure 2-1](#).

A. Overall Lot

Some regulations apply to the entire lot. These regulations are referred to as “overall lot” regulations and are presented in [2.4.4](#).

B. Street-Yard Zone

Street-yard zone regulations govern the area between any lot line abutting a street right-of-way

and the minimum front or street-side setback line (see [2.4.5](#)).

C. Main-House Zone

The main-house zone accommodates the greatest building mass. The zone extends from the back of the street-yard zone rearward to the mid-lot zone (see [2.4.6](#)).

D. Mid-Lot Zone

The mid-lot zone lies immediately at the back of the main-house zone and extends rearward to the rear-lot zone. Portions of the principal building may be located in this zone, but the regulations are more stringent than in the main-house zone (see [2.4.7](#)).

E. Rear-Lot Zone

The rear-lot zone covers the rearmost portion of the lot, typically abutting an alley. The rear-lot zone extends from the rear lot line forward for a distance of 40 feet (see [2.4.8](#)).

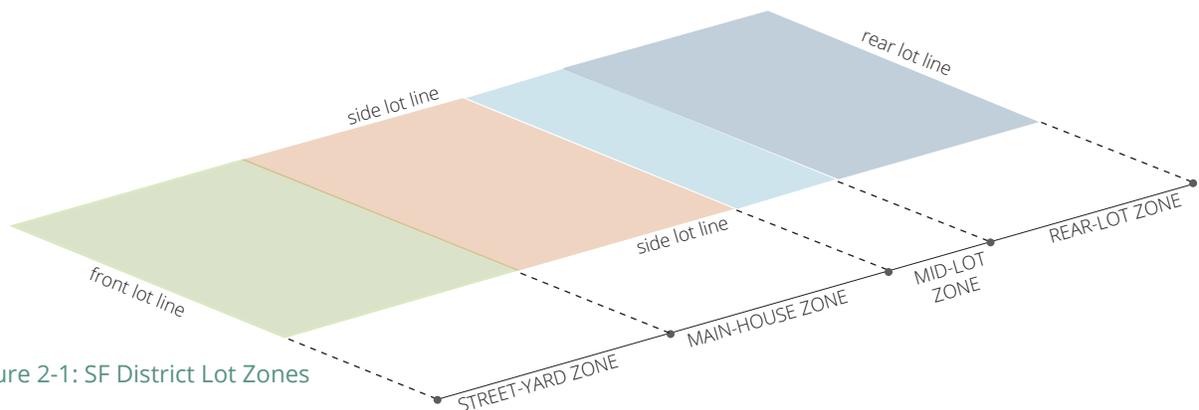
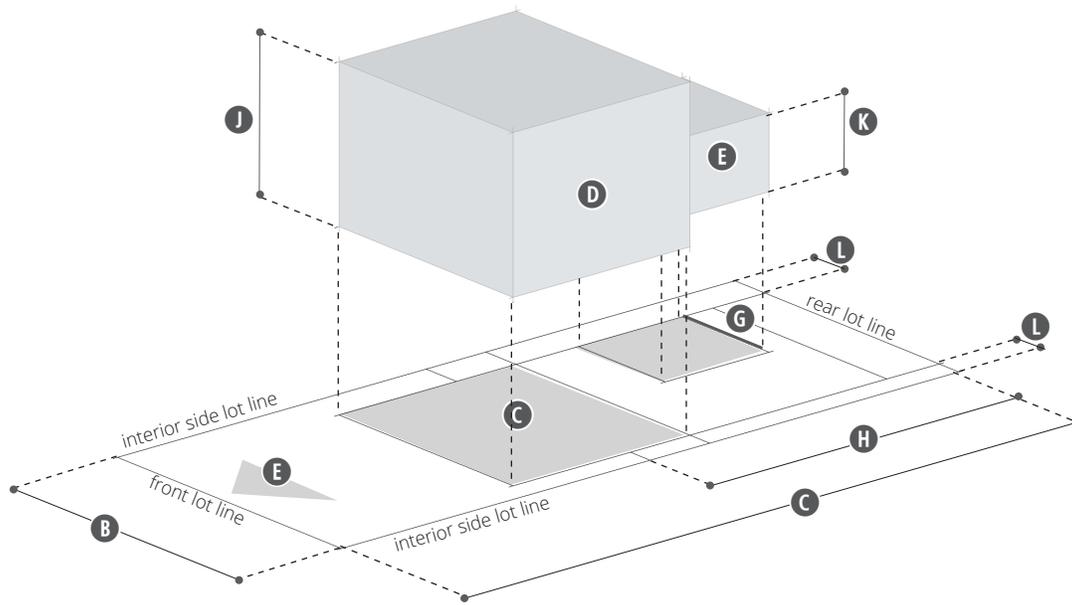


Figure 2-1: SF District Lot Zones

Article 2 Residential Districts

Sec. 2.4 SF District Regulations



2.4.4. Overall Lot

The overall lot regulations of [Table 2-2](#) apply in SF districts.

Table 2-2: Overall Lot Regulations

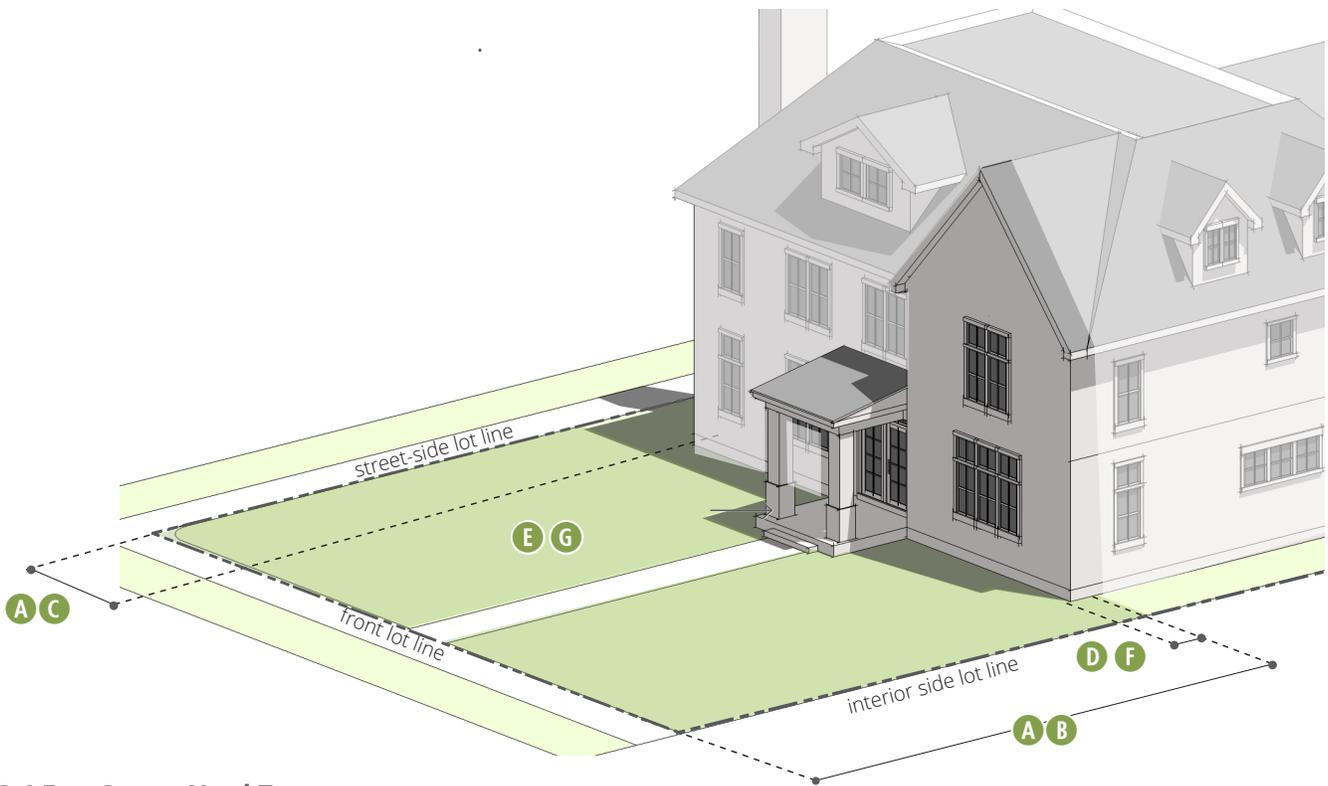
Regulation	SF-1	SF-2	SF-3	SF-4
Lot Size				
A Minimum Lot Area (sq. ft.)	35,000	10,000	8,400	7,000
B Minimum Lot Width (ft.)	150	70	60	50
C Minimum Lot Depth (ft.)	150	120	120	120
Buildings				
D Maximum Number of Principal Buildings	1	1	1	1
E Principal Building Orientation	Principal building must face a street other than alley			
F Permitted Accessory Structures	See 5.3.2			
G Garage, Carport Location, Orientation	See Article 7			
H Maximum Building Coverage from Midpoint of the Lot to the Rear Lot Line (%) [1]	50			
I Maximum Impermeable Lot Coverage	See Sec. 2.9			
Building Height [2]				
J Maximum Principal Building Height (ft.)	35	35	35	35
K Maximum Accessory Building Height (ft.)	25	25	25	25
Minimum Interior Side Setback (ft.)				
L One side (% of lot width) [3]	10	10	10	10
Both sides combined (% of lot width) [3] [4]	24	24	24	24
M Permitted Encroachments	See Sec. 2.10			

TABLE NOTES:

1. Building coverage includes all principal and accessory buildings, and all structures 30 inches or more above grade.
2. See [Sec. 11.3.12](#) for building height measurement rules.
3. If the entire structure is 1 story, the minimum side yard may be 10% of the total lot width on each side yard.
4. Minimum combined setback of 22% applies to lot less than 60 feet in width.

Article 2 Residential Districts

Sec. 2.4 SF District Regulations



2.4.5. Street-Yard Zone

The street-yard zone regulations of [Table 2-3](#) apply in SF districts.

Table 2-3: Street-Yard Zone Regulations

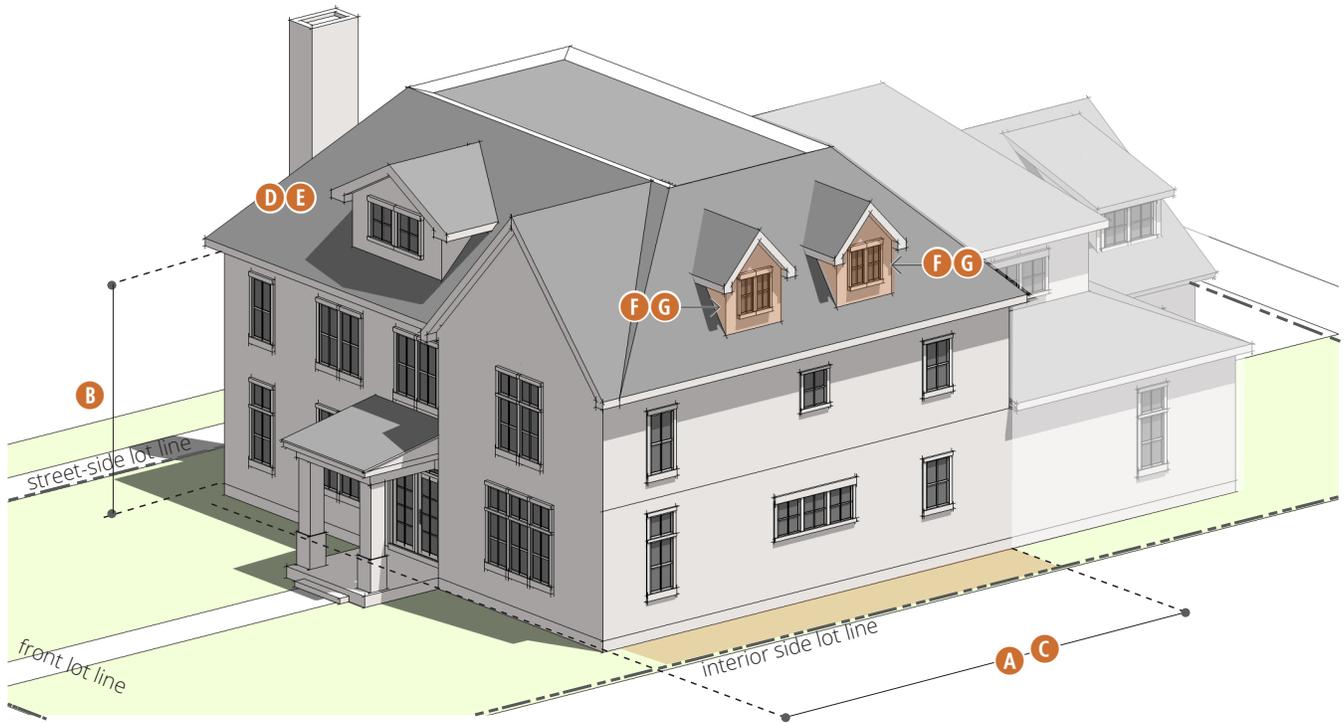
Regulation	SF-1	SF-2	SF-3	SF-4
Location				
A Street-Yard Zone Location	Between any lot line abutting a street and the minimum front or street-side setback line			
Street Setbacks				
B Minimum Front Setback (ft.) [1]	50	30	30	25
C Minimum Street-Side Setback (ft.) [2]	10	10	10	10
D Permitted Encroachments	See Sec. 2.10			
E Maximum Impermeable Coverage (%)	50			
Building Locations				
F Front Facade Articulation	See 2.4.9			
G Building Coverage	No building is allowed in the street-yard zone except as permitted by encroachments and front facade articulations			

TABLE NOTES:

1. Refer to the city's list of average front setbacks, available online. See average front setback regulations of [11.3.8](#) when the average existing building setback on a block face is greater or less than the minimums of this table.
2. Corner lots with a width of 60 feet or less may have a minimum street-side setback of 10% of lot width if the distance between the curb and sidewalk is 5 feet or more, the sidewalk width is 4 feet or more, and the front setback complies with minimum front setback regulations.
3. Garages, carports, or similar vehicle storage areas facing a side street shall be set back a minimum of 20 feet from the street right-of-way. See [Article 7](#).

Article 2 Residential Districts

Sec. 2.4 SF District Regulations



2.4.6. Main-House Zone

The main-house zone regulations of [Table 2-4](#) apply in SF districts.

Table 2-4: Main-House Zone Regulations

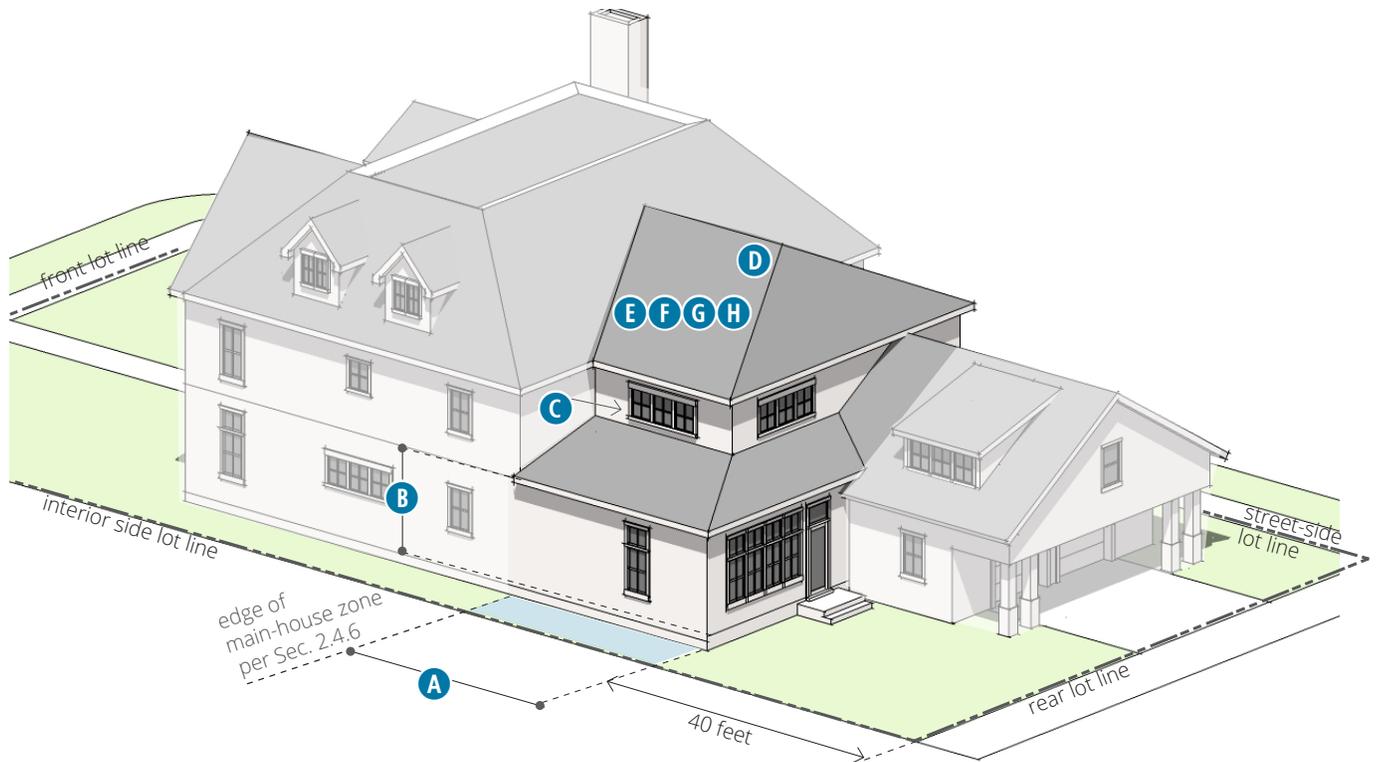
Regulation	SF-1	SF-2	SF-3	SF-4
Location				
A Main-House Zone Location	From back of street-yard zone rearward for a distance equal to 42% of the overall lot depth [1]			
Wall Height				
B Maximum Top Plate Height (ft.) [2]	Lots 70 ft. to less than 80 ft. in width: 25 Lots 60 ft. to less than 70 ft. in width: 24 Lots less than 60 ft. in width: 23			
Building Coverage				
C Building Coverage	Building may fully occupy the main-house zone with the exception of any setbacks			
Third Story				
D Maximum 3rd Story Area	50% of total 2nd floor area			
E Minimum Habitable Area Requiring at least 2 Exit Stairs (sq. ft.) [3]	501	501	501	501
F Maximum 3rd Story Wall Area facing Interior Side Lot Line (sq. ft.) [3]	200	180	165	135
G Third Story Windows and Dormers Facing Interior Side Lot Line	See section 2.8.2			

TABLE NOTES:

1. The beginning point of measurement of the 42% maximum side wall length may be set back from the street-yard zone if there is an offset in the wall a minimum of 8 feet from the minimum side yard setback.
2. No maximum top plate height applies to lots 80 feet or greater in width.
3. Third story wall area includes vertical walls, gable walls, and all sides of dormers.

Article 2 Residential Districts

Sec. 2.4 SF District Regulations



2.4.7. Mid-Lot Zone

The mid-lot zone regulations of [Table 2-5](#) apply in SF districts.

Table 2-5: Mid-Lot Zone Regulations

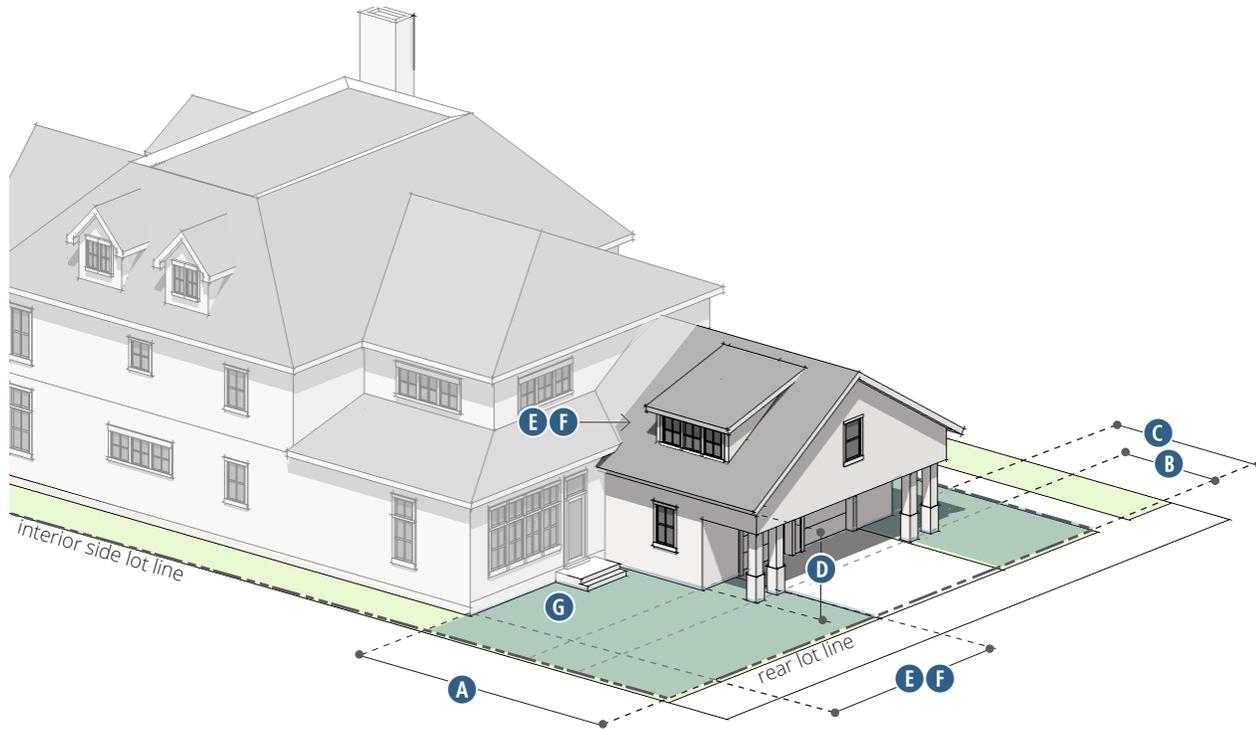
Regulation	SF-1	SF-2	SF-3	SF-4
Location				
A Mid-Lot Zone Location	From the rear of main-house zone per Sec. 2.4.6 to front of rear-lot zone			
Walls Facing Interior Side Lot Lines [1] [2]				
B Maximum Wall Height at Min. Interior Side Setback (ft.)	12.5	12.5	12.5	12.5
C Additional Wall Height above 12.5 ft.	2 ft. additional height per 1 ft. of additional side setback			
Building Coverage				
D Building Coverage	See 2.4.4 for maximum coverage limits from midpoint of lot to rear lot line			
Third Story				
E Maximum 3rd Story Floor Area	50% of total 2nd floor area			
F Minimum Habitable Area Requiring at least 2 Exit Stairs	501	501	501	501
G Maximum 3rd Story Wall Area facing Interior Side Lot Line (sq. ft.) [3]	200	180	165	135
H Third Story Windows and Dormers Facing Interior Side Lot Line	See Sec. 2.8.2			

TABLE NOTES:

1. Wall height is measured from the finished first floor elevation to the top plate per [11.3.13](#).
2. See [Sec. 2.8.1](#) for roof pitches that are considered walls.
3. Third story wall area includes vertical walls, gable walls, and all sides of dormers.

Article 2 Residential Districts

Sec. 2.4 SF District Regulations



2.4.8. Rear-Lot Zone

The rear-lot zone regulations of [Table 2-6](#) apply in SF districts.

Table 2-6: Rear-Lot Zone Regulations

Regulation	SF-1	SF-2	SF-3	SF-4
Location				
A Rear-Lot Zone Location	From rear lot line forward for distance of 40 ft.			
B Minimum Rear Setback (ft.) except Garage Door (see C below)	12.5	12.5	12.5	12.5
C Minimum Rear Garage Door Setback (ft.) ^[1]	20	20	20	20
Walls Heights ^[2] ^[3]				
D Maximum Wall Height (ft.)	12.5	12.5	12.5	12.5
E Additional Wall Height above 12.5 ft.	Allowed when part of gable or dormer and set back minimum 20 ft. from interior side lot line			
F Windows, Dormers, Openings Above 12.5 ft. Wall Height	Allowed when set back minimum 20 feet from the interior side lot line			
Building Coverage				
G Building Coverage	See 2.4.4 for maximum coverage limits from midpoint of lot to rear lot line			

TABLE NOTES:

1. See [Article 7](#), for garage and carport regulations.
2. Wall height is measured from finished first floor elevation to the [top plate per 11.3.13](#).
3. See [Sec. 2.8.1](#) for roof pitches that are considered walls.
4. See [Sec. 5.3.2](#) for regulations governing accessory structures allowed in the rear-lot zone, including pools.

2.4.9. Front Facade Articulation

A. Purpose and Applicability

The front facade articulation provisions of this subsection are intended to encourage multiple planes on the front street-facing facade of houses. The provisions apply to houses in SF districts.

B. Permitted Facade Encroachments

1. Up to 60% of the width of a house's front facade may encroach into (forward of) the required front setback by up to 2 feet if the remaining portion of the house's front facade is set back at least one foot more than the minimum front setback. One example of this front setback encroachment allowance is illustrated in [Figure 2-2](#).
2. If a portion of a house's front facade is set back 3 feet or more beyond the minimum front street setback, the main-house zone is allowed to extend up to 3 feet into the mid-lot zone or the rear-lot zone when no mid-lot zone exists. The width of the house's main-house extension may not exceed the width of the portion of the front facade that is set back 3 feet or more beyond the minimum front street setback. Permitted rear yard encroachments are illustrated in [Figure 2-3](#).

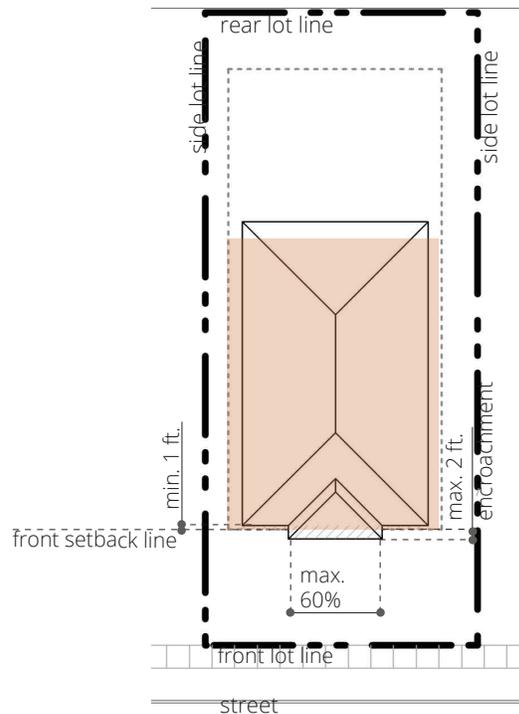


Figure 2-2: Permitted Front Facade Articulation Encroachments

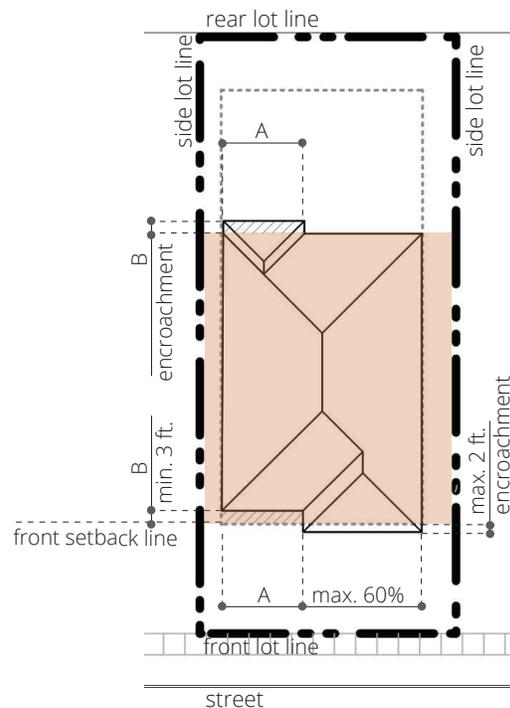


Figure 2-3: Permitted Front Facade Articulation Encroachments with Rear Yard Encroachment

Article 2 Residential Districts

Sec. 2.5 SF-A District Regulations

Sec. 2.5. SF-A District Regulations

2.5.1. Lot Zones

For the purpose of presenting SF-A lot and building regulations, lots are divided into a series of smaller areas or “zones,” as described in this subsection and illustrated in [Figure 2-4](#).

A. Overall Lot

Some regulations apply to the entire lot. These regulations are referred to as “overall lot” regulations and are presented in [2.5.2](#).

B. Street-Yard Zone

Street-yard zone regulations govern the area between any lot line abutting a street and the minimum front or street-side setback line (see [2.5.3](#)).

C. Main-House Zone

The main-house zone accommodates the greatest building mass. The zone extends from the back of the street-yard zone to the rear-lot zone (see [2.5.4](#)).

D. Rear-Lot Zone

The rear-lot zone covers the rearmost portion of the lot, typically abutting an alley. The rear-lot zone extends from the main-house zone to the rear lot line (see [2.5.5](#)).

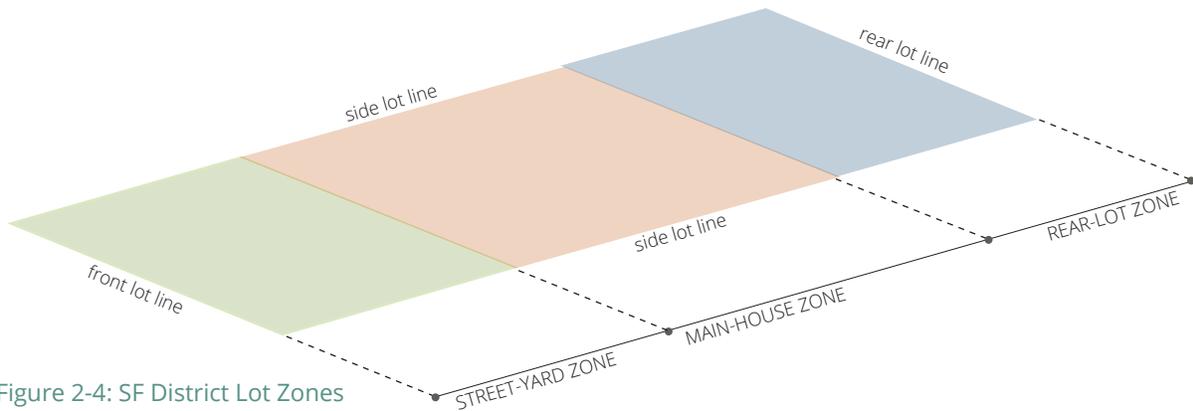
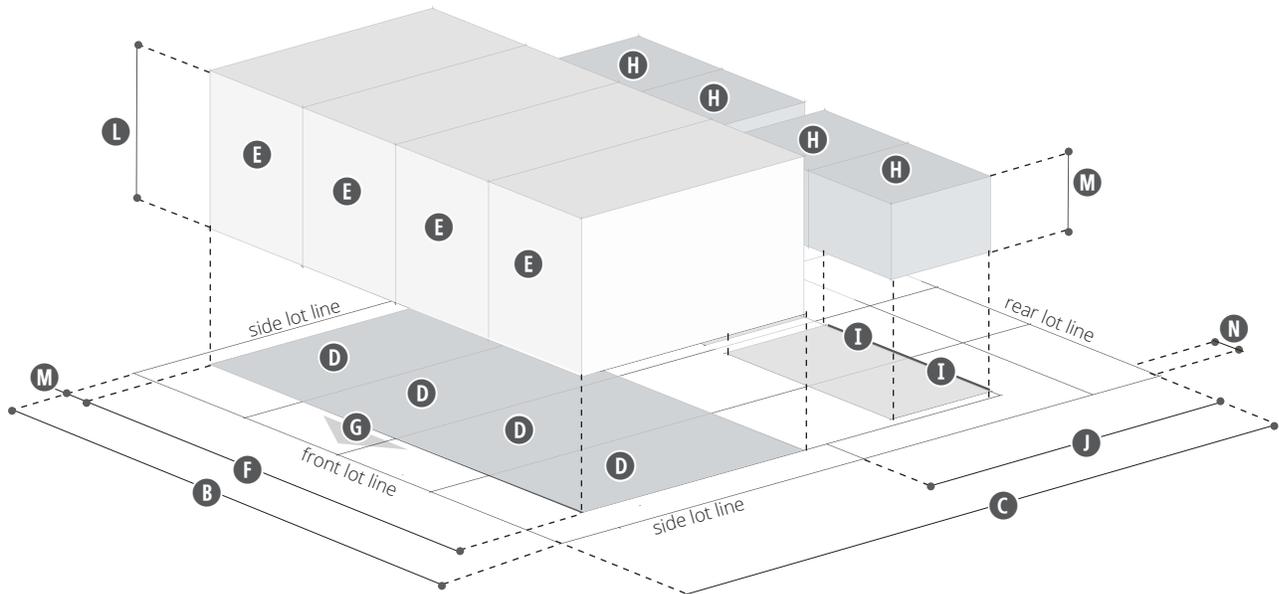


Figure 2-4: SF District Lot Zones



2.5.2. Overall Lot

The overall lot regulations of [Table 2-7](#) apply in SF-A districts.

Table 2-7: Overall Lot Regulations

Regulation	SF-A
Lot Size	
A Minimum Lot Area (sq. ft.)	3,000 per dwelling unit
B Minimum Lot Width (ft.)	25 per dwelling unit
C Minimum Lot Depth (ft.)	120
Buildings	
D Maximum Number of Units per Lot [1]	1
E Maximum Number of Dwelling Units Combined [1]	4
F Maximum Width of Combined Units (ft.) [1]	130
G Principal Building Orientation	Principal building's front facade must face a street
H Permitted Accessory Structures	See 5.3.2
I Garage, Carport Location, Orientation	See Article 7.
J Maximum Building Coverage from Midpoint of the Lot to the Rear Lot Line (%) [2]	50
K Maximum Impermeable Lot Coverage	See Sec. 2.9
Building Height [3]	
L Maximum Principal Building Height (ft.)	35
M Maximum Accessory Building Height (ft.)	25
Minimum Interior Side Setback (ft.)	
N Minimum Required Interior Side Yard at the End of each Continuous Row of Attached Dwellings (ft.) [4]	5
O Permitted Encroachments	See Sec. 2.10

TABLE NOTES:

- Each dwelling unit is required to be on its own lot and each attached unit must be separated by a firewall per the building code.
- Building coverage includes all principal and accessory buildings, and all structures 30 inches or more above grade.
- See [11.3.12](#) for building height measurement rules.
- Allowed public and civic uses must provide minimum side setbacks of 50 feet.

Article 2 Residential Districts

Sec. 2.5 SF-A District Regulations



2.5.3. Street-Yard Zone

The street-yard zone regulations of [Table 2-8](#) apply in SF-A districts.

Table 2-8: Street-Yard Zone Regulations

Regulation	SF-A
Location	
A Street-Yard Zone Location	Between any lot line abutting a street and the minimum front or street-side setback line
Street Setbacks	
B Minimum Front Setback (ft.)	25
C Minimum Street-Side Setback (ft.) [1] [2]	10
D Permitted Encroachments	See Sec. 2.10
E Maximum Impermeable Coverage (%)	50
Building Locations	
F Building Coverage	No building is allowed in the street-yard zone except as permitted by encroachments and front facade articulations

TABLE NOTES:

1. Corner lots with a width of 60 feet or less may have a minimum street-side setback of 10% of lot width if the distance between the curb and sidewalk is 5 feet or more, the sidewalk width is 4 feet or more, and the front setback complies with minimum front setback regulations.
2. Street-facing garages and carports must be set back a minimum of 20 feet from the street right-of-way. See [Article 7](#).



2.5.4. Main-House Zone

The main-house zone regulations of [Table 2-9](#) apply in SF-A districts.

Table 2-9: Main-House Zone Regulations

Regulation	SF-A
Location	
A Main-House Zone Location	From back edge of the street-yard zone to the rear yard setback defining the rear-lot zone
Wall Height	
B Maximum Top Plate Height (ft.)	23
Building Coverage	
C Building Coverage	See Sec. 2.5.2 for maximum coverage limits from midpoint of lot to rear lot line
Third Story	
D Maximum 3rd Story Area [1]	50% of total 2nd floor area
E Maximum 3rd Story Wall Area facing Interior Side Lot Line (sq. ft.) [2]	200
F Third Story Windows and Dormers Facing Interior Side Lot Line	See Sec. 2.8.2

TABLE NOTES:

1. At least 2 interior exit stairways must be provided when the habitable area of a 3rd floor exceeds 500 sq. ft..
2. Third story wall area includes vertical walls, gable walls, and all sides of dormers.

Article 2 Residential Districts

Sec. 2.5 SF-A District Regulations



2.5.5. Rear-Lot Zone

The rear-lot zone regulations of [Table 2-10](#) apply in SF districts.

Table 2-10: Rear-Lot Zone Regulations

Regulation	SF-A
Location	
A Rear-Lot Zone Location [1]	From rear lot line to the rear setback line
Regulations	
B Minimum Rear Setback (ft.) except Garage Door (see C below)	12.5
C Minimum Rear Garage Door Setback (ft.) [2]	20
Building Coverage	
D Building Coverage	No building is allowed in the rear yard zone except as permitted by encroachments

TABLE NOTES:

1. Dedication of required alley right-of-way may be a condition for platting and building permit.
2. See [Article 7](#) for garage and carport regulations.

Sec. 2.6. D District Regulations

2.6.1. Lot and Building Zones

For the purposes of presenting D district lot and building regulations, lots are divided into a series of smaller areas or “zones,” as described in this subsection and illustrated in [Figure 2-5](#).

A. Overall Lot

Some regulations apply to the entire lot. These regulations are referred to as “overall lot” regulations and are presented in [2.6.2](#).

B. Street-Yard Zone

Street-yard zone regulations govern the area between any lot line abutting a street and the minimum front or street-side setback line (see [2.6.3](#)).

C. Main-House Zone

The main-house zone accommodates the greatest building mass. The zone extends from the back of the street-yard zone to the rear-lot zone (see [2.6.4](#)).

D. Rear-Lot Zone

The rear-lot zone covers the rearmost portion of the lot, typically abutting an alley. The rear-lot zone extends from the main-house zone to the rear lot line (see [2.6.5](#)).

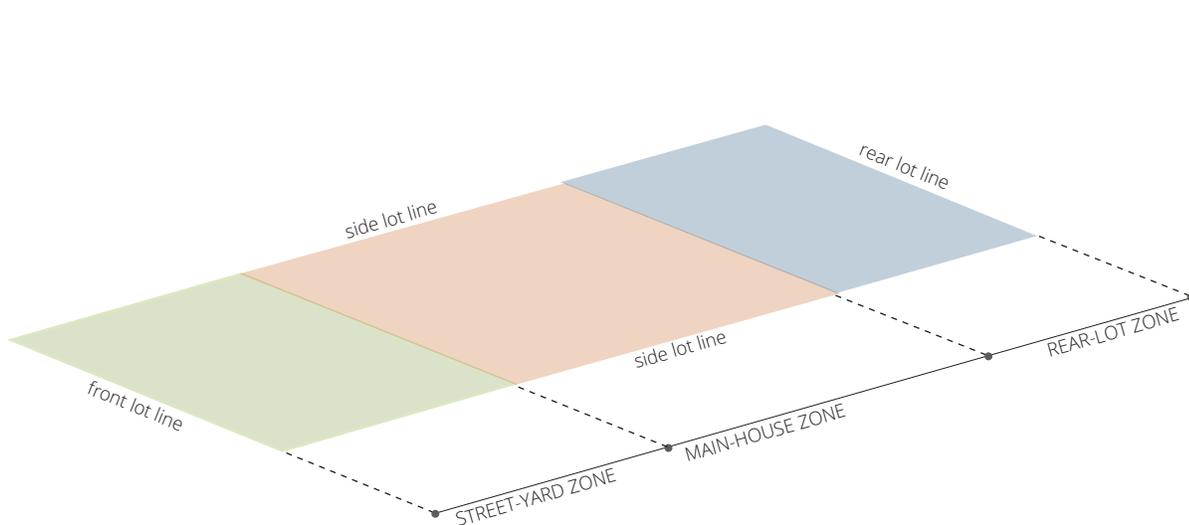
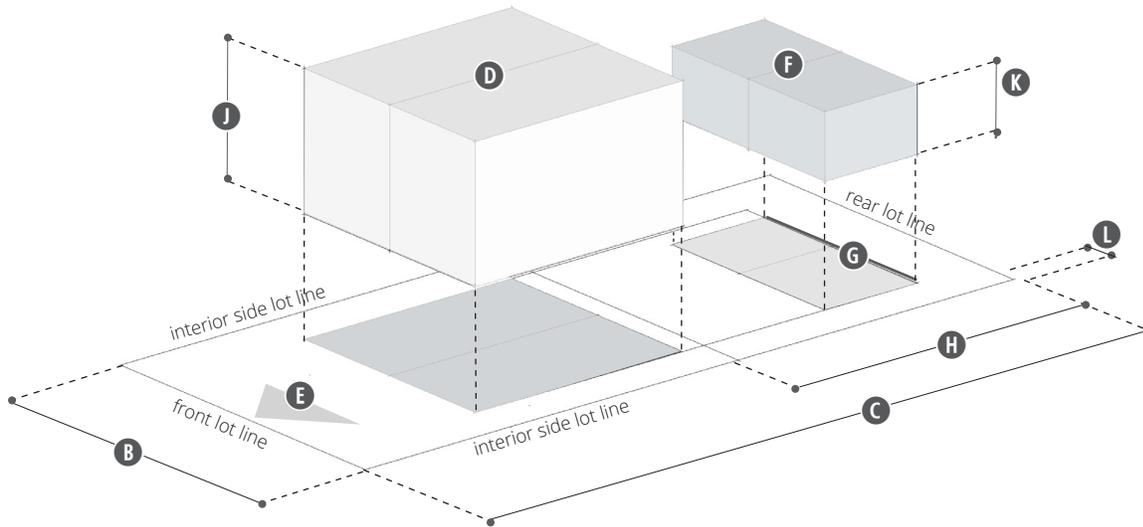


Figure 2-5: D District Lot Zones

Article 2 Residential Districts

Sec. 2.6 D District Regulations



2.6.2. Overall Lot

The regulations in [Table 2-11](#) apply to all zones of lots in the D districts.

Table 2-11: Overall Lot Regulations

Regulation	D-1	D-2
Lot Size		
A Minimum Lot Area (sq. ft.)	10,000	7,000
B Minimum Lot Width (ft.)	70	50
C Minimum Lot Depth (ft.)	120	120
Buildings		
D Maximum Number of Principal Buildings [1]	1	1
E Principal Building Orientation	Principal building must face a street other than alley	
F Permitted Accessory Structures	See 5.3.2	
G Garage, Carport Location, Orientation	See Article 7	
H Maximum Building Coverage from Midpoint of the Lot to the Rear Lot Line (%) [2]	50	
I Maximum Impermeable Lot Coverage	See Sec. 2.9	
Building Height [3]		
J Maximum Principal Building Height (ft.)	35	35
K Maximum Accessory Building Height (ft.)	25	25
Minimum Interior Yard Setbacks		
L Interior Side Setback (min. % of lot width) [4]	10% or 6 ft., whichever is greater; but not to exceed 8 ft.	10% or 5 ft., whichever is greater; but not to exceed 7 ft.
M Permitted Encroachments	See Sec. 2.10	

TABLE NOTES:

- No more than two units are permitted on one lot and must be located in one principal building with each unit separated by a firewall per the building code.
- Building coverage includes all principal and accessory buildings, and all structures 30 inches or more above grade.
- See [Sec. 11.3.12](#) for building height measurement rules.
- Allowed public and civic uses must provide minimum side setbacks of 50 feet.

Article 2 Residential Districts

Sec. 2.6 D District Regulations



2.6.3. Street-Yard Zone

Table 2-12 establishes the regulations for the street-yard zone on D district lots.

Table 2-12: Street-Yard Zone Regulations

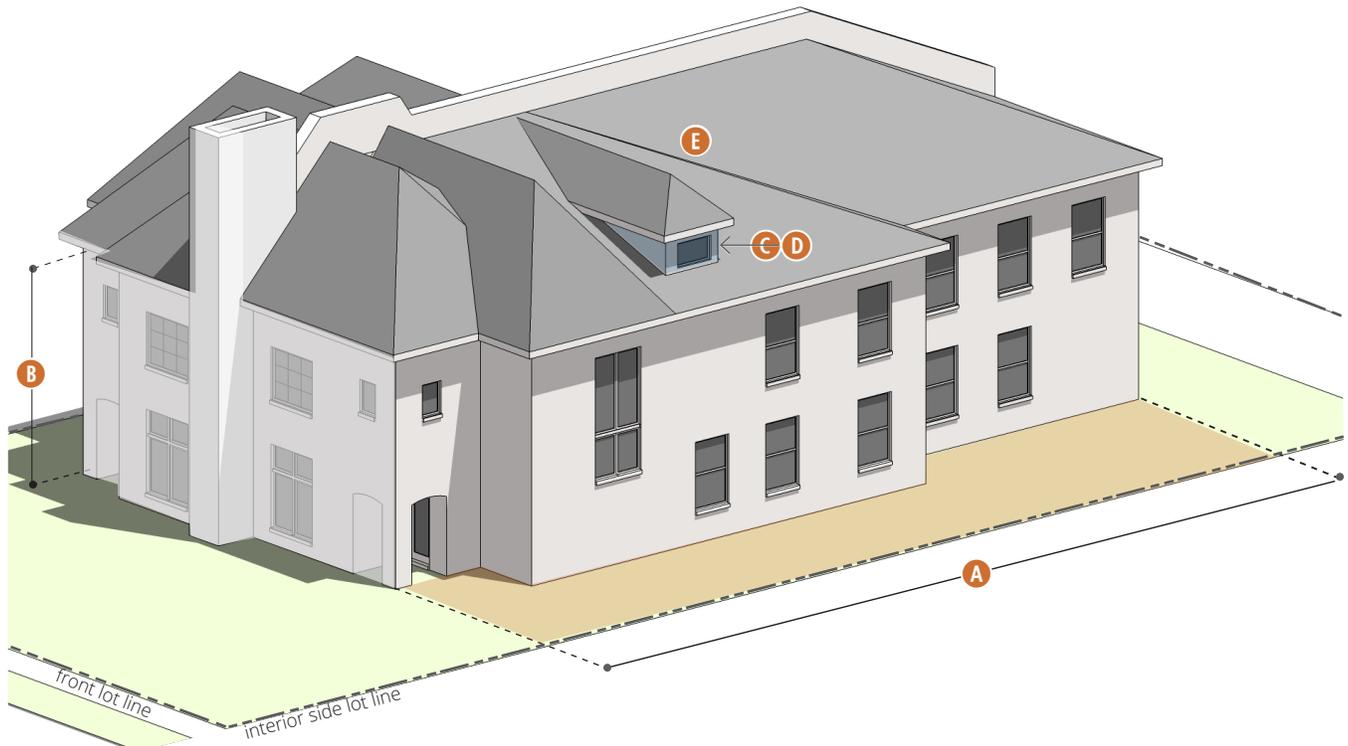
Regulation	D-1	D-2
Location		
A Street-Yard Zone Location	Between any lot line abutting a street and the minimum front or street-side setback line	
Street Setbacks		
B Minimum Front Setback (ft.) [1]	25	25
C Minimum Street-Side Setback (ft.) [2] [3]	10	10
D Permitted Encroachments	See Sec. 2.10	
E Maximum Impermeable Coverage (%)	50	
Building Locations		
E Building Coverage	No building is allowed in the street-yard zone except as permitted by encroachments	

TABLE NOTES:

1. The average front setback regulations of [11.3.8](#) apply when the average existing building setback on a block face is greater or less than the minimums of this table.
2. Corner lots, 60 ft or less in width, may have a street-side setback of 10% of the lot width, if the distance between the curb and sidewalk is 5 feet or more, the sidewalk width is 4 feet or more, and the front setback is not less than the minimum front setback for the district.
3. Street-facing garages and carports must be set back a minimum of 20 feet from the street right-of-way. See [Article 7](#).

Article 2 Residential Districts

Sec. 2.6 D District Regulations



2.6.4. Main-House Zone

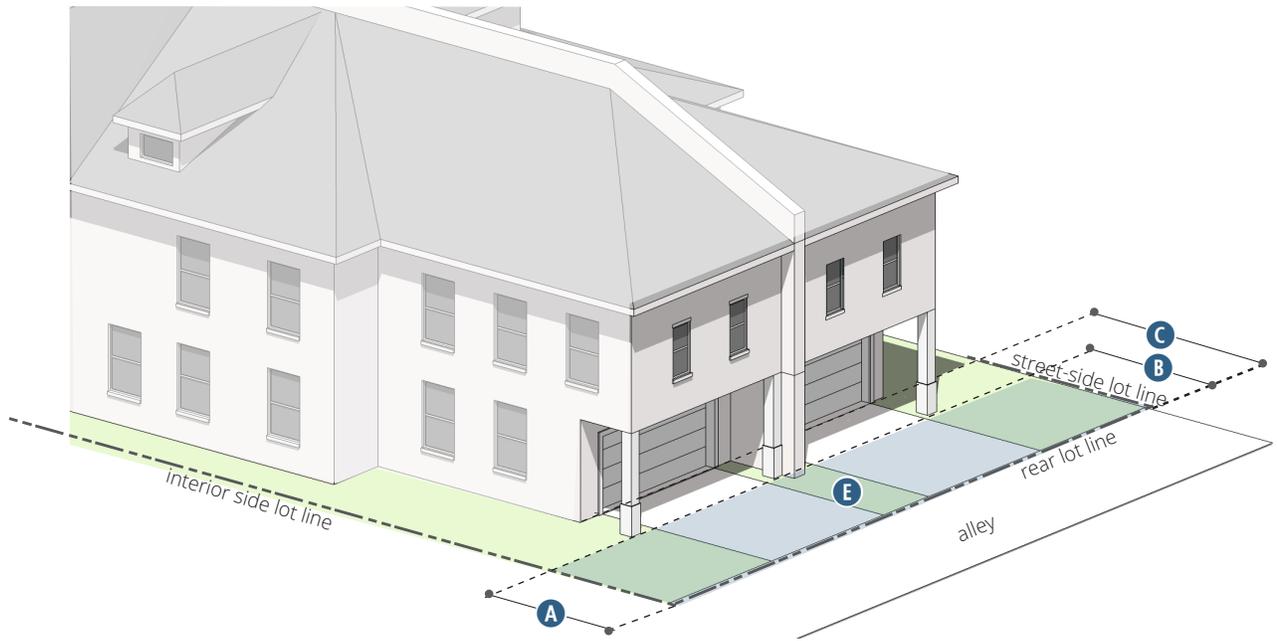
Table 2-13 establishes the requirements for the main-house zone on D district lots.

Table 2-13: Main-House Zone Regulations

Regulation	D-1	D-2
Location		
A Main-House Zone Location	From the back of the street-yard zone rearward to the rear-lot zone	
Wall Height		
B Maximum Top Plate Height (ft.)	23	23
C Maximum 3rd Story Wall Area facing Interior Side Lot Line (sq. ft.) [1]	200	200
D Third Story Windows and Dormers Facing Interior Side Lot Lines	See Sec. 2.8.2	
Building Coverage		
E Building Coverage	See 2.6.2 for maximum coverage limits from midpoint of lot to rear lot line	

TABLE NOTES:

1. Third story wall area includes vertical walls, gable walls, and all sides of dormers.



2.6.5. Rear-Lot Zone

Table 2-14 establishes the regulations for the rear-lot zone on D district lots.

Table 2-14: Rear-Lot Zone Regulations

Regulation		D-1	D-2
Location			
A	Rear-Lot Zone Location [1]	From the rear lot line forward to the rear lot setback.	
B	Minimum Rear Lot Setback (ft.) except Garage Door (see C below)	12.5	12.5
C	Minimum Rear Garage Door Setback (ft.)	20	
D	Permitted Encroachments	See Sec. 2.10	
Building			
F	Building Coverage	No building is allowed in the rear-lot zone except as permitted by encroachment	

TABLE NOTES:

1. Dedication of required alley right-of-way may be a condition for platting and building permit.

Article 2 Residential Districts

Sec. 2.7 MF District Regulations

Sec. 2.7. MF District Regulations

2.7.1. Lot and Building Zones

For the purposes of presenting MF district lot and building regulations, lots are divided into a series of smaller areas or “zones,” as described in this subsection and illustrated in [Figure 2-1](#).

A. Overall Lot

Some regulations apply to the entire lot. These regulations are referred to as “overall lot” regulations and are presented in [2.6.2](#).

B. Street-Yard Zone

Street-yard zone regulations govern the area between any lot line abutting a street and the minimum front or street-side setback line (see [2.6.3](#)). On corner lots, the street-yard zone may

be L-shaped. On lots fronting 3 streets, the street-yard zone may be C-shaped. On full block developments, the street-yard zone will surround the development.

C. Main-Building Zone

The main-building zone accommodates the greatest building mass. The zone extends from the back of the street-yard zone to the rear-lot zone (see [2.6.4](#)).

D. Rear-Lot Zone

The rear-lot zone covers the rearmost portion of the lot, typically abutting an alley. The rear-lot zone extends from the main-house zone to the rear lot line (see [2.6.5](#)).

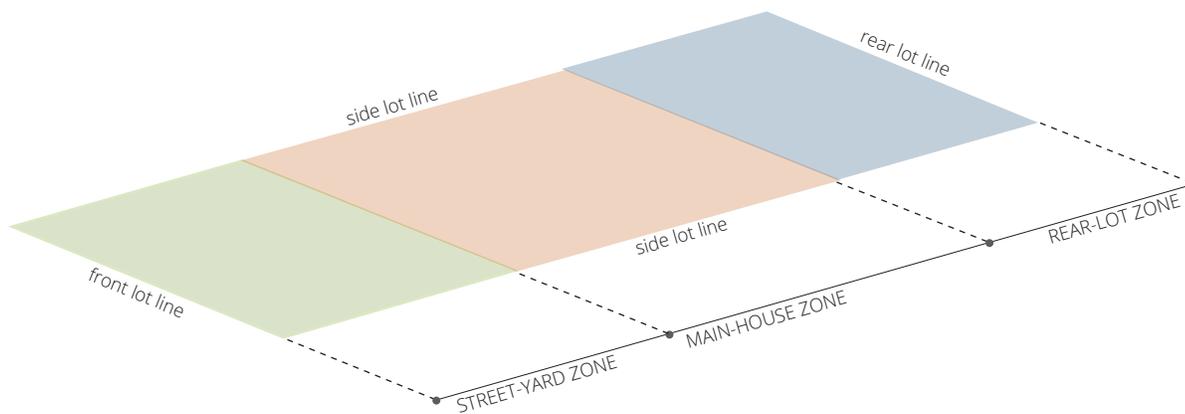
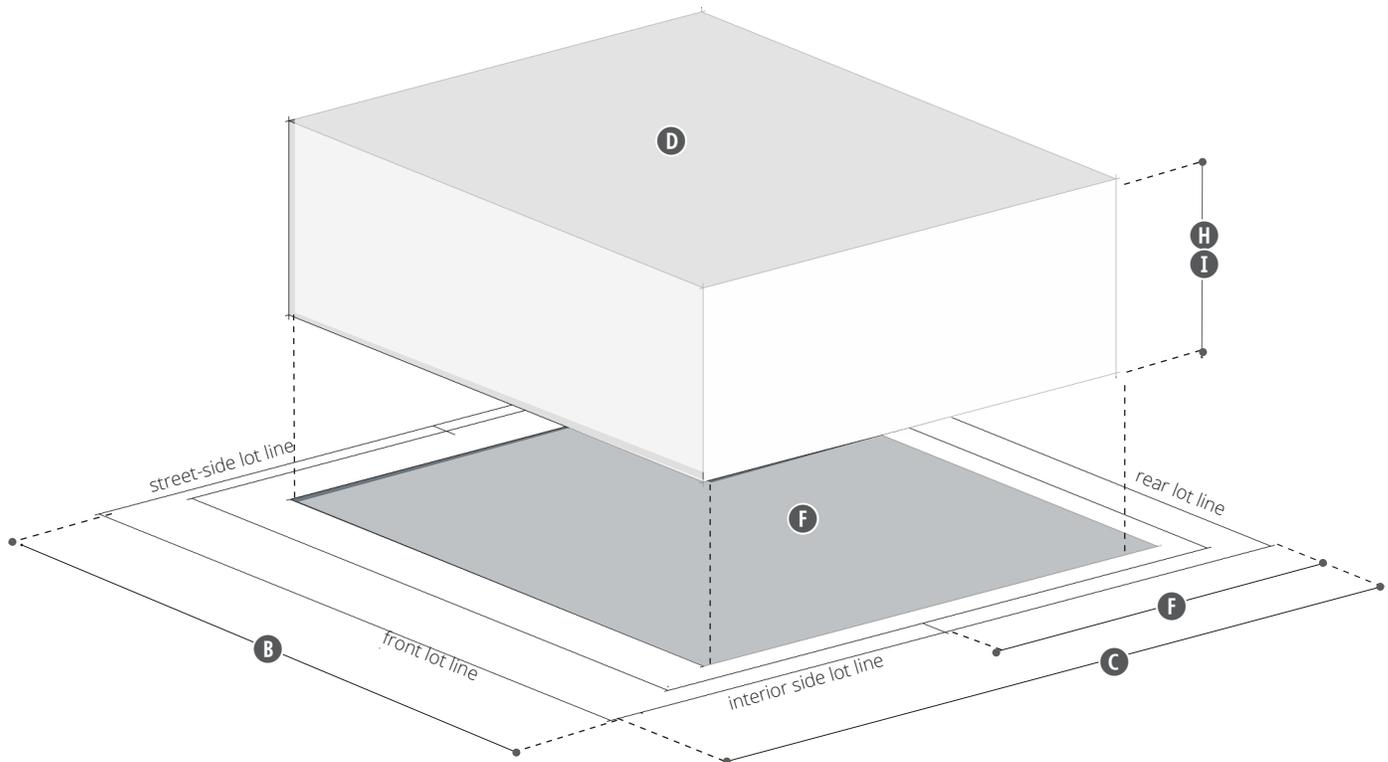


Figure 2-1: MF District Lot Zones

Article 2 Residential Districts

Sec. 2.7 MF District Regulations



2.7.2. Overall Lot

The regulations in [Table 2-15](#) apply to all zones of lots in the MF districts.

Table 2-15: Overall Lot Regulations

Regulation	MF-1	MF-2	MF-3
Lot Size			
A Minimum Lot Area per Unit (sq. ft.) [1]	2,400	1,800	1,200
B Minimum Lot Width (ft.)	60	50	50
C Minimum Lot Depth (ft.)	120	120	120
Buildings			
D Maximum Number of Principal Buildings [2]	Maximum number of dwelling units is determined by dividing the total number of square feet of lot by the minimum lot area per unit.		
E Permitted Accessory Structures	See 5.3.2		
F Maximum Building Coverage from Midpoint of the Lot to the Rear Lot Line (%) [3]	50		
G Maximum Impermeable Lot Coverage	See Sec. 2.9		
Building Height [4]			
H Maximum Principal Building Height (ft.)	35	35	35
I Maximum Principal Building Height (ft.) with underground parking	37	37	37
J Basement Height	Basements are limited to one level only.		
K Maximum Accessory Building Height (ft.)	20	20	20

TABLE NOTES:

- Any detached single-family or duplex dwelling to be constructed within the MF districts must meet the minimum lot area requirements for the SF-4 and D-2 districts respectively.
- After calculating the number of units allowed, a fractional remainder does not authorize an additional unit.
- Building coverage includes all principal and accessory buildings, and all structures 30 inches or more above grade.
- See [11.3.12](#) for building height measurement rules.
- See [Article 6](#) for parking regulations.

Article 2 Residential Districts

Sec. 2.7 MF District Regulations



2.7.3. Street-Yard Zone

Table 2-16 establishes the regulations for the street-yard zone on MF district lots.

Table 2-16: Street-Yard Zone Regulations

Regulation	MF-1	MF-2	MF-3
Location			
A Street-Yard Zone Location	Between any lot line abutting a street and the minimum front building or street-side setback line		
Street Setbacks			
B Minimum Front Building & Basement Setback (ft.) [1]	25	25	25
C Minimum Front Below-Grade Parking Garage Setback (ft.) [2],[3]	15	15	15
D Minimum Street-Side Setback (ft.) [1]	10	10	10
E Minimum Street-Side Below-Grade Parking Garage Setback (ft.) [2],[3]	3	3	3
F Permitted Encroachments	See Sec. 2.10		
G Maximum Impermeable Coverage (%)	50		
Building Locations			
H Building Coverage	No building is allowed in the street-yard zone except as permitted by encroachments and below-grade parking structures as defined in C .		
I Garage Location	Garages, carports, and similar vehicle storage areas may not open on to or face the front or side streets.		

TABLE NOTES:

1. Minimum front and street-side building and basement setback applies to all below-grade construction except parking garages..
2. A 24" deep permeable landscape fill, designed to accommodate shrubs and other landscaping, is required above any parking garage extended beyond the building. In order to encourage parking garages below-grade, this area does not count as building coverage.
3. No building projections or other encroachments are permitted in the required setbacks for parking garages.



2.7.4. Main Building Zone

Table 2-17 establishes the requirements for the main building zone on MF district lots.

Table 2-17: Main-House Zone Regulations

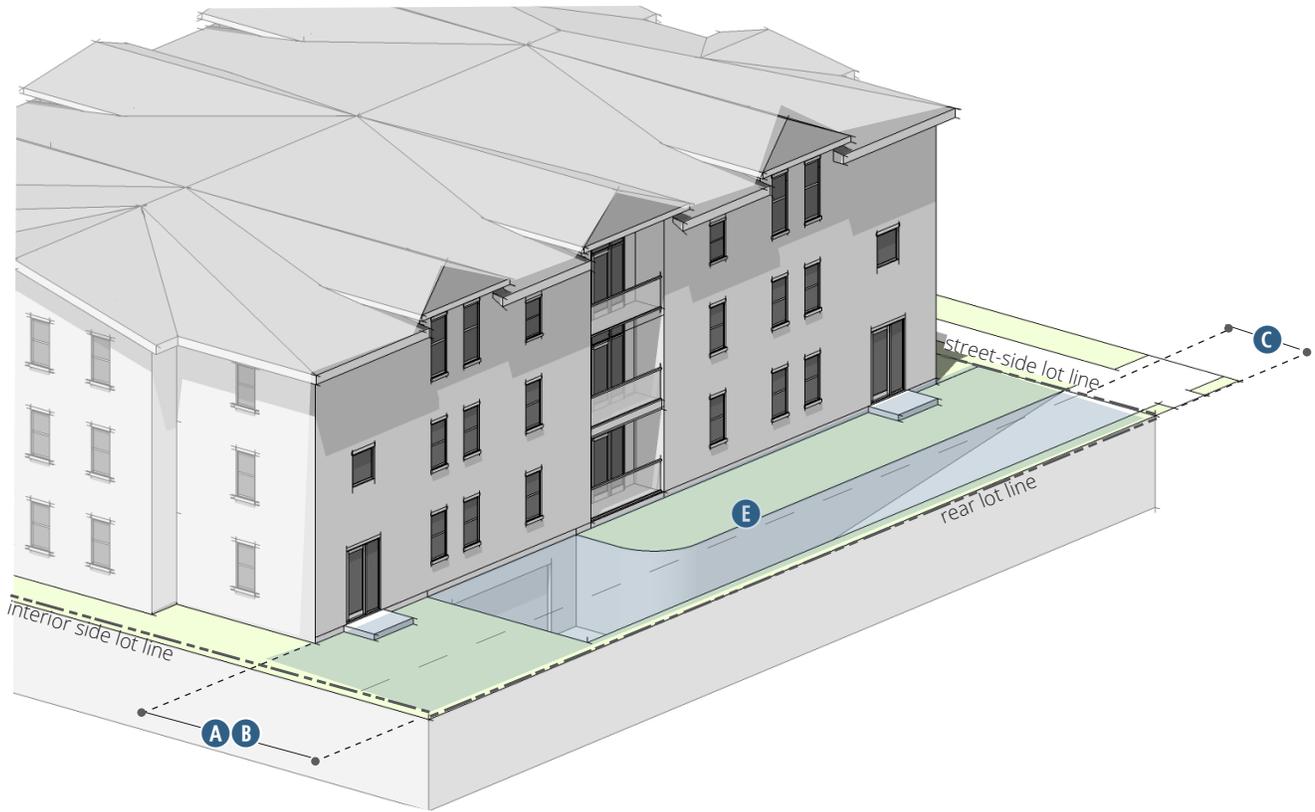
Regulation	MF-1	MF-2	MF-3
Location			
A Main Building Zone Location	From the back of the street-yard zone rearward to the rear-lot zone		
Minimum Interior Side Setbacks			
B Minimum Interior-Side Setback: Building & Basement (ft.) [1]	10; except up to 2 side wall segments without doors, each no longer than 35 feet continuous, may have a 6 ft. minimum setback		
C Minimum Interior-Side Setback: Below-Grade Parking Garage (ft.) [2],[3]	3		
D Permitted Encroachments	See Sec. 2.10		
E Minimum Interior-Side Setback: Garage, Carport, or Similar Vehicle Storage Opening (ft.)	24; with a minimum turning radius of 15 ft. from the driveway to the opening and at the driveway approach		
Wall Height & Dormers			
F Maximum Top Plate Height (ft.)	less than 70-ft lot width: 28 70-ft or greater lot width: 30		
G Maximum Top Plate Height (ft.) within 100 ft. of SF district lot	less than 70-ft lot width: 23 70-ft or greater lot width: 25		
H Maximum Top Plate Height (ft.) for elevator tower	less than 70-ft lot width: 26 70-ft or greater lot width: 28		
I Third Story Dormers Facing Interior Side Lot Lines	See Sec. 2.8.2		

TABLE NOTES:

1. Minimum interior side building and basement setback applies to all below-grade construction except parking garages
2. A 24" deep permeable landscape fill, designed to accommodate shrubs and other landscaping, is required above any parking garage extended beyond the building. In order to encourage parking garages below-grade, this area does not count as building coverage.
3. No building projections or other encroachments are permitted in the required setbacks for parking garages..

Article 2 Residential Districts

Sec. 2.7 MF District Regulations



2.7.5. Rear-Lot Zone

Table 2-18 establishes the regulations for the rear-lot zone on MF district lots.

Table 2-18: Rear-Lot Zone Regulations

Regulation		MF-1	MF-2	MF-3
Location				
A	Rear-Lot Zone Location	From the rear lot line forward to the minimum rear lot setback.		
B	Minimum Rear Setback: Building & Basement (ft.) [1]	12.5	12.5	12.5
C	Minimum Rear Setback: Below-Grade Parking Garage (ft.) [2]	7.5	7.5	7.5
D	Permitted Encroachments	See Sec. 2.10		
Building				
E	Building Coverage	No building is allowed in the rear-lot zone except as permitted by encroachments and below-grade parking structures as defined in C .		

TABLE NOTES:

1. Minimum interior side building and basement setback applies to all below-grade construction except parking garages
2. A 24" deep permeable landscape fill, designed to accommodate shrubs and other landscaping, is required above any parking garage extended beyond the building. In order to encourage parking garages below-grade, this area does not count as building coverage.
3. No building projections or other encroachments are permitted in the required setbacks for parking garages..

2.7.6. Building Design Features

A. Applicability

The building design feature regulations of this section apply to buildings in MF zoning districts.

B. Number of Required Features

1. A building facade that is 50 feet or greater in width and that faces or generally faces a public street must incorporate at least 3 of the following building design features:
 - a. Building structural elements in accordance with [2.4.9.C.](#)
 - b. Facade variations in accordance with [2.4.9.D.](#)
 - c. Changes in materials or material patterns in accordance with [2.4.9.E.](#)
 - d. Building entries in accordance with [2.4.9.F.](#)
 - e. Architectural features in accordance with [2.4.9.G.](#)
2. A building facade that is less than 50 feet in width and that faces or generally faces a public street must incorporate at least 2 of the following building design features:
 - a. Building structural elements in accordance with [2.4.9.C.](#)
 - b. Facade variations in accordance with [2.4.9.D.](#)
 - c. Changes in materials or material patterns in accordance with [2.4.9.E.](#)
 - d. Building entries in accordance with [2.4.9.F.](#)
 - e. Architectural features in accordance with [2.4.9.G.](#)

C. Building Structural Elements

1. Expression of the floor structures on the building facade with design elements not less than 1 inch deep and 4 inches, such as banding, belt courses, and other similar features.
2. Expression of the vertical support structures on the building facade with design elements not less than 1 inch deep and 6 inches, such as columns, pilasters, piers, quoins, and other similar features.

D. Facade Variation

1. Variations must be at least 3 feet in depth for projections and recesses and at least than 2 stories in height for an area no more than 10% of and no less than 20% of the facade width.
2. When more than 2 facade variations are provided, they must be separated by a distance of at least 20 feet.
3. Variations on the front facade may not encroach more than 24 inches into the required front street setback.

E. Changes in Materials

A change in material or material pattern with a minimum of 1 inch variation in wall plane depth.

F. Building Entries

1. Building entrances must incorporate arcades, roofs, porches, alcoves, or awnings that protect pedestrians from the weather.
2. The covered entrance area must be at least 2 feet in depth and 8 feet in width.

G. Architectural Features

A minimum of one of the following per every 60 feet of street facade is required: balcony, fireplace, bay window, patterns of door and window openings (and the use of sills, mullions, and other scale-providing window elements), and/or more pronounced architectural features, such as porches, alcoves, and roof dormers. Refer to [Sec. 2.10.2](#) for allowed encroachments.

Article 2 Residential Districts

Sec. 2.8 Roofs and Dormers

Sec. 2.8. Roofs and Dormers

2.8.1. Roofs

The roof regulations of [Table 2-19](#) apply to all principal and accessory buildings in SF and D districts and are illustrated in [Figure 2-6](#).

Table 2-19: Roof Regulations

Regulation	LOT WIDTH			
	80 ft. or greater	70 ft. to 79 ft.	60 ft. to 69 ft.	less than 60 ft.
Roof Pitch (rise/run)				
A In mid-lot and rear-lot zones, roofs with pitches greater than the slopes shown are considered a vertical wall.	16/12	16/12	15/12	14/12

2.8.2. Third-Story Dormers

The third-story dormer regulations of [Table 2-20](#) apply in all residential districts and are illustrated in [Figure 2-6](#). All other dormers facing interior side lot lines are subject to any window setback, size, and location requirements for the district.

Table 2-20: Dormer Regulations

Regulation	ALL SF & D DISTRICTS	MF DISTRICTS
Third-Story Dormers Facing Interior Side Lot Lines		
B Maximum Dormer Width (ft.)	6	6
C Minimum Separation Between Dormers, or Between Dormers and Vertical Walls (ft.)	6	6
D Minimum Additional Interior Side Setback for Third Story Dormers (ft.)	2.5	not applicable

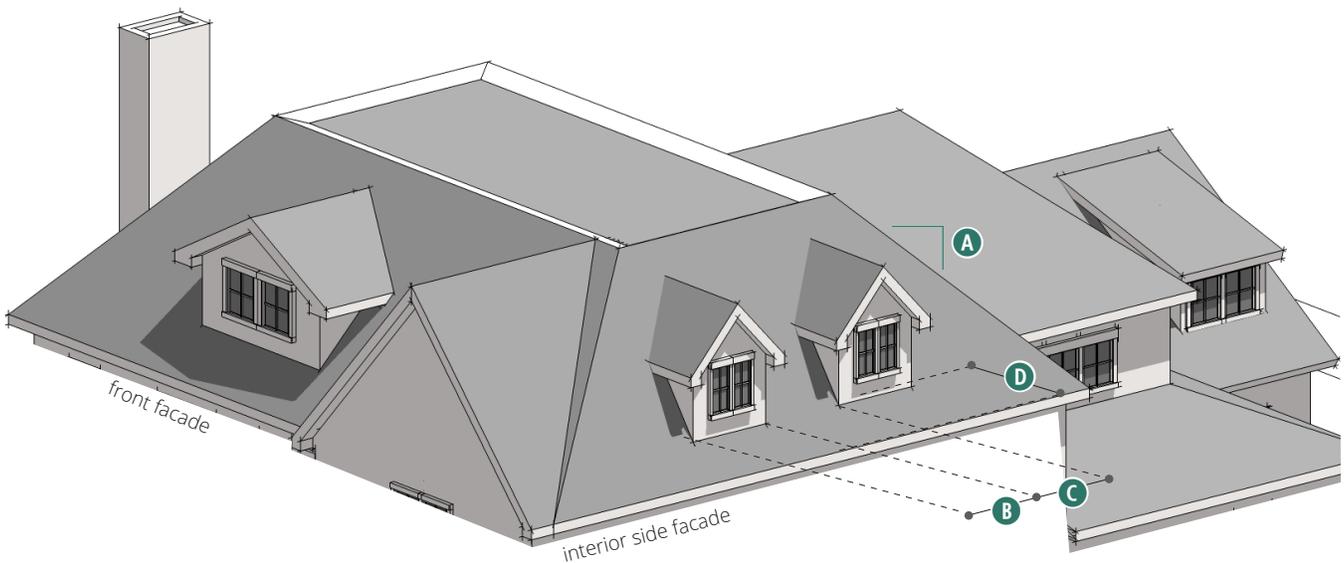


Figure 2-6: Roofs and Dormers

Sec. 2.9. Impermeable Lot Coverage

2.9.1. Allowable Impermeable Lot Coverage

The regulations of [Table 2-21](#) apply to all residential districts. Allowable impermeable lot coverage refers to the total maximum amount of impermeable surfaces permitted on the subject lot. See [11.3.11](#) for impermeable lot coverage measurement rules.

2.9.2. Street Yard Zone Exemption

Driveways located within the required street-yard zone are not counted in calculating the total impermeable coverage on a lot.

2.9.3. Maximum Impermeable Coverage in Street Yards

Refer to the street-yard zone for each residential district for maximum impermeable surface limits in the street-yard zone.

Table 2-21: Impermeable Lot Coverage

Lot Size (square feet)	Maximum Impermeable Lot Coverage
SF-1, SF-2, SF-3, SF-4 Districts	
0 to 6,000	3,600 sq. ft.
6,001 to 7,500	60%
7,501 to 10,000	52% or 4,500 sq. ft., whichever is greater
10,001 to 12,000	48% or 5,200 sq. ft., whichever is greater
12,001 to 35,000	40% or 5,760 sq. ft., whichever is greater
35,001 or more	35% or 4,500 sq. ft., whichever is greater
SF-A, D-1, D-2, MF-1, MF-2, MF-3 Districts	
All lot sizes	63%

Sec. 2.10. Setbacks and Encroachments

2.10.1. General

- A. Required setbacks must be open and unobstructed from the ground to the sky except as otherwise expressly stated in this ordinance.
- B. Finished grade of setbacks and yards must be within 30 inches of the average natural grade of the lot unless otherwise expressly stated.
- C. All basements and below-grade building elements are subject to compliance with all required setbacks unless otherwise expressly stated.

2.10.2. Allowed Building Encroachments

A. Front Setbacks

Except as otherwise expressly stated, the following parts of a principal building may encroach into front setbacks in SF, SF-A, D, and MF districts:

- 1. Eaves and roof extensions projecting a maximum of 3 feet;
- 2. Bay windows, maximum 8 feet in width, projecting a maximum of 2 feet;
- 3. Chimneys, maximum 8 feet in width, projecting a maximum of 1.5 feet;
- 4. Unenclosed, covered porches a maximum of 30 inches above average natural grade to finished floor, extending a maximum of 6 feet and with an aggregate width no more than 20% of the lot width;
- 5. Unenclosed and uncovered terraces, a maximum of 30 inches above average natural grade to finished floor, extending a maximum of 10 feet into the yard and no wider than the front facade of the principal building (see [Figure 2-7](#));
- 6. Balconies extending a maximum of 6 feet and with a width no more than 20% of the lot width;
- 7. Decorative, non-wood, non-solid banisters and handrails with at least 3 inches clear vision between vertical posts, maximum one-inch wide vertical posts and maximum 48 inches in overall height (measured from grade) may be placed along the perimeter of an encroaching terrace or porch;

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- 8. Seat walls up to 2 feet in height are permitted on porches and terraces;
- 9. Light wells projecting a maximum of 2 feet; and
- 10. Building elements allowed pursuant to the front façade articulation provisions of Sec. 2.4.9.

B. Street-Side Setbacks

Except as otherwise expressly stated, the following parts of a principal building may encroach into street-side setbacks in SF, SF-A, and D districts:

- 1. Eaves and roof extensions projecting a maximum of 3 feet;
- 2. Bay windows, maximum 8 feet in width, projecting a maximum of 2 feet;
- 3. Chimneys, maximum 8 feet in width, projecting a maximum of 1.5 feet;
- 4. Decorative banisters and handrails no more than 4 feet in height may be placed along the perimeter of an encroaching terrace or porch;
- 5. Seat walls are permitted on porches up to 2 feet in height; and
- 6. Light wells projecting a maximum of 2 feet.

C. Interior Side Setbacks

Except as otherwise expressly stated, the following parts of a principal building may encroach into interior side setbacks in SF, SF-A, D, and MF districts:

- 1. Window sills, belt courses, cornices, and other architectural features projecting a maximum of one foot;
- 2. Eaves and roof extensions projecting a maximum of 1.5 feet;
- 3. Chimneys projecting a maximum of 2 feet;
- 4. Box or bay windows located a minimum of 2 feet above floor elevation projecting a maximum of one foot with no increase in floor space allowed; and
- 5. Light wells projecting a maximum of 2 feet, except when the side setback is greater than 10 feet, in which case light wells may project a maximum of 3 feet. Light wells may include steps and doors.

D. Rear Setbacks

Except as otherwise expressly stated, the following parts of a principal building may encroach into rear setbacks in SF and SF-A districts:

- 1. Window sills, belt courses, cornices, roof overhangs and other architectural features projecting a maximum of 3 feet;
- 2. Light wells projecting a maximum of 2 feet; and
- 3. Secondary means of ingress and egress from basements at or below grade.

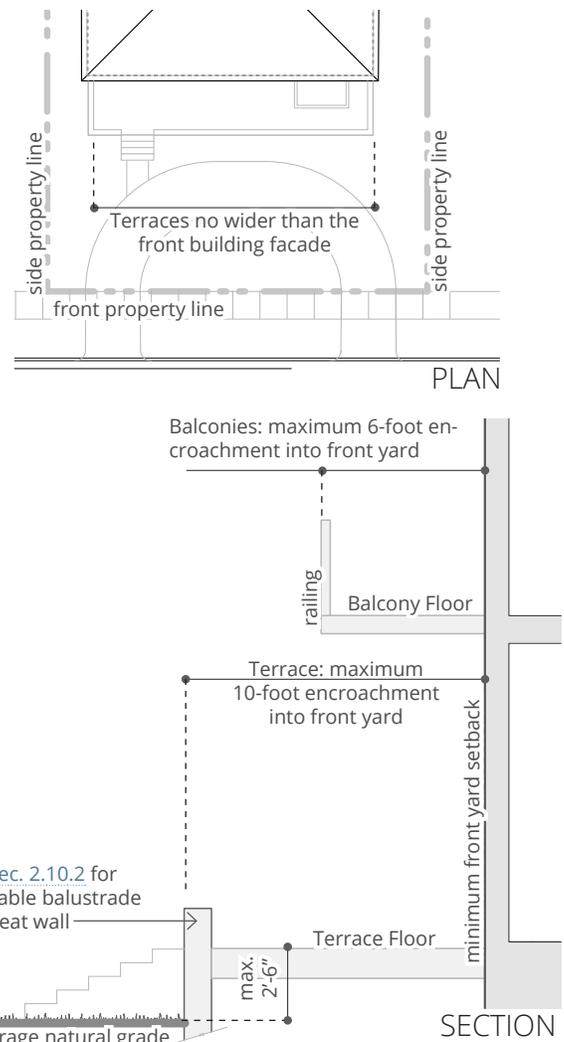


Figure 2-7: Terraces and Balconies Diagrams

Article 3. Commercial Districts

Sec. 3.1. The Districts..... 3-1
 Sec. 3.2. Uses 3-1
 Sec. 3.3. Lot and Building Regulations 3-1
 Sec. 3.4. Additional Regulations..... 3-1

Sec. 3.1. The Districts

The commercial zoning districts are listed in [Table 3-1](#). When the provisions of this zoning ordinance refer to “commercial” districts they are referring to these districts as well as the RC and SC districts, which are included in [Sec. 4.1](#) and [Sec. 4.2](#).

Table 3-1: Commercial Districts

District Name	Map Symbol
Office - 1	O-1
Office - 2	O-2
General Retail	GR
Commercial	C

Note: See [Sec. 4.1](#) and [Sec. 4.2](#) for regulations governing “Park Cities Plaza” and “Preston Center East.”

Table 3-2: Commercial District Lot and Building Regulations

Regulation	O-1	O-2	GR	C
Minimum Lot Area (sq. ft.)	5,000	5,000	5,000	5,000
Minimum Lot Width (ft.)	50	50	50	50
Minimum Lot Depth (ft.)	100	100	100	100
Maximum Floor Area Ratio (FAR)	4.0	4.0	1.5[1]	N/A
Max. Impermeable Cover. (% of lot area)	90	90	90	90
Minimum Setbacks (ft)				
Front	50% of the height of the building from the centerline of the street or 25 ft. from the front lot line, whichever is less		None [2]	Same as required in O-1 and O-2 [2]
Street Side	10 ft. plus 1 ft. of additional setback for each 2 ft. of building height above 40 ft		0/10 ft when rear lot line abuts SF [2]	[2]
Interior Side	0[3]	0[3]	0[3]	0
Rear				
Buildings up to 40 feet in height	10 ft. or 20 ft. from centerline of alley, whichever is greater		12.5	12.5
Buildings more than 40 feet in height	1 ft. per 2 ft. of building height or 50 ft. whichever is less		NA	12.5
Maximum Height (ft.)	200	60	40[4]	55

[1] Applies to portions of building above grade. Maximum FAR of 1.83 applies to buildings with basement occupied by retail use.

[2] Gasoline pump islands must be set back at least 18 feet from front and street side lot lines.

[3] Lots abutting an SF district must provide an interior side setback equal to that required in the abutting SF district or 10 feet, whichever is less, provided that lots less than 50 feet in width are exempt from this requirement.

[4] Air-conditioning equipment, cooling towers, chimneys, radio and television antennae and vent stacks may be extended up to 10 feet above maximum district height limit.

Sec. 3.2. Uses

Uses are allowed in commercial districts in accordance with [Table 5-1](#).

Sec. 3.3. Lot and Building Regulations

The lot and building regulations of [Table 3-2](#) apply to all lots and buildings in commercial districts.

Sec. 3.4. Additional Regulations

3.4.1. Fences

Fences are prohibited in rear yards of O-1 and O-2 districts abutting alleys. See also [Article 8](#) for additional regulations governing fences.

Article 3 Commercial Districts

Sec. 3.4 Additional Regulations

3.4.2. Mechanical Equipment

- A. Air-conditioning compressors, cooling towers, swimming pool equipment and similar accessory mechanical equipment must be installed at grade. Such equipment may not be located within the front yard and must be set back at least 5 feet from side lot lines and at least 3 feet from the rear lot line.
- B. When such equipment is located in the street side yard of a corner lot, or in the front half of any lot, it must be completely screened from view of the street by fence, wall, or dense vegetative screening.

- C. In the C district, parapet walls no more than 10 feet in height must shield any roof-mounted mechanical equipment from view at ground level.

3.4.3. Outdoor Storage and Display

Goods, wares and merchandise offered for sale in GR and C districts may not be displayed or stored outside of a building. See Chapter 4, Section 4.01.001 of the Code of Ordinances for Special Event Permit and License Regulations and Chapter 4, Section 4.01.002 for regulations regarding Christmas tree lots.

Article 4. Special Districts

Sec. 4.1.	RC, Retail Center District (Park Cities Plaza).....	4-1
Sec. 4.2.	SC, Shopping Center District (Preston Center East).....	4-1
Sec. 4.3.	UC, University Campus Districts	4-2
Sec. 4.4.	P, Parking District	4-6
Sec. 4.5.	PD, Planned Development District	4-7

Sec. 4.1. RC, Retail Center District (Park Cities Plaza)

4.1.1. Uses

Uses are allowed in the RC district in accordance with [Table 5-1](#).

4.1.2. Lot and Building Regulations

The lot and building regulations of this subsection ([4.1.2](#)) apply to all lots and buildings in the RC district.

A. Lot Area, Width and Depth

All lots in the RC district are subject to compliance with all applicable lot area, lot width and lot depth requirements established for Park Cities Plaza.

B. Building Lines, Setbacks and Easements

1. Buildings must comply with the building lines established for Park Cities Plaza.
2. The alley at the rear of the existing buildings is located on private property, but by prescriptive rights must remain as a utility easement and access way for delivery purposes.

C. Height

1. The maximum allowed height of buildings and structures in the RC district is 25 feet, except as follows:
 - a. One functional cooking chimney up to 35 feet in height is permitted.
 - b. Parapet walls up to 31.5 feet in height are permitted to screen mechanical equipment or to support south-facing sign structures approved as part of a special sign district.
 - c. One curved metal south-facing sign up to 35 feet in height is permitted if approved as part of a special sign district and if the north-facing side of the sign has a finished surface identical to the south-facing side.

D. Fences

See [Article 8](#).

E. Outdoor Display and Storage

Goods, wares and merchandise offered for sale may not be displayed or stored outside of a building in the RC district. See Chapter 4, Section 4.01.001 of the Code of Ordinances for Special Event Permit and License Regulations and Chapter 4, Section 4.01.002 for regulations regarding Christmas Tree Lots.

Sec. 4.2. SC, Shopping Center District (Preston Center East)

4.2.1. Uses

Uses are allowed in the SC district in accordance with [Table 5-1](#).

4.2.2. Lot and Building Regulations

The lot and building regulations of this subsection ([4.2.2](#)) apply to all lots and buildings in the SC district.

A. Lot Area, Width and Depth

All lots in the SC district are subject to compliance with all applicable lot area, lot width and lot depth requirements established for Park Cities Plaza.

B. Building Lines and Setbacks

1. Except as otherwise expressly stated in the following paragraphs, building lines must comply with the building lines established on the following plat sheets of Dallas County Deed Records, filed 6-10-47 in volume 11, page 217:
 - a. Blocks A & J, Varsity Village Addition;
 - b. Block E, Varsity Village Addition;
 - c. Blocks D & F, Varsity Village Addition;
 - d. Blocks B, C, K & G, Varsity Village Addition; and

Article 4 Special Districts

Sec. 4.3 UC, University Campus Districts

- e. Block H, Varsity Village Addition, except that a minimum 5-foot building setback is required from the right-of-way line of Wentwood Drive.

C. Height

1. Except as otherwise expressly stated in this section, the maximum allowed building height in the SC district is 75 feet.
2. Buildings on Block E abutting a residential district may not exceed 25 feet in height.
3. All portions of a building above 40 feet in height must be set back from lot lines abutting a street by at least one foot for each 2 feet of building height above 40 feet
4. When elevator equipment, cooling towers, or other mechanical equipment is installed on the roof of a building, such items must be screened from ground-level view by one or both of the following:
 - a. A parapet wall not exceeding 10 feet in height; or
 - b. On buildings with a height of 60 feet or more, a screening wall or enclosure, at least equal in height to the top of the equipment but not exceeding 20 feet in height measured from the top of the roof of the building, may be used to screen such equipment from ground level view, provided that the height of such wall or enclosure follows a slope of 1 foot in vertical height to 2 feet of horizontal setback starting at a point at least 10 feet in height above the exterior wall of the building. The screening wall or enclosure must be constructed with the same or similar materials as used on the exterior facade of the principal building.
5. Buildings on Block H may not exceed 18 feet in height when located within 23 feet of the Wentwood Drive right-of-way.

D. Parking

1. At the time that streets were dedicated to the city, parking on city right-of-way was allowed

to be included in calculating off-street parking requirements.

2. The parking district on Wentwood Avenue south of the SC district is included in the calculation of off-street parking provided. Parking in this district is limited to surface and/or underground parking.
3. The following 3 parking areas with the SC district may not be converted to any other use unless equivalent off-street parking is otherwise provided on an adjacent lot or building:
 - a. East portion of Block D;
 - b. North portion of Block E; and
 - c. South portion of Block J.

E. Fences

See [Article 8](#)

F. Outdoor Display and Storage

Goods, wares and merchandise offered for sale may not be displayed or stored outside of a building in the SC district. See Chapter 4, Section 4.01.001 of the Code of Ordinances for Special Event Permit and License Regulations and Chapter 4, Section 4.01.002 for regulations regarding Christmas Tree Lots.

Sec. 4.3. UC, University Campus Districts

4.3.1. Purpose

The UC (University Campus) districts are intended to accommodate buildings and facilities associated with Southern Methodist University (SMU).

4.3.2. Uses

Uses are allowed in UC districts in accordance with [Table 5-1](#).

4.3.3. Lot and Building Regulations

The lot and building regulations of [Table 4-1](#) apply to all lots and buildings in UC districts.

Table 4-1: UC District Lot and Building Regulations

Regulation	UC-1	UC-2	UC-3	UC-4
Min. Lot Area (sq. ft.)	N/A	5,000	5,000	7,000
Min Lot Width (ft.)	N/A	50	50	50
Min. Lot Depth (ft.)	N/A	100	100	180

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Sec. 4.3 UC, University Campus Districts

Regulation	UC-1	UC-2	UC-3	UC-4
Max. Impermeable Coverage (% of lot)	90	90	90	90
Minimum Setbacks (ft)				
Front [see also 4.3.4]	25	25	25	25
Side [see also 4.3.4]	15 [1]	10	10	10
Rear [see also 4.3.4]	5 [1]	10	10	12.5
Maximum Height (ft.) [see also 4.3.4]				
Residential	120	42	35	35
Nonresidential	120	55	35	35

[1] Applies only to sites abutting non-UC zoning districts. No setback required for sites abutting other UC districts.

4.3.4. Supplemental Height and Setback Regulations

A. UC-1 District

Side and rear setback requirements for buildings on lots abutting non-UC-1-zoned lots must be increased by at least 2 additional feet for each foot of building height above 40 feet.

B. UC-2 District

The following supplemental height and setback requirements apply in the UC-2 district.

1. When the block face between 2 intersecting streets is divided by 2 or more zoning districts, the minimum front setback regulation of the most restrictive district on the block face applies to the entire block face.
2. Side and rear setback requirements for buildings on lots abutting SF or D districts must be increased by one foot for each 2 feet of building height above 35 feet. This supplemental setback regulation does not apply to UC-2 zoned lots separated from SF or D-zoned lots by a public street.

C. UC-3 District

The following supplemental height and setback requirements apply in the UC-3 district.

1. When the block face between 2 intersecting streets is divided by 2 or more zoning districts, the minimum front setback regulation of the most restrictive district on the block face applies to the entire block face.

2. Buildings on lots fronting on Dublin Street must be constructed so that the front or side of the building faces Dublin Street.

3. The minimum front and street side setback requirement for lots abutting Dublin Street is 35 feet.

4. Buildings on lots with frontage on Dublin Street may not exceed 35 feet in height, provided that buildings up to a maximum of 42 feet in height are allowed when an additional one foot of building setback is provided for each one foot of building height above 35 feet.

D. UC-4 District

The following supplemental height and setback requirements apply in the UC-4 district.

1. When the block face between 2 intersecting streets is divided by 2 or more zoning districts, the minimum front setback regulation of the most restrictive district on the block face applies to the entire block face.
2. The minimum required interior side setback is 10 feet or 10% of lot width, whichever is less.
3. The minimum required street side setback is 10 feet or 10% of lot width, whichever is greater.

4.3.5. Off-Street Parking

A. General

1. The purpose of this section is to assure that adequate parking spaces are maintained by Southern Methodist University by setting a minimum number of parking spaces required for an established university population and requiring additional parking spaces should the university population increase.
2. The following population numbers are to be full-time equivalents (FTE) as defined by the university. The university must provide and maintain at least 5,723 parking spaces.
3. If either the daytime or evening university population exceeds 9,770, the university must provide and maintain new parking spaces in the proportion of 0.5 parking spaces for each additional student and 0.8 parking spaces for each additional faculty or staff member.

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Sec. 4.3 UC, University Campus Districts

4. To verify that the required number of parking spaces exist on the campus, the university must submit annually a map of the UC zoning districts indicating the total number of spaces in each district. A summary of the spaces with locations specified and a summary of the annual maximum evening and daytime populations of the university for the immediately preceding year must be submitted with the required map.
5. The map and summaries must be filed with the community development director, and once verified, will become a part of the university's required annual parking report. Thereafter, whenever for any reason a parking space is eliminated anywhere in the University Campus zoned districts, the university must concurrently add a replacement space within a UC zoning district.
6. On or before June 30, 2003, and annually thereafter on or before the same date, the university must submit to the community development director an annual parking report in accordance with the provisions of this section.
7. If the annual parking report demonstrates full compliance with the requirements of this section, it must be received and filed by the community development director and acknowledgment given the university of such compliance.
8. If violations of this section exist or are demonstrated by the annual parking report, the community development director must immediately give notice in writing of such violation to the university. Upon receipt of such notice, the university must, within 30 days either:
 - a. Demonstrate to the satisfaction of the community development director that the university is in compliance with the requirements of this section; or
 - b. Submit a plan satisfactory to the community development director for the correction of violations within a reasonable period of

time, not to exceed 60 days, acceptable to the community development director. Upon acceptance of the plan, the university must follow the plan to completion to correct such violation within the time allowed.

9. If the university fails or refuses to comply with the provisions of this section or the plan submitted and approved by the community development director, it will be subject to all the remedies and penalties provided by this zoning ordinance or otherwise authorized by law.
10. Concurrently with the submission of the annual parking report, the university must also submit the university's operational plan for the shuttle bus system to be implemented the following academic year and a statement describing the utilization of the shuttle bus system under the current operational plans.
11. All parking spaces in UC districts are to comply with the parking space dimensional standards of this zoning ordinance. Up to 33% of the parking spaces in each parking lot may be smaller spaces designated for small size cars.

B. Parking Space Credit for Transit

In determining parking requirements under this section, the university is entitled to credit for parking spaces required beyond the minimum for faculty, staff, and students who reside in a zip code served by a DART rail park and ride station or a zip code adjacent to such park and ride station, excluding students who reside in zip codes 75225, 75275 and 75205, as follows:

Table 4-2: Parking Credit for Transit

Permitted Credit	Reduction (%)
Students	15
Faculty	10
Staff	15

C. Parking For Ford Stadium

1. Provided SMU maintains an annual inventory of parking spaces as required by this section, Ford Stadium may host events (as hereinafter described) so long as spectator admissions to the events do not exceed 22,892. For events that exceed 22,892 spectator admissions,

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the university must provide one additional parking space for every 4 additional spectator admissions that the university can reasonably anticipate. In the event sufficient additional spaces are not included in the annual report to the city, the number of additional required spaces may be provided at a remote location so long as no fee is charged to the spectators for such remote parking. The university may include in its plan that 25% of the required additional spectators anticipated will be served by the DART Rail System and that no additional parking spaces will be required for that number of seats.

2. Before hosting any event at which more than 22,892 spectator admissions are expected, a written plan for the use of remote parking must be submitted to the city manager and city attorney for review in accordance with the requirements of this section. The plan will be deemed approved only if notice of approval is given in writing by the city manager. If the city manager fails to approve the plan within 15 days of its submission, the university may submit the plan to the planning and zoning commission for review and then to the city council for approval or denial. The plan must provide the following:
 - a. Statement of the number of spectator admissions that the university reasonably anticipates being in attendance. [Note: 10 business days after the completion of each event, the university must file with the city manager for each such event the actual number of spectators in attendance.
 - b. Binding contracts with the providers of the remote parking spaces.
 - c. Free shuttle bus service to Ford Stadium from remote parking and return, including description of bus routes and schedule.
 - d. Description of how the university plans to inform the public attending the events of the remote parking,
 - e. Description of how the university plans to

locate appropriate signage directing the attending public to the remote parking.

- f. Description of how the university plans to provide advance notice to visiting colleges and universities.
- g. Location and operation of a command post which must make provision for assistance to the attending public for emergency services and recovery of towed vehicles.
- h. Adequate security and traffic control personnel.

D. Construction of Parking Spaces

Parking spaces or surfaced parking areas may not be located or constructed to allow any portion of a vehicle to touch or overhang the property line of the lot on which the parking is located. Tandem parking spaces or parking spaces or facilities containing 2 or more spaces and that require the moving of one parked vehicle in order to utilize such spaces, will be counted as a single parking space in computing off-street parking.

E. Site Plan Approval

In UC districts, removal or reduction of off-street required parking spaces or area in excess of 30 parking spaces may not be undertaken until a site plan delineating such proposed removal or reduction and provisions for replacement of such spaces or area is reviewed and approved by the community development director.

F. District-Specific Parking Regulations

1. In the UC-3 District, surface parking is allowed only as accessory to an adjacent use. Non-accessory surface parking lots are prohibited in the UC-3 district.
2. Only required off-street parking is permitted in the UC-4 district.

4.3.6. Other Regulations

A. Control of Runoff

The regulations of Chapter 3, Art. 3.100 [Art. 3.02, Divisions 2 and 3] of the Code of Ordinances apply in UC districts when the runoff water does not enter the storm sewer system maintained by SMU in the original main campus.

Article 4 Special Districts

Sec. 4.4 P, Parking District

B. Residential Protection

When new development occurs in the UC-4 District, a solid screening wall at least 8 feet in height must be installed along any alley that is adjacent to private residential uses. New single-family uses are exempt from the requirement to install such screening walls,

C. Fences and Walls

See [Article 8](#).

D. Access

No rear-entry alley access is allowed for lots in the UC-4 district, except for access to lots occupied by single-family dwellings.

E. Screening

Dumpsters, mechanical equipment, loading areas and similar service facilities in the UC-3 district must be screened from view from any point on Dublin Street by a solid wall.

F. Accessory Uses and Structures

See [Sec. 5.3](#).

G. Ford Stadium

1. The following temporary uses and occasional activities are permitted in Ford Stadium:
 - a. Collegiate activities sponsored and approved by SMU;
 - b. High school football playoff games;
 - c. High school football games other than playoff games provided that such games are limited to 2 calendar days per academic year with no more than 2 games played per day;
 - d. Football and soccer youth league events; and
 - e. Any event for which no admission is charged and for which fewer than 500 spectators will be admitted.
2. Uses and events primarily providing musical entertainment over an electronically amplified speaker system are prohibited in Ford Stadium.

Sec. 4.4. P, Parking District

4.4.1. Uses

Uses are allowed in P districts in accordance with [Table 5-1](#).

4.4.2. Lot and Building Regulations

The lot and building regulations of [Table 4-3](#) apply to all lots and buildings in P districts.

Table 4-3: UC District Lot and Building Regulations

Regulation	P District
Minimum Lot Width (ft.)	50
Minimum Lot Depth (ft.)	100
Max. Impermeable Coverage (% of lot)	90
Minimum Lot Area (Sq. ft.)	5,000
Minimum Front Setback (ft.)	See 4.4.4
Minimum Side Setback (ft.)	See 4.4.5
Minimum Rear Setback (ft.)	See 4.4.5
Maximum Height (ft.)	35

4.4.3. General Regulations

- A. Only surface parking lots are allowed on lots that abut SF districts.
- B. A 2.5-foot tall masonry wall is required in all areas where parking spaces are adjacent to the property line.
- C. Parking lot paving must be set back at least 3 feet from all lot lines.

4.4.4. Supplemental Setback Regulations

Buildings must provide a minimum front setback of 25 feet or the most restrictive front setback requirement that applies to any zoning district on the same block face, whichever distance is greater.

4.4.5. Residential Protection

When a P zoning district abuts a residential zoning district, a minimum setback of 10 feet must be provided on the side (or rear) of the lot abutting the residential district.

4.4.6. Fences and Walls

See [Article 8](#).

4.4.7. Accessory Uses and Structures

See [Sec. 5.3](#).

Sec. 4.5. PD, Planned Development District

4.5.1. Purpose and Intent

- A. The PD, Planned Development district is intended to:
1. Ensure adequate public review of major development proposals;
 2. Encourage unified planning and development;
 3. Promote economically beneficial development patterns that are compatible with the character of existing neighborhoods;
 4. Ensure a level of amenities appropriate for the nature and scale of the project; and
 5. Allow flexibility in application of selected use, lot, building and development regulations to promote high-quality building and site design.
- B. Different types of PDs will promote different planning goals. In general, however, PDs are intended to promote one or more of the following objectives:
1. Flexibility and creativity in responding to changing social, economic and market conditions allowing greater public benefits than could be achieved using conventional zoning regulations;
 2. Efficient and economical provision of public facilities and services;
 3. High-quality buildings and improvements that are compatible with surrounding areas, as determined by their arrangement, massing, form, character and landscaping;
 4. Protection and enhancement of open space amenities and natural resource features;
 5. Best management practices in stormwater management, including low-impact development (LID) approaches that provide aesthetic, flood protection and water-quality benefits;
 6. Sustainable development practices focusing on energy efficiency; and
 7. Attractive, high-quality landscaping, lighting, architecture and signage.

4.5.2. Mandatory PD Thresholds

All of the following require review and approval of PD zoning in accordance with the procedures of [Sec. 9.5](#):

- A. New buildings with a gross floor area of more than 40,000 square feet;
- B. Expansions of existing buildings by more than 40,000 square feet;
- C. New uses or expansions of existing uses that are required to provide more than 200 off-street parking spaces under the minimum off-street parking regulation of [Article 6](#); and
- D. Any other use or activity expressly identified as requiring PD zoning under this zoning ordinance.

4.5.3. Elective PD Thresholds

Applicants for developments that do not meet the criteria for a mandatory planned development may nonetheless elect to request approval of PD zoning if the proposed development is for a public or civic use or is located on a development site that is at least 30,000 square feet in area.

4.5.4. Procedure

PD zoning map amendments must be approved in accordance with the procedures of [Sec. 9.5](#).

4.5.5. Zoning Map

Approved PDs must be identified on the zoning map.

4.5.6. Allowed Uses

The uses to be allowed in a PD must be identified as part of the PD approval process, along with all applicable conditions or supplemental use regulations that apply to such uses.

4.5.7. Lot and Building Regulations

Lot and building regulations applicable to PD zoning districts must be established as part of the PD zoning approval process (see [Sec. 9.5](#)).

4.5.8. Other Regulations

Unless otherwise expressly approved by the city council as part of the PD approval process, PDs are subject to all applicable regulations of this zoning ordinance. The planning and zoning commission is authorized to recommend and the city council is authorized to approve PDs that deviate from strict compliance with the regulations of this zoning ordinance.

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Article 5. Uses

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Sec. 5.1. Principal Uses

5.1.1. Table of Allowed Uses

Principal uses are allowed in accordance with [Table 5-1](#).

5.1.2. Interpreting the Use Table

A. Use Classification System

Uses are listed in the first column of [Table 5-1](#). This zoning ordinance classifies uses into categories and subcategories, which are defined in [Sec. 5.2](#). In some cases, specific use types are listed in addition to the use categories and subcategories. The “definitions/regulations” (final) column of [Table 5-1](#) includes a cross-reference to the applicable use definition and any applicable supplemental use regulations.

B. Permitted Uses

1. Uses identified with a “●” are permitted as-of-right in the subject zoning district.
2. Permitted uses are subject to compliance with any supplemental regulations identified in the final column of [Table 5-1](#) and with all other applicable regulations of this zoning ordinance.

C. Specific Use Permits

Uses identified with an “③” may be allowed in the subject zoning district if reviewed and approved in accordance with the specific use permit procedures of [Sec. 9.4](#). These uses are subject to compliance with any supplemental regulations identified in the final column of [Table 5-1](#) and with all other applicable regulations of this zoning ordinance.

D. Prohibited Uses

Uses identified with an “-” are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in [5.2.5](#)) to fall within any defined use category or subcategory are also prohibited.

E. Supplemental Regulations

The “definitions/regulations” column of [Table 5-1](#) includes a cross-reference to the use definition and any applicable supplemental use regulations that apply to the subject use. Unless otherwise expressly stated, compliance with supplemental use regulations is required regardless of whether the use is permitted as-of-right or requires specific use permit approval.

F. Accessory and Temporary Uses

Accessory and temporary uses are not regulated by [Table 5-1](#). Customary accessory uses are allowed in conjunction with principal uses permitted by right or by specific use permit, subject to compliance with all applicable accessory use regulations of [Sec. 5.3](#). Temporary uses are addressed in [Sec. 5.4](#).

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Article 5 Uses

Sec. 5.1 Principal Uses

Table 5-1: Use Table

USE CATEGORY	SF 1-4	SF A	D 1-2	MF 1-3	O 1-2	GR	RC	SC	C	P	UC				Definitions Regulations
											1	2	3	4	
● = use permitted as of right Ⓢ = specific use permit required - = prohibited use															
RESIDENTIAL															
Household Living 5.2.6-A															
Detached house	●	●	●	●	-	-	-	-	-	-	-	-	●	●	
Attached house	-	●	●	●	-	-	-	-	-	-	-	-	●	Ⓢ	
Duplex	-	-	●	●	-	-	-	-	-	-	-	-	●	Ⓢ	
Apartment	-	-	-	●	-	-	-	-	-	-	-	-	-	-	
Apartment (faculty or graduate student)	-	-	-	-	-	-	-	-	-	-	●	●	Ⓢ	Ⓢ	
Group Living 5.2.6-B															
Community home	●	●	●	●	-	-	-	-	-	-	-	-	-	-	
Fraternity, sorority, dormitory	-	●	●	●	-	-	-	-	-	-	●	●	-	-	
Nursing home	-	-	-	Ⓢ	-	-	-	-	-	-	-	-	-	-	
PUBLIC, CIVIC AND INSTITUTIONAL															
College or University 5.2.7-A															
Community Center	-	Ⓢ	Ⓢ	Ⓢ	●	●	●	●	●	-	●	●	-	-	5.2.7-B
Fraternal Organization or Private Club	-	-	-	-	●	●	●	●	●	-	●	●	-	-	5.2.7-C
Governmental Service (not otherwise classified)	-	Ⓢ	Ⓢ	Ⓢ	Ⓢ	●	●	●	●	-	●	●	Ⓢ	Ⓢ	5.2.7-D
Library or Cultural Exhibit	-	Ⓢ	Ⓢ	Ⓢ	●	●	●	●	●	-	●	●	Ⓢ	Ⓢ	5.2.7-E
Parks and Recreation (except as below) 5.2.7-F															
Athletic field (intramural or intercollegiate)	-	-	-	-	-	-	-	-	-	-	●	●	Ⓢ	Ⓢ	
Philanthropic Institutions															
Religious Assembly	Ⓢ	Ⓢ	Ⓢ	Ⓢ	●	●	●	●	●	-	●	●	-	-	5.2.7-G
Safety Service	-	-	Ⓢ	Ⓢ	●	●	●	●	●	-	●	●	-	-	5.2.7-H
School 5.2.7-I															
Private	-	-	Ⓢ	Ⓢ	●	●	●	●	●	-	●	●	-	-	
Public	-	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	-	-	-	-	-	-	
Utilities and Public Service Facilities															
Minor 5.2.7-J															
Minor	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	
Major 5.2.7-K															
Major	-	-	-	-	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	
Wireless Communications Facility 5.2.7-L															
Freestanding tower	-	-	-	-	●	●	●	●	●	-	●	●	-	-	
Antenna	-	-	-	-	●	●	●	●	●	-	●	●	-	-	
COMMERCIAL															
Adult restricted uses															
Animal Services 5.2.8-A															
Boarding	-	-	-	-	-	●	●	●	●	-	-	-	-	-	
Grooming	-	-	-	-	-	●	●	●	●	-	-	-	-	-	
Veterinary	-	-	-	-	-	●	●	●	●	-	-	-	-	-	
Assembly and Entertainment (except as below) 5.2.8-B															
Cinema or theater	-	-	-	-	●	●	●	●	●	-	●	●	-	-	
Health club/gymnasium	-	-	-	-	-	●	●	●	●	-	-	-	-	-	

Article 5 Uses
Sec. 5.1 Principal Uses

USE CATEGORY Use Subcategory Specific use type	SF 1-4	SF A	D 1-2	MF 1-3	O 1-2	GR	RC	SC	C	P	UC				Definitions Regulations
											1	2	3	4	
● = use permitted as of right Ⓢ = specific use permit required - = prohibited use															
Commercial Service															5.2.8-C
Building service	-	-	-	-	-	●	●	●	●	-	-	-	-	-	
Building support service	-	-	-	-	●	●	●	●	●	-	-	-	-	-	
Consumer maintenance/repair service	-	-	-	-	-	●	●	●	●	-	-	-	-	-	
Personal improvement service (except as below)	-	-	-	-	●	●	●	●	●	-	-	-	-	-	
Tanning salon	-	-	-	-	-	-	●	-	-	-	-	-	-	-	
Research service	-	-	-	-	-	-	-	-	●	-	●	●	-	-	
Day Care (except as below)	-	-	-	Ⓢ	-	-	-	-	●	-	-	●	-	-	5.2.8-D
Day care for university faculty or students	-	-	-	-	-	-	-	-	-	-	●	●	●	●	
Financial Institution	-	-	-	-	●	●	●	●	●	-	-	-	-	-	5.2.8-E
Lodging															5.2.8-F
Hotel or motel	-	-	-	-	●	●	●	●	●	-	-	-	-	-	
Boarding or rooming house	-	-	-	Ⓢ	-	-	-	-	-	-	●	●	-	-	
Office															5.2.8-G
Business or professional office	-	-	-	-	●	●	●	●	●	-	-	-	-	-	
Dental or health practitioner	-	-	-	-	●	●	●	●	●	-	●	-	-	-	
Parking, non-accessory (except as below)	-	-	-	-	●	●	●	●	●	●	●	●	-	-	5.2.8-H
Parking lot for trucks and vans	-	-	-	-	-	-	-	-	●	-	-	-	-	-	
Restaurant	-	-	-	-	●	●	●	●	●	-	●	●	-	-	5.2.8-I
Retail Sales (except as below)	-	-	-	-	-	●	●	●	●	-	-	-	-	-	5.2.8-J
Building materials sales	-	-	-	-	-	-	-	-	●	-	-	-	-	-	
Drugstore or pharmacy	-	-	-	-	●	●	●	●	●	-	-	-	-	-	
Florist or garden shop	-	-	-	-	●	●	●	●	●	-	-	-	-	-	
Newsstand or bookstore	-	-	-	-	●	●	●	●	●	-	●	●	-	-	
Studio, Artist or Instructional Service	-	-	-	-	●	●	●	●	●	-	-	-	-	-	5.2.8-K
Vehicle Sales and Service															5.2.8-L
Personal vehicle repair and maintenance	-	-	-	-	-	-	-	-	●	-	-	-	-	-	
Fueling station	-	-	-	-	-	●	●	●	●	-	-	-	-	-	
Personal vehicle sales	-	-	-	-	-	-	-	-	●	-	-	-	-	-	
Vehicle body and paint finishing shop	-	-	-	-	-	-	-	-	●	-	-	-	-	-	
OTHER															
Helistop	-	-	-	-	-	-	-	-	Ⓢ	-	Ⓢ	Ⓢ	-	-	5.2.9-A
Drive-in or Drive-through Facility															5.2.9-B
Financial institution uses	-	-	-	-	●	●	●	●	●	-	-	-	-	-	
Other uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Large-scale Use	Requires Planned Development (PD) Approval (Sec. 9.5)														5.2.9-C
Public Transportation Facility	-	-	-	-	-	-	-	-	●	-	Ⓢ	-	-	-	
Radio or TV Tower, Commercial	-	-	-	-	●	●	●	●	●	-	●	●	-	-	
Bakery (wholesale)	-	-	-	-	-	-	-	-	●	-	-	-	-	-	
Cabinet or upholstery shop	-	-	-	-	-	-	-	-	●	-	-	-	-	-	
Cleaning and dyeing plant	-	-	-	-	-	-	-	-	●	-	-	-	-	-	
Equipment sales and service	-	-	-	-	-	-	Ⓢ	Ⓢ	●	-	-	-	-	-	
Wine Storage	-	-	-	-	-	-	-	-	●	-	-	-	-	-	

Article 5 Uses

Sec. 5.2 Use Classifications

Sec. 5.2. Use Classifications

5.2.1. General

This section establishes and describes the use classification system used to classify principal uses in this zoning ordinance.

5.2.2. Use Categories

This zoning ordinance classifies principal land uses into 4 major groupings (described in [5.2.6](#) through [5.2.9](#)). These major groupings are referred to as “use categories.” The use categories are as follows:

- A. Residential (see [5.2.6](#)).
- B. Public, Civic and Institutional (see [5.2.7](#)).
- C. Commercial (see [5.2.8](#)).
- D. Other (see [5.2.9](#)).

5.2.3. Use Subcategories

Each use category is further divided into more specific “subcategories.” Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions.

5.2.4. Specific Use Types

Some use subcategories are further broken down to identify specific types of uses that are regulated differently than the subcategory as a whole.

5.2.5. Determination of Use Categories and Subcategories

- A. The community development director is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this article.
- B. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the community development director is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions

provided in this article. In making such determinations, the community development director must consider:

1. The types of activities that will occur in conjunction with the use;
 2. The types of equipment and processes to be used;
 3. The existence, number and frequency of residents, customers or employees;
 4. Parking demands associated with the use; and
 5. Other factors deemed relevant to a use determination.
- C. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the community development director is authorized to categorize each use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate “fit.”
 - D. If a use can reasonably be interpreted as falling within any of the use categories or subcategories, the community development director is authorized to determine that the use is only allowed if reviewed and approved in accordance with the planned development procedures of [Sec. 9.5](#).

5.2.6. Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential use subcategories are as follows.

- A. **Household Living**
Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is 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.
- B. **Group Living**
Residential occupancy of all or a portion of a building by a group other than a household. Group living uses typically include communal kitchen/dining areas. Examples of group living include community homes, nursing homes, assisted living facilities, fraternity and sorority houses and dormitories.

1. Community Home

A community-based residential home pursuant to Chapter 123, Texas Human Resource Code.

5.2.7. Public, Civic and Institutional Use Category

This category includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public, civic and institutional subcategories are as follows.

A. College or University

Academic institutions of higher learning that are accredited or recognized by the state and offer courses of general or specialized study.

B. Community Center

A building and/or grounds that may be used by the City of University Park, or any person or entity as its designee, to provide recreational or social services for the benefit of citizens.

C. Fraternal Organization or Private Club

The use of a building or lot by a not-for-profit, social or business organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.

D. Governmental Service

Local, state or federal government services that are not otherwise classified in this section. Includes city hall and other buildings and related facilities operated by local, state or federal government.

E. Library or Cultural Exhibit

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency other than the city for study and reading by the general public.

F. Parks and Recreation

Recreational, social or multi-purpose uses associated with public (including school district) parks and open spaces, including playgrounds, play fields, play courts and other facilities typically associated with public parks and open space areas.

G. Religious Assembly

A place of worship of recognized religions operated by persons qualified by special training in a seminary or a recognized school of religious training and which facility is open to the general public, including such accessory uses as church-operated nursery and educational facilities and on-site residence for religious personnel.

H. Safety Service

Establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.

I. School

Public and private schools at the primary, elementary, middle school or high school level that provide basic, compulsory education.

J. Utilities and Public Service Facility, Minor

Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities do not regularly have employees at the site and typically have few if any impacts on surrounding areas. Typical uses include: underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.

K. Utilities and Public Service Facility, Major

Infrastructure services that typically have substantial visual or operational impacts on nearby areas.

L. Wireless Communication Facility

Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services.

1. Freestanding Towers

A structure intended to support equipment that is used to transmit and/or receive telecommunications signals, including monopoles and guyed and lattice construction steel structures.

Article 5 Uses

Sec. 5.2 Use Classifications

2. Antennas

The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

3. Federal Law

The wireless communication facility regulations of this zoning ordinance must be applied within the constraints of the Telecommunications Act of 1996 and Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012.

5.2.8. Commercial Use Category

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows.

A. Animal Service

Uses that provide goods and services for care of animals, including the following specific use types:

1. Boarding

Non-medical care provided for household pets within a completely enclosed building in a location other than their primary residence. Typical examples include indoor kennel services for dogs, cats and small animals, pet resorts/hotels, pet training centers conducted entirely indoors, and indoor doggy day care centers.

2. Grooming

Grooming of dogs, cats and similar small household pets conducted within a completely enclosed building, including dog bathing and clipping salons and pet grooming shops.

3. Veterinary

Animal hospitals and veterinary clinics, with all activities conducted within a completely enclosed building

B. Assembly and Entertainment

Uses conducted within a completely enclosed building that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Typical uses include health clubs, gymnasiums, billiard centers, bowling

centers, cinemas and live theaters.

C. Commercial Service

Uses that provide for consumer, business or research services and for the indoor, low-impact repair and maintenance of a wide variety of products. Includes the following specific use types:

1. Building Service

Uses that provide maintenance and repair services for structural and mechanical elements of buildings. Typical uses include janitorial, carpet cleaning, extermination, plumbing, electrical, window cleaning and similar services.

2. Business Support Service

Uses that provide personnel services, printing, copying, package (delivery) drop-off, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, copy and print shops, delivery/courier service drop-off location for consumers, caterers and photo developing labs.

3. Consumer Maintenance and Repair Service

Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Businesses that offer repair and maintenance service for large equipment or technicians who visit customers' homes or places of business are classified as a "building service."

4. Personal Improvement Service

Uses that provide personal grooming, cosmetic or health and well-being-related services. Typical uses include barbers, hair and nail salons, tanning salons and day spas.

5. Research Service

Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble

office buildings or campuses and do not involve the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.

D. Day Care

Uses providing care and supervision for 3 or more children away from their primary residence for less than 24 hours per day.

E. Financial Institution

A depository institution chartered by the state or federal government, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration. This includes banks, savings and loan associations, mutual savings banks and credit unions. Automatic teller machines, kiosks and similar facilities that do not have on-site employees or amplified sound are not classified as financial institution uses if they meet the criteria for classification as an accessory use (see [Sec. 5.3](#)).

F. Lodging

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Examples of specific lodging use types include:

1. Hotel

A lodging establishment that includes at least 12 individual guest rooms and provides customary hotel services.

2. Boarding House or Rooming House

A building, other than a hotel or motel, where lodging and meals for 3 or more persons who are not related by blood, marriage, or adoption, are provided for compensation or other services, reward or privilege.

G. Office

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services. Examples of specific use types include:

1. Business or Professional Office

Office uses for companies and non-governmental organizations. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations.

2. Medical, Dental or Health Practitioner

Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists and chiropractors. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, unless otherwise expressly indicated.

H. Parking, Non-Accessory

Parking that is not provided to comply with minimum off-street parking requirements or that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large.

I. Restaurant

An establishment that serves food or beverages for on-premise consumption as its principal business and in which more than 25% of the establishment's floor area is devoted to seating/dining and customer service areas. Typical examples include restaurants, cafés, cafeterias. Restaurants may include beer, wine and alcohol sales for on-premise consumption if the operator holds a valid mixed beverage permit issued by the state alcoholic beverage commission in accordance with the provisions of Chapter 28 of the Alcoholic Beverage Code, provided the operator also holds a food and beverage certificate under Section 28.18 of the Alcoholic Beverage Code. Food service and eating places in which no more than 25% of the floor area is devoted to customer service or seating/dining area are classified as "retail sales."

J. Retail Sales

Uses involving the sale, lease or rental of goods to

Article 5 Uses

Sec. 5.3 Accessory Uses and Structures

the ultimate consumer.

K. Studio, Artist or Instructional Service

Uses in an enclosed building that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, artist studios and photography studios.

L. Vehicle Sales and Service

Uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment. The vehicle sales and service subcategory includes the following specific use types:

1. Fueling Station

Uses engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops.

2. Personal Vehicle Repair and Maintenance

Uses that repair, install or maintain the mechanical components of automobiles, small trucks or vans or motorcycles or that wash, clean or otherwise protect the exterior or interior surfaces of these vehicles.

3. Personal Vehicle Sales

Uses that provide for the sale or rental of automobiles, small trucks, vans, or motorcycles within a completely enclosed building.

4. Vehicle Body and Paint Finishing Shop

Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means.

5.2.9. Other Use Category

This category includes uses not included in other use categories.

A. Helistop

A landing pad or area for occasional, non-scheduled use by rotary-wing aircraft not exceeding a gross weight of 6,000 pounds and not including fueling or servicing facilities.

B. Drive-in or Drive-through Facility

Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-in or drive-through restaurants, drive-through banks and drive-through pharmacies. Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees or amplified sound are not classified as drive-in or drive-through facilities if they meet the criteria for classification as an accessory use (Sec. 5.3).

C. Large-scale Use

Any use that occupies more than 40,000 square feet of floor area or requires more than 200 off-street parking spaces

Sec. 5.3. Accessory Uses and Structures

5.3.1. Accessory Uses Allowed

Accessory uses and structures are allowed only in connection with lawfully established principal uses.

5.3.2. Allowed Uses and Structures

Allowed accessory uses and structures are limited to those expressly regulated in this article, including this section (Sec. 5.3) and Table 5-2, as well as those that, in the determination of the community development director, satisfy all of the following criteria:

- A. They are customarily found in conjunction with the subject principal use or principal structure;
- B. They are subordinate and clearly incidental to the principal use of the property; and
- C. They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use.

5.3.3. Time of Construction and Establishment

- A. Accessory uses may be established only after the principal use of the property is in place.
- B. Accessory buildings may be established in conjunction with or after the principal building or use. They may not be established before the principal building or use is in place.

5.3.4. Location

A. On-Site

Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly allowed.

B. Rear Yard Location

Except as otherwise expressly allowed, detached accessory buildings and structures must be located in the rear yard. A detached accessory building or structure, including a swimming pool or garage, may be located in the rear half of the lot between the rear of the principal building and the midpoint of the lot if it is set back from side lot lines at least 7 feet or a distance equal to at least 10% of the lot width, whichever is less. See also the garage regulations of [Sec. 7.2](#).

C. Front Yards

In addition to the building encroachments allowed in accordance with [Sec. 2.10](#), the following are expressly allowed within the front yard area of residential districts if they are constructed of permanent materials approved by the community development director:

1. Up to 4 freestanding columns not exceeding 5 feet in height or 2 feet by 2 feet in dimension on lots with a width of less than 60 feet;
2. Up to 4 freestanding columns not exceeding 5 feet in height or 3 feet by 3 feet in dimension on lots with a width of 60 feet or more;
3. Freestanding columns not exceeding 8 feet in height on SF-1-zoned lots of more than one acre in area;
4. Lamp posts that are not freestanding columns, no more than 6 inches in diameter and no more than 8 feet in height;
5. Up to 4 statuary, bird baths, pedestals or yard art objects per lot, not to exceed 5 feet in height or 20 cubic feet in volume per object and located at least 5 feet from all property lines;
6. Lawn furniture, including benches, tables, and stools no more than 30 inches in height;
7. Retaining walls no more than 2 feet above the average natural grade of the front yard;

8. One flag pole per lot, not exceeding 25 feet in height, measured from natural grade, set back a minimum distance equal to the height of the flag pole, measured at natural grade, from all adjoining lot lines. The flag may not exceed 24 square feet in area; and
9. Earth berms for landscaping and screening purposes, constructed of permanent materials approved by the community development director, provided that the height of the berm may not exceed 1 foot of height for every 2 feet of horizontal distance. The crown of the berm may not exceed 42 inches in height. Berms may not be located or erected so as to obstruct or interfere with vision of a public street by a motorist entering or existing a driveway.

5.3.5. Side Setbacks

- A. Unless otherwise expressly stated, detached accessory buildings and structures must be set back at least 3 feet from any interior side lot line, as measured from the closest point of the structure
- B. Accessory buildings with vertical walls and roof projections that have a 2-hour fire resistance rating must be set back at least 2 feet from interior side lot lines.
- C. Attached accessory buildings are subject to the minimum side setback regulations that apply to the principal building.
- D. When located within 40 feet of the rear property line, windows or other openings greater than 12.5 feet above the top of the foundation or a vertical wall surface exceeding 12.5 feet in height may not be adjacent to any interior side lot line unless such windows, openings, or vertical wall surfaces are set back at least 20 feet from such interior side lot line.

5.3.6. Rear Setbacks

Non-garage accessory buildings and accessory structures must be setback at least 3 feet from the rear lot line.

5.3.7. Lot Coverage

The principal building, all accessory buildings and all other structures in excess of 30 inches above ground level may not cover more than 50% of that portion of

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the lot lying to the rear of the midpoint line of the lot.

5.3.8. Separation

Detached accessory buildings must be separated by a minimum distance of 6 feet from the principal building. This required separation area may not contain stairs.

5.3.9. Tennis Courts (Private)

- A. Private tennis courts are allowed only if approved in accordance with the specific use permit procedures of [Sec. 9.4](#).
- B. A private tennis court may not cover more than 20% of the overall lot area.
- C. Private tennis court surfaces and all appurtenances other than fences or walls must be set back at least 3 feet from the rear property line and any easements.
- D. No portion of a tennis court surface, fence, wall or other related appurtenance may be located within the front yard.

5.3.10. Swimming Pools (Private)

A. General

Swimming pools constructed on residential lots must be:

- 1. Below-ground pools;
- 2. Located behind the front building line of the associated principal building and screened from view of all streets by a fence, wall or building; and
- 3. Constructed of concrete or other approved material that is inert, nontoxic, and impervious to vermin and decay.

B. Side and Rear Setbacks

Swimming pools must set back at least 5 feet from all side and rear lot lines, measured from the inside walls of the swimming pool.

C. Gates and Enclosures

- 1. Any gate allowing access to the swimming pool area from the outside through any accessory or detached building or structure other than the principal building may not exceed 48 inches in width and must also be equipped with self-latching mechanisms.

- 2. See also [Sec. 8.9](#) for regulations governing swimming pool enclosures.

D. Lighting

Lights in the swimming pool area, except those within the swimming pool, may not be mounted at a height that exceeds the height of the fence surrounding the pool and must include full-cutoff type light fixtures to prevent light trespass and spillover onto adjacent properties.

E. Drainage

- 1. Swimming pools must be equipped with proper filtration and water treatment equipment to ensure that the water will be sanitary at all times. Equipment must be connected by an underground conduit to the sanitary sewer adjacent to such property and a proper indirect waste connection must be made, as required by the plumbing ordinance.
- 2. Deck drains or surface water may not be discharged into the sanitary sewer but must be diverted away from adjacent property into a storm drain either in the street or an alley.

5.3.11. Breezeways and Covered Walkways

- A. A single-story breezeway or covered walkway may connect a principal building with a detached accessory structure, subject to compliance with the regulations of this subsection.
- B. The detached accessory building or structure to which the breezeway is attached must comply with all applicable accessory structure regulations (see [Sec. 5.3.2](#)).
- C. The breezeway or covered walkway must be at least 50% unenclosed and comply with the side setback regulations that apply to the principal building.
- D. The breezeway's or covered walkway's vertical walls may not exceed 12.5 feet in height, and the breezeway may not exceed 6 feet in width (measured between the structure's vertical supports).
- E. The eaves or roof overhang on a breezeway or covered walkway may not exceed 24 inches.

5.3.12. Air Conditioner Condensing Units and other Mechanical Equipment

Air conditioner condensing units, swimming pool pumps, power generators and similar mechanical equipment are subject to the following regulations:

1. Equipment adjacent to streets or lots occupied by residential uses must be screened by a solid or wood fence, a wall or landscaping. Equipment may not exceed the height of the screening.
2. In SFA zoning districts, equipment may be located in the rear yard along the common side property line of abutting SFA-zoned lots without screening if a party wall/mutual access agreement among abutting property owners is recorded.
3. No more than 5 pieces of mechanical equipment may be located in a single side

yard. A minimum clearance of 2 feet must be maintained between equipment and the side property line,

4. At least one required side setback must be kept clear of all equipment.
5. Equipment must be set back at least 2 feet from rear property lines.
6. Placement of new equipment associated with the renovation, addition, and/or construction of a new residential structure must comply with the regulations of this section. Replacement of nonconforming mechanical equipment will be allowed to continue until the building site is redeveloped.
7. Roof-mounted air conditioner condensing units and similar mechanical equipment are prohibited on residential dwelling units.
8. Equipment may not exceed a height of 54 inches above the ground.

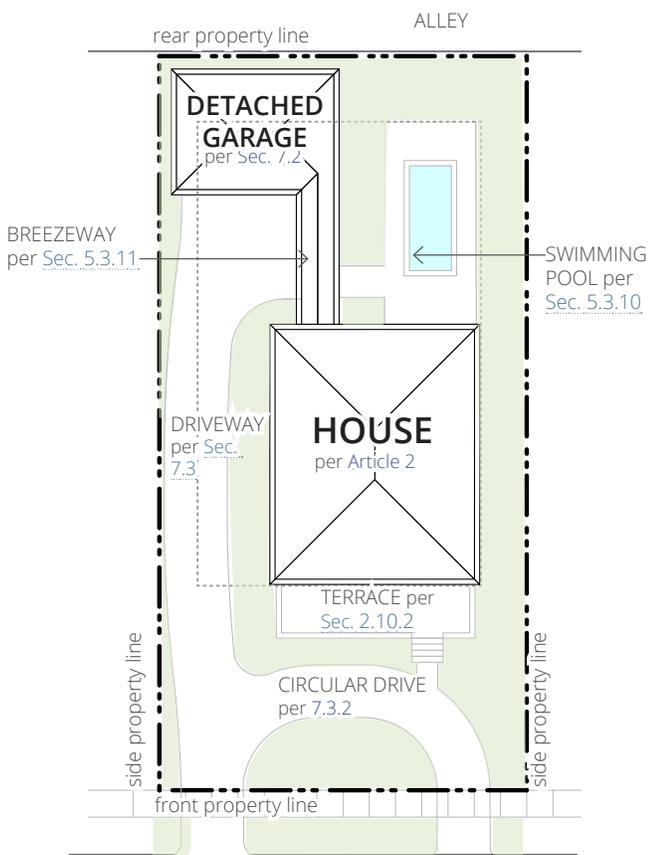


Figure 5-2: Example Plan of Accessory Structures on Typical Lot

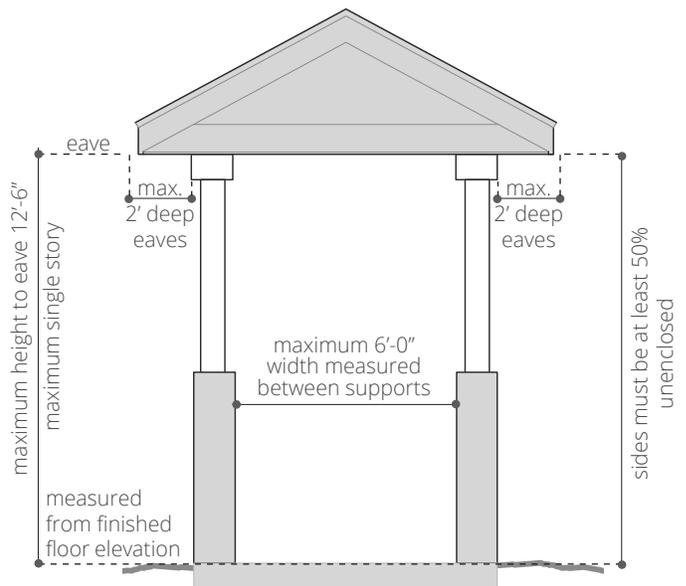


Figure 5-1: Breezeway/Covered Walkway

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5.3.13. Accessory Dwelling Units

- A. Accessory dwelling units are allowed on lots occupied by single-family dwelling units, subject to compliance with the regulations of this subsection.
- B. Accessory dwelling units may be occupied only by immediate family members or by domestic workers who are full-time household employees of the owner/occupant of the subject property. In case of a live-in domestic worker family, all adult family members must be full-time household employees of the owner/occupant of the subject property.
- C. Accessory dwelling units may not be used for rental purposes or barter exchange.
- D. Kitchen, cooking, food preparation, bathroom and other plumbing facilities are allowed within an accessory dwelling unit.
- E. The accessory dwelling unit may not have separate utility meters.
- F. The community development director is authorized to issue a building permit to construct, remodel, or make addition to a residential accessory dwelling unit only if a deed restriction instrument limiting the use of the accessory dwelling unit to immediate family members or domestic workers who are full-time household employees of the owner/occupant of the subject property has been filed with the community development director in a form approved by the city attorney and sufficiently executed for recording in the Dallas County Deed Records.

5.3.14. Home Occupations

A. General

A home occupation is allowed as an accessory use to an allowed household living use, subject to the regulations of this subsection [5.3.14](#).

B. Operator

The operator of a home occupation must be a full-time resident and member of the household occupying the dwelling unit. No other outside employees or assistants may be involved in the conduct of a home occupation.

C. Sales

The home occupation may not involve the sale of

goods or services delivered to the buyer on the subject property.

D. Operation and Appearance

1. 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.
2. 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. Signs and other exterior advertisements are expressly prohibited.
3. No outdoor storage of equipment or materials used in connection with the home occupation is allowed.
4. 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 beyond the boundaries of the subject lot.
5. Home occupations may not cause or create any nuisance, or cause or create any substantial or undue adverse impact on any adjacent property of the character of the area, or threaten the public health, safety or welfare.

Sec. 5.4. Temporary Uses and Structures

5.4.1. General

Allowed temporary uses and structures are limited to those expressly regulated in this article, including this section (Sec. 5.4) and Table 5-2, as well as those that, in the determination of the community development director are similar in nature those expressly identified. The community development director is also authorized to refer temporary use approval requests to the board of adjustment through the special exception procedures of Sec. 9.6.

5.4.2. Temporary Construction Structures

Temporary buildings, offices, and building material storage areas used for construction purposes may be

permitted for a specific period of time as accessory structures in accordance with a permit issued by the community development director and subject to periodic review by the community development director for cause shown. All temporary buildings, offices and other materials must be removed before issuance of a certificate of occupancy.

5.4.3. Portable Storage Containers

A portable storage container may be placed in a front yard in a residential district for a period not exceeding one week to provide temporary storage for personal property from the residence to facilitate relocation and moving of household items to or from the residence.

Table 5-2: Accessory and Temporary Use Table

Use Type	SF 1-4	SF A	D 1-2	MF 1-3	O 1-2	GR	RC	SC	C	●	UC			
											1	2	3	4
● = use permitted as of right Ⓢ = specific use permit required - = prohibited use														
Field or construction office (temporary)	●	-	-	-	●	●	●	●	●	-	●	●	-	-
Home occupation	●	●	●	●	-	-	-	-	-	-	-	-	-	-
Amateur radio or CB antenna to 40 ft.	●	●	●	●	●	●	●	●	●	-	●	●	-	-
Amateur radio or CB antenna over 40 ft.	Ⓢ	Ⓢ	Ⓢ	Ⓢ	●	●	●	●	●	-	●	●	-	-
Residential TV dish antenna	●	●	●	●	●	●	●	●	●	-	●	●	●	●
Tennis court (private)	Ⓢ	Ⓢ	Ⓢ	Ⓢ	●	●	●	●	●	-	●	●	Ⓢ	Ⓢ
Tennis court (unlighted)	-	-	-	-	-	-	-	-	-	-	●	●	●	Ⓢ
Swimming pool (private)	●	●	●	●	●	●	●	●	●	-	●	●	-	-
Accessory bldg. or use - residential	●	●	●	●	●	●	●	●	-	-	●	●	●	●
Accessory bldg. retail or commercial	-	-	-	-	●	●	●	●	●	-	-	-	-	-
Accessory use to university	-	-	-	-	-	-	-	-	-	-	●	●	Ⓢ	Ⓢ
Video drop box	-	-	-	-	●	●	●	●	●	-	-	-	-	-
Massage therapy as accessory use in hair salon	-	-	-	-	●	●	●	●	●	-	●	-	-	-

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Article 6. Parking

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Sec. 6.1. General

6.1.1. Purpose

The parking regulations of this article are intended to ensure that off-street parking facilities are provided to meet the typical day-to-day needs of shoppers, employees, visitors and residents while avoiding the negative impacts that can result from requiring excessive quantities of off-street parking.

6.1.2. Applicability

A. General

Off-street parking must be provided and maintained in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.

B. New Uses and Development

The parking regulations of this article apply to all new buildings constructed and all new uses established.

C. Change of Use

If a new use of a building or structure requires more off-street parking than the use that most recently occupied the building or structure, additional off-street parking is required in an amount equal to the difference between the parking required for the new use and the parking that would have been required for the previous use if current parking requirements had been applicable, provided that the total number of required spaces for the change of use need not exceed the number that would be required for establishment of a new use.

D. Enlargements and Expansions

1. 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 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.

E. Maintenance

Off-street parking spaces required by this zoning ordinance must be maintained for the life of the principal use.

F. Damage or Destruction

When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those required by this zoning ordinance.

G. GR District Exception

Any existing building in the GR district that is occupied by a use allowed in the GR district may be maintained, improved or reconstructed or occupied by another use allowed in the GR district without providing the minimum motor vehicle parking

Article 6 Parking

Sec. 6.2 Minimum Parking Ratios

otherwise required in this article, provided that any enlargement or expansion of such building or use must comply with the provisions of paragraph D. of this section (6.1.2).

Sec. 6.2. Minimum Parking Ratios

Off-street motor vehicle parking spaces must be provided in accordance with the minimum ratios established in Table 6-1, except within UC zoning districts. Minimum parking ratios for UC districts are established in 4.3.5.

Table 6-1: Minimum Motor Vehicle Parking Ratios

USE CATEGORY	Minimum Motor Vehicle Parking Spaces
Use Subcategory Specific use type	
RESIDENTIAL	
Household Living	
Detached house (less than 8,000 sq. ft.)	2 / dwelling unit [1]
Detached house (8,000 sq. ft. or more)	3 / dwelling unit [1]
Duplex	2 / dwelling unit [1]
Other household living	2 / dwelling unit or 1 / bedroom
Group Living	
Community home	1 / 2 beds
Fraternity, sorority, dormitory	1 / 2 beds
Nursing home	1 / 6 bed
PUBLIC, CIVIC AND INSTITUTIONAL	
College or University	See 4.3.5.
Community Center	1 / 500 sq. ft.[2]
Fraternal Organization or Private Club	1 / 100 sq. ft. [3]
Governmental Service	[4]
Library or Cultural Exhibit	1 / 500 sq. ft.[2]
Parks and Recreation	[4]
Religious Assembly	1 / 3 seats
Safety Service	[4]
School	
Elementary and Middle or Jr. High	6 + 1 / classroom
Senior High	8 / classroom
COMMERCIAL	
Animal Services	1 / 300 sq. ft.
Assembly and Entertainment (except as below)	1 / 3 seats
Stadium	1 / 6 seats
Commercial Service (except as below)	1 / 300 sq. ft
Personal improvement service	1 / 100 sq. ft. [3]
Day Care	1 + 1 / 4 enrollees

USE CATEGORY	Minimum Motor Vehicle Parking Spaces
Use Subcategory Specific use type	
Eating and Drinking Places	1 / 100 sq. ft. [2]
Financial Institution	1 / 300 sq. ft
Office	
Business or professional office	1 / 300 sq. ft.
Dental or health practitioner	1 / 300 sq. ft [3]
Lodging	1 / guest room [5]
Retail Sales	1 / 200 sq. ft[3]
Studio, Artist or Instructional Service	1 / 300 sq. ft.
Vehicle Sales and Service	4 + 1 / 100 sq. ft.

[1] Spaces must be located in a completely enclosed garage.

[2] Minimum 10 spaces

[3] Minimum 5 spaces

[4] As determined by community development director in accordance with 6.3.7.

[5] Plus spaces required for ancillary uses

Sec. 6.3. Parking Calculations

In determining the number of parking spaces required, the following calculation rules apply:

6.3.1. Multiple Uses

Lots containing more than one use or tenant must provide parking in an amount equal to the total aggregate number of spaces required for each use or tenant on the lot.

6.3.2. Floor Area

All area of a building and site that are used for off-street parking is excluded in computing off-street parking requirements.

6.3.3. 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 the building code-rated capacity.

6.3.4. Bench Seating

For the purpose of calculating parking requirements based on seating, each 22 linear inches of bench or pew length is equivalent to one seat.

6.3.5. Bedrooms

When parking requirements are based on bedroom count, any enclosed floor space exceeding 90 square feet in area that has direct access to a bathroom or a

closet, other than a bathroom, kitchen or living room, is counted as a bedroom.

6.3.6. Outdoor Customer Seating/Dining Areas

Any outdoor customer seating/dining area exceeding 20% of a bar, restaurant or other use's enclosed (indoor) floor area must be counted as floor area for purposes of determining off-street parking requirements.

6.3.7. Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the community development director is authorized to:

- A. Apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use;
- B. Establish minimum off-street parking requirements for the proposed use in accordance with [6.3.8](#).

6.3.8. Establishment of Other Parking Ratios

The community development director is authorized to establish required minimum parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly provided. Such ratios must be established on the basis of (1) a similar use/parking determination (as described in [6.3.7](#)), (2) on parking data provided by the applicant or (3) other information available to the community development director. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable local uses or on external data from credible research organizations, such as the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). 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.

Sec. 6.4. Mandatory PD Thresholds

New uses or expansions of existing uses that are required to provide more than 200 off-street parking spaces under the minimum off-street parking regulations of this article must be rezoned to the PD zoning district in accordance with the procedures of [Sec. 9.5](#) (see also the PD district regulations of [Sec. 4.5](#)).

Sec. 6.5. RESERVED

Sec. 6.6. Accessible Parking

Accessible parking spaces for persons with disabilities must be provided in accordance with the State of Texas Program for the Elimination of Architectural Barriers and the Americans with Disabilities Act (ADA).

Sec. 6.7. Parking Location and Design

6.7.1. Location

- A. Required off-street parking spaces must be located on the same lot as the building or use they are required to serve.
- B. All required parking spaces must be located off-street, completely on private property, and behind the front building line.

6.7.2. Stall Size

Except as otherwise expressly provided in this zoning ordinance (see, for example, [6.7.4](#) and [6.7.5](#)), All required parking spaces must be at least 9 feet in width and 20 feet in length, except for permitted small-car parking spaces (See [6.7.3](#)), which must be at least 8.5 feet in width and 16 feet in length.

6.7.3. Small-Car Parking

A. When Permitted

1. Small-car parking spaces are allowed in the SC, PD and P zoning districts.
2. Small-car parking spaces may be used to satisfy minimum off-street parking requirements in non-SC and non-P zoning districts when 40 or more parking spaces are required for the subject use.

B. Maximum Number of Small Car Spaces

No more than 25% of the total number of off-street parking spaces provided on a lot may be small-car parking spaces.

C. Site Plan Requirements

Proposals for use of small-car parking spaces must be accompanied by a site plan, which is subject to review and approval by the community development director. The director must review the site plan to ensure that the parking spaces comply

Article 6 Parking

Sec. 6.7 Parking Location and Design

with the requirements of this article and all other applicable city regulations.

D. Striping and Identification

All small-car parking stalls must be double-striped and clearly marked on the pavement with a sign stating "small car only" or "compact car only."

6.7.4. Tandem Parking

- A. Except as expressly stated in this section, all required parking spaces must be designed to allow each parking space to be accessed without passing through another parking space.
- B. Tandem parking spaces may be used to satisfy parking requirements for household living uses in residential districts, provided that multi-family (apartment) uses may utilize tandem parking only if:
 1. Three or more parking spaces are required for the unit;
 2. Each parking space is at least 9 feet in width and 20 feet in length;

3. Each parking space is assigned to a specified dwelling unit and clearly marked with the unit number; and
4. All tandem parking spaces located at-grade are enclosed with solid walls and a door.

6.7.5. Parking Area Layout (Geometrics)

- A. Parking areas must be designed in accordance with the dimensional standards of [Table 6-2](#).

Table 6-2: Parking Lot Geometrics

Stall Angle	Stall Width (feet)	Stall Length (feet)	Aisle Width (feet)
A	B	C	D
0°	8.5	18	12/20
	9.0	22	12/20
45°	8.5	16	12/20
	9.0	20	11/19
60°	8.5	16	16/21
	9.0	20	15/20
90°	8.5	16	NA/22
	9.0	20	NA/22
	10.0	20	NA/20

A = Stall Angle | B = Stall Width (feet)
 C = Stall Length (feet) | D = Aisle Width (1-way/2-way, feet)

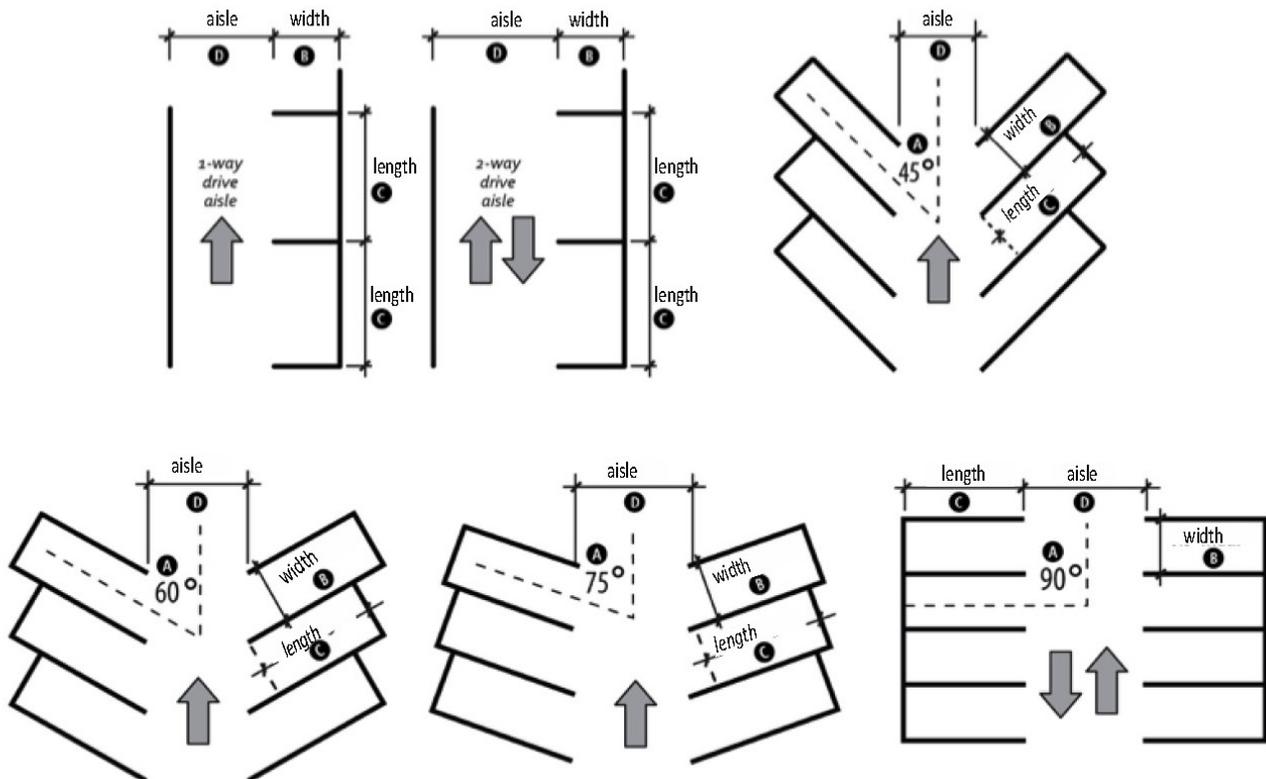


Figure 6-1: Parking Lot Geometrics

- B. Requirements for layouts or angles not shown in [Table 6-2](#) may be interpolated from the layouts shown, as approved by the community development director.

6.7.6. Surfacing

Surfacing in all parking areas and driveways must comply with the standards on file in the engineering department and be specified and approved prior to installation. See Permeability Requirements of Chapter 3, Article 3.100 [Article 3.02, Divisions 2 and 3] of the Code of Ordinances.

Sec. 6.8. Site Plan Review

In all UC-2, GR, RC, SC and PD zoning districts, removal or reduction of any off-street required parking space or area may not be undertaken until a site plan delineating such proposed change, replacement or alteration is reviewed and approved by the city council, after recommendation by the planning and zoning commission.

Sec. 6.9. Loading

6.9.1. Minimum Ratios

Off-street loading and unloading spaces must be provided for nonresidential uses in accordance with [Table 6-3](#).

Table 6-3: Off-street Loading Ratios

Floor Area (Square feet)	Minimum Number of Loading Berths Required
0-10,000	None
10,001-50,000	1
50,001-100,000	2
Each additional 100,000	1

6.9.2. Additional Regulations

All loading areas must comply with the additional regulations of this subsection ([6.9.2](#)).

- A. Loading spaces must have a minimum width of 10 feet and a minimum length of 25 feet, with a minimum overhead clearance of 15 feet.
- B. Loading and unloading activity may not encroach upon any public right-of-way.

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Sec. 6.10 Inset Public Parking

Sec. 6.10. Inset Public Parking

6.10.1. Front Street

- A. Inset parallel public parking along a street that forms the primary (front) street frontage for buildings on the subject block is to subject review and approval by the city council and to the regulations of this subsection.
- B. If approved, front street inset parking will be designed and constructed by the city.
- C. The process requires a petition requesting inset parking to be signed by at least 75% of all property owners on the subject block face.
- D. The public works director must review the request and submit a recommendation for consideration by the city council.
- E. Residents within 200 feet of the block requesting installation of inset parking must be notified of the date and time of the city council meeting at which the request will be considered.
- F. Front street inset parking spaces must be:
 - 1. At least 23 feet in length;
 - 2. Installed within the parkway abutting the existing sidewalk
 - 3. Set back at least 35 feet from the intersection of the projected curb lines at the street corner and at least 15 feet from the intersection of the projected curb line and the pavement line at the corner of any alley; and
 - 4. Continuous along the entire blockface, as shown [Figure 6-2](#), unless the city council approves a landscape median or other offset that does not create a traffic hazard.
- G. At least one tree island must be installed to separate each 4 parking spaces or each 92 linear feet of inset parking. Tree islands must be at least 12 feet in length and include at least one shade tree with a minimum caliper size of 3 inches.

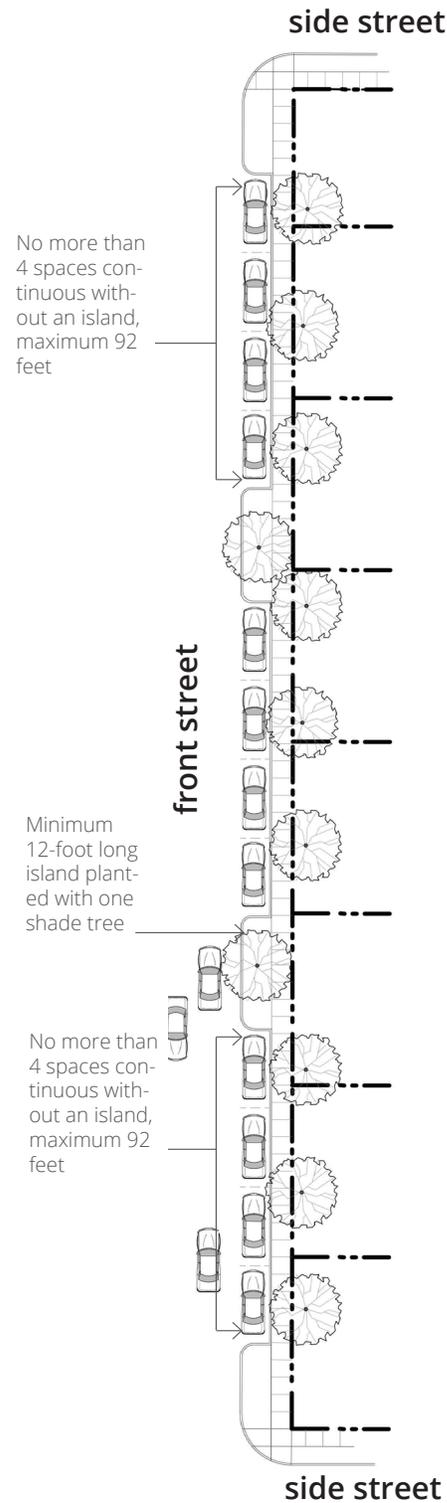


Figure 6-2: Inset Parking on Front Street

6.10.2. Side Street Inset Parking

- A. Inset parallel public parking along a street that forms the secondary (corner side) street frontage for a lot is permitted, subject to the regulations of this subsection.
- B. All costs of designing and constructing inset parking along a side street must be paid by the abutting private property owner.
- C. Plans showing design, construction and paving details, existing sidewalk, existing curb lines, property lines and dimension of parking spaces must be submitted to the public works director for review and approval.
- D. Side street inset parking spaces must be:
 - 1. At least 23 feet in length;
 - 2. Installed within the parkway abutting the existing sidewalk
 - 3. Set back at least 35 feet from the intersection of the projected curb lines at the street corner and at least 15 feet from the intersection of the projected curb line and the pavement line at the corner of any alley; and
 - 4. Continuous along the entire depth of the lot, as shown [Figure 6-3](#).
- E. The total length of side street inset parking may not exceed 4 spaces or 92 feet.

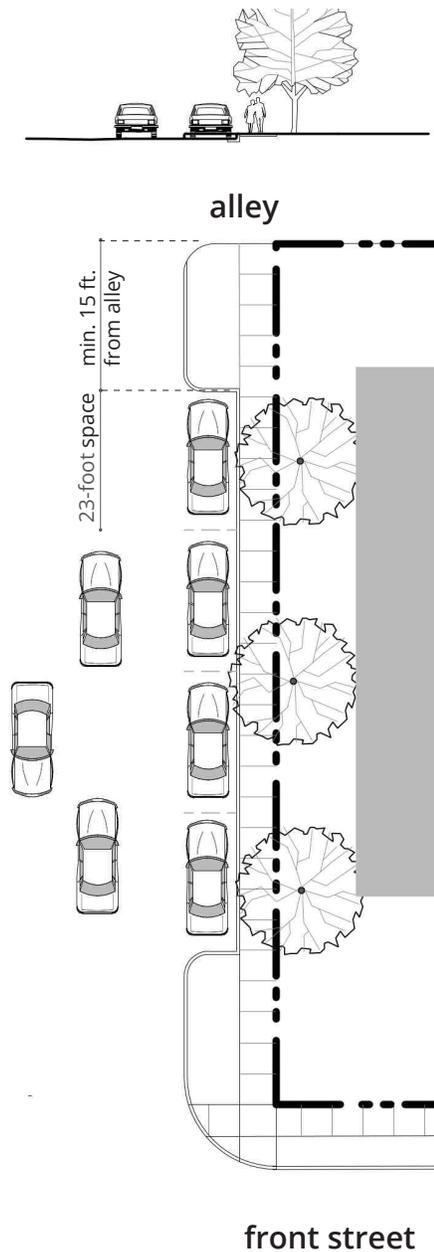


Figure 6-3: Inset Parking on Side Street

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Article 7 Garages and Driveways

Sec. 7.1 General

Sec. 7.1. General

7.1.1. Purpose

The garage and driveway regulations of this article are intended to ensure that garages and driveways are provided to provide for lot access and off-street parking, while maintaining and promoting the desired physical character of existing neighborhoods.

7.1.2. Applicability

A. General

Driveways and residential garages must be provided and maintained in accordance with the provisions of this article.

B. New Uses and Development

Unless otherwise expressly stated, the regulations apply to all new uses established in all zoning districts and to all new buildings constructed and redeveloped in all zoning districts.

Sec. 7.2. Residential Garages

The regulations of this section apply to all attached and detached garages, carports, and similar vehicle storage structures in all SF, SF-A, ~~and~~ D, and MF districts.

7.2.1. General Garage Regulations

A. Building Setbacks

1. All attached garages must comply with the setbacks of the subject zoning district, unless otherwise stated in this Sec. 7.2. Refer to configurations in [7.2.2.](#)
2. All detached garages must be setback a minimum of 3 feet from any rear or interior side property line. Side-street setbacks must comply with the setbacks of the subject zoning district. Refer to configurations in [7.2.3.](#)

B. Window Locations

Windows or other openings greater than 12.5 feet above the top of the foundation or a vertical wall surface exceeding 12.5 feet in height shall not be adjacent to any interior side lot line unless such windows, openings, or vertical wall surfaces are set back at least 20 feet from such interior side lot line.

C. Parking Pad Required

For all garages except those in the MF districts,

an outdoor parking pad is required in front of the garage door. The required parking pad must be at least 20 feet in length and 20 feet in width.

D. Detached Garages

1. Detached garages may be located only in the rear half of the lot. Refer to configurations in [7.2.3.](#)
2. Detached garages must be located at least 6 feet from any portion of the main building. Refer to configurations in [7.2.3.](#)

7.2.2. Attached Garage Configurations

Refer to [7.2.1](#) for general garage location regulations.

Article 7 Garages and Driveways

Sec. 7.2 Residential Garages

A. Alley-Access, Rear-Facing

In addition to compliance with the setbacks for the zoning district, the vehicle access door/opening of any attached garage, carport, or other vehicle storage area that is accessed from and faces an alley must be set back at least 20 feet from the alley right-of-way (see [Figure 7-1](#)).

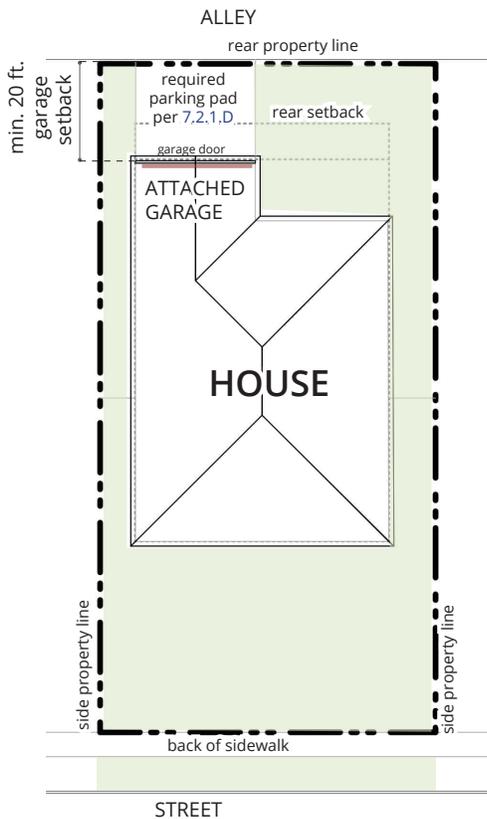


Figure 7-1: Alley-access, Rear-Facing Garage

B. Alley-Access, Side-Facing

In addition to compliance with the setbacks for the zoning district, the vehicle access door/opening of any garage, carport, or other vehicle storage area that is accessed from an alley but faces an interior side property line must be set back at least 24 feet from the side property line that it faces (see [Figure 7-2](#)).

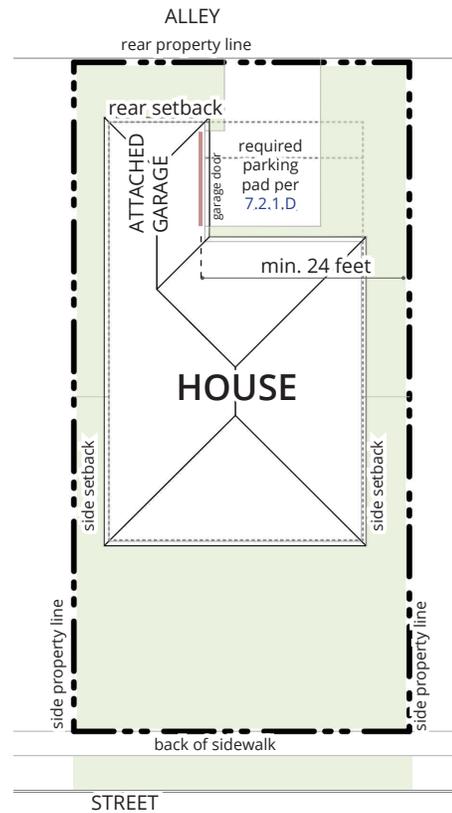


Figure 7-2: Alley-access, Side-Facing Garage

Article 7 Garages and Driveways

Sec. 7.2 Residential Garages

C. Side Street-Access, Side Street-Facing

In addition to compliance with the setbacks for the zoning district, the vehicle access door/opening of any garage, carport, or other vehicle storage area that is accessed from and faces a side street must be set back at least 20 feet from the street side property line that it faces (see [Figure 7-3](#)).

D. Front Street-Access in the Rear Yard

Garages, carports, and other vehicle storage areas that are attached to the main structure, accessed from the front street, and located in the rear half of the lot with the door/opening facing the front or interior side property line must comply with the rear and side setbacks of the subject zoning district (see [Figure 7-4](#)).

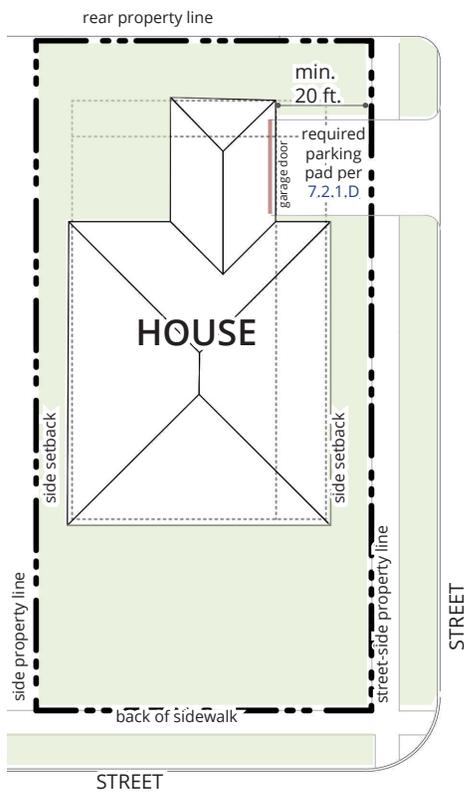


Figure 7-3: Side-Street Access Garage

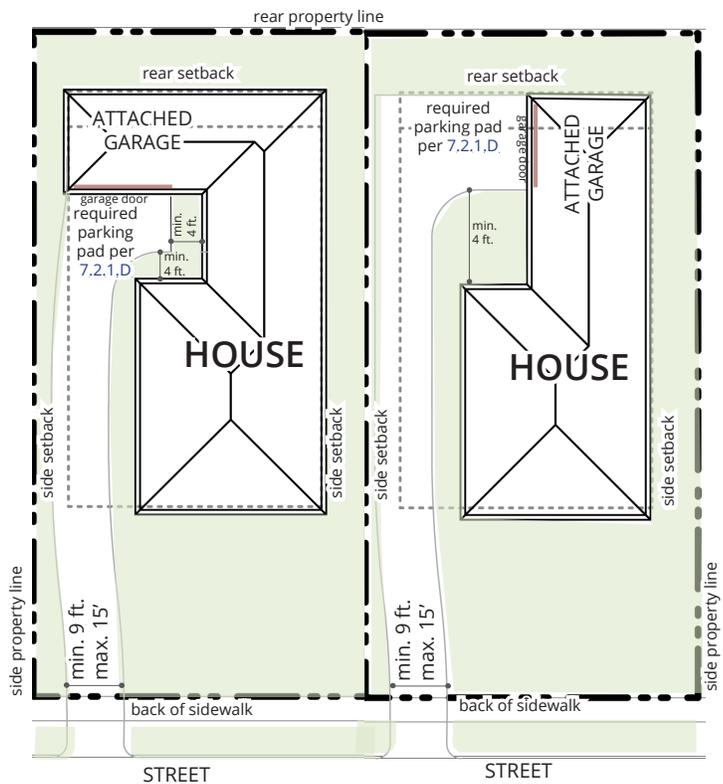


Figure 7-4: Attached, Front Street-Access; Rear-Yard, Front-Facing (L) and Rear-Yard, Side-Facing (R)

E. Front Street-Access, Front Yard

Garages, carports, and other vehicle storage areas that are accessed from the front street and located in the front half of the lot must comply with the front, side and rear setbacks of the subject zoning district. The vehicle access door/opening may not face the street and must be set back at least 24 feet from the side property line that it faces (see [Figure 7-5](#)).

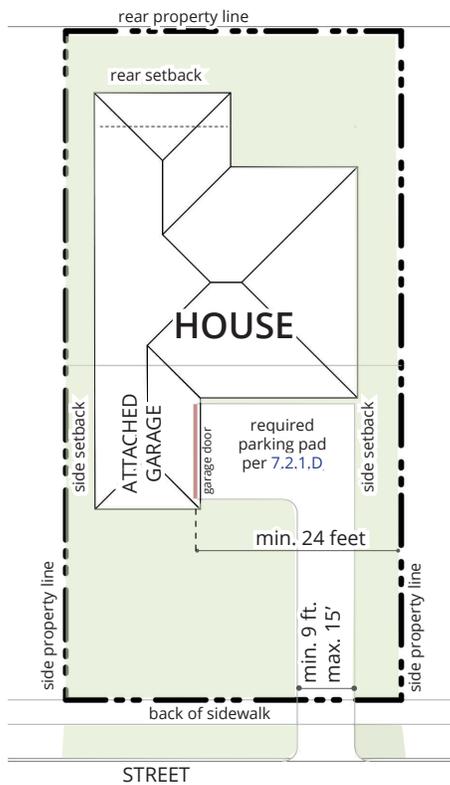


Figure 7-5: Attached, Front-Yard Garage

7.2.3. Detached Garage Configurations

Refer to [7.2.1](#) for general garage location regulations.

A. Alley Access, Rear-Facing

The vehicle access door/opening of any detached garage, carport, or other vehicle storage area that is accessed from and faces an alley must be set back at least 20 feet from the alley right-of-way (see [Figure 7-6](#)). The side yard setback for a detached rear-facing garage is minimum 3 feet.

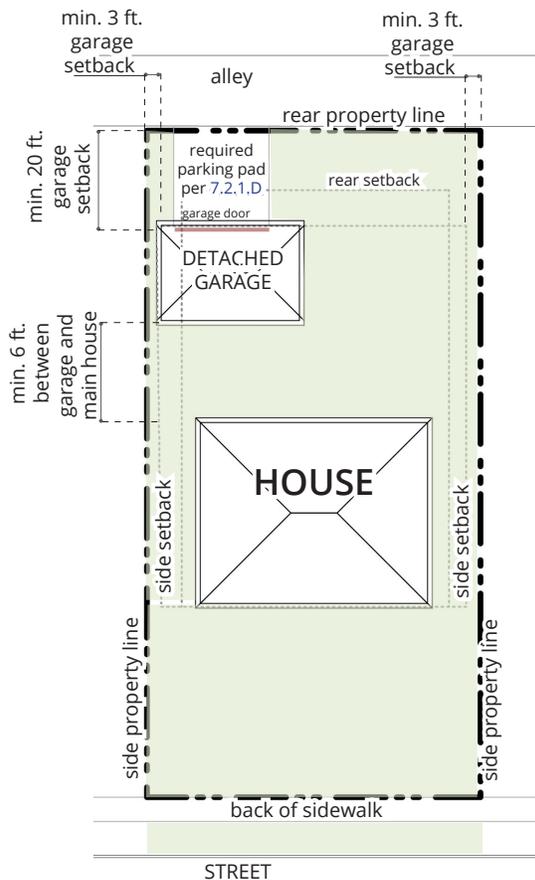


Figure 7-6: Detached, Alley Access, Rear-facing Garage

Article 7 Garages and Driveways

Sec. 7.2 Residential Garages

B. Alley Access, Side-Facing

The vehicle access door/opening of any detached garage, carport, or other vehicle storage area that is accessed from an alley but faces a side property line must be set back at least 24 feet from the side property line that it faces (see [Figure 7-7](#)). The rear yard setback for a detached side-facing garage is minimum 3 feet.

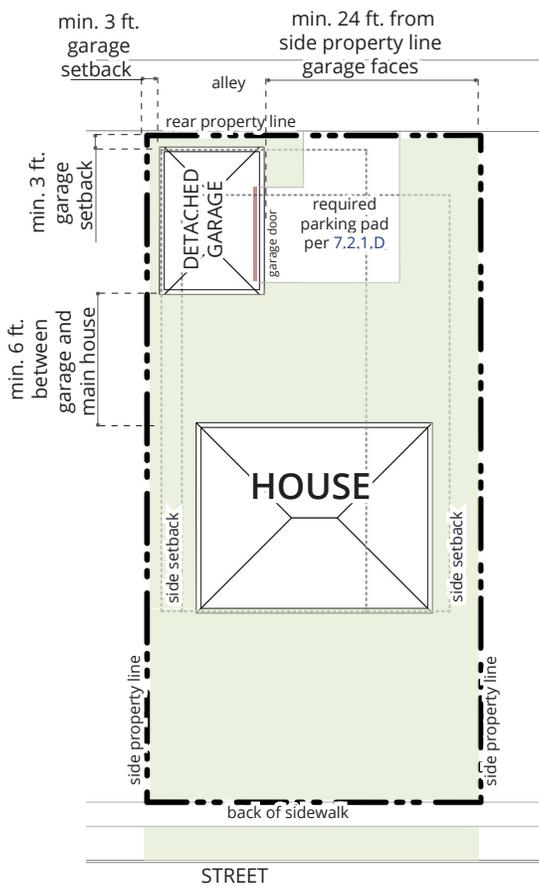


Figure 7-7: Detached, Alley Access, Side-facing Garage

C. Side Street Access, Side Facing

The vehicle access door/opening of any detached garage, carport, or other vehicle storage area that is accessed from and faces a side street must be set back at least 20 feet from the street side property line that it faces (see [Figure 7-8](#)). The rear yard setback for a detached side-facing garage is minimum 3 feet.

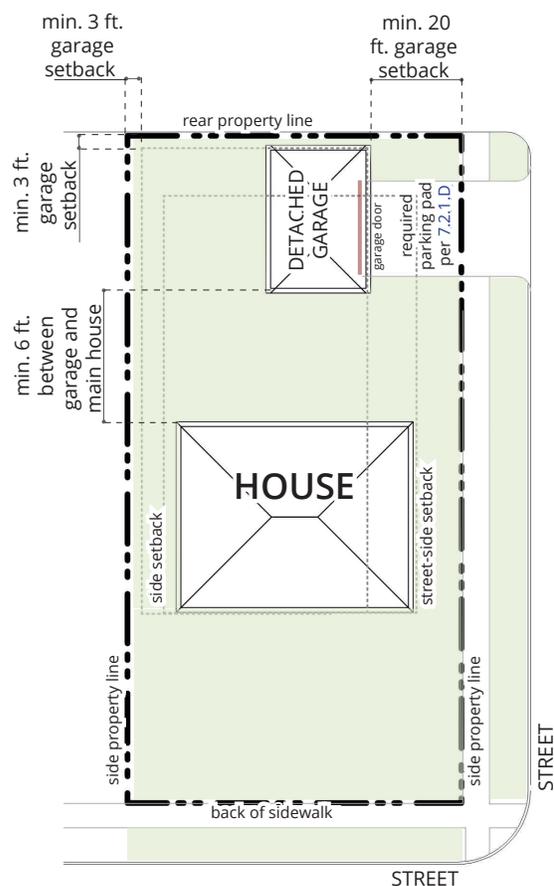


Figure 7-8: Detached, Side Street Access, Side-facing Garage

D. Front Street Access in Rear Yard

Rear and side yard setbacks for garages, carports, and other vehicle storage areas that are detached from the main structure, accessed from the front street, and located in the rear half of the lot with the door/opening facing the front or interior side property line is minimum 3 feet (see Figure 7-9).

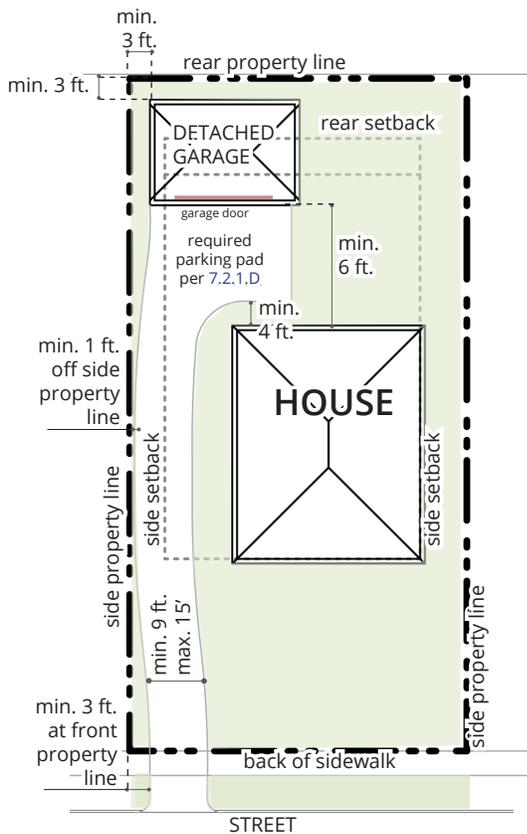


Figure 7-9: Detached Front Street Access, Rear Yard Garage

7.2.4. Below-Grade Garages

Below-grade garages are permitted for all locations and orientations established in 7.2.1 and 7.2.2.

7.2.5. Portes-Cocheres

Portes-cocheres may be located in the front half of the lot and face the front property line. Portes-cocheres must comply with all setbacks of the subject zoning district (see Figure 7-10).

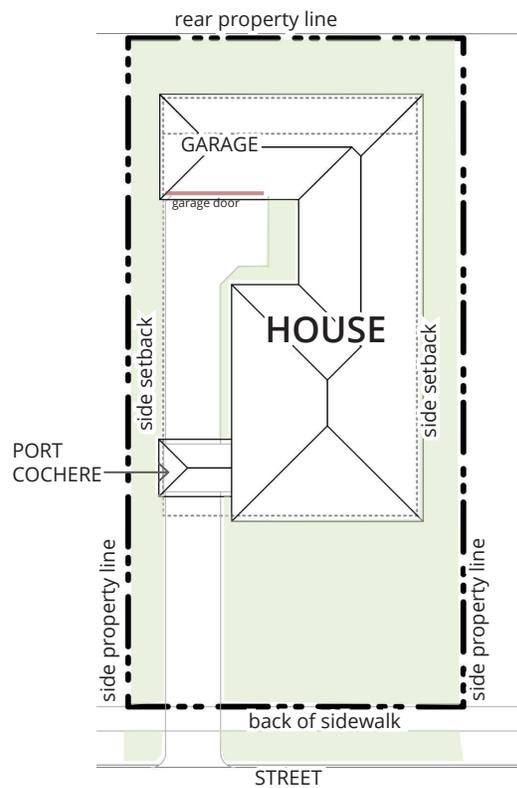


Figure 7-10: Porte Cochere

Article 7 Garages and Driveways

Sec. 7.3 Driveways

Sec. 7.3. Driveways

7.3.1. General Requirements

A. Driveways in Nonresidential Zoning Districts

1. In nonresidential zoning districts, driveway approaches from a public street may not exceed 24 feet in width along the lot's front property line or 40 feet in width or 30% of the lot depth, whichever is less, along the lot's street-side property line.
2. Surfaces used on any driveway must comply with the standards on file in the engineering department and be specified and approved prior to installation. See the permeability requirements of Chapter 3, Article 3.100 [Article 3.02, Divisions 2 and 3] of the Code of Ordinances.

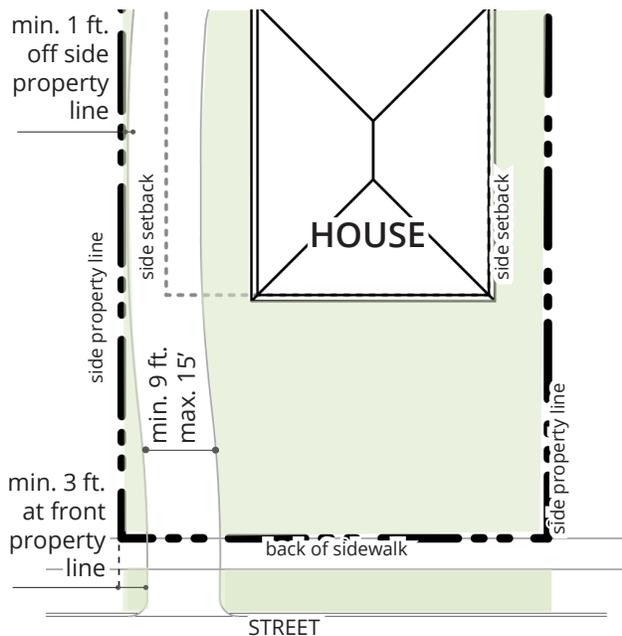


Figure 7-11: Residential District Driveways

B. Driveways in Residential Districts

Except as otherwise expressly stated in [7.3.2](#) regarding circular driveways, driveways for residential districts must comply with the following:

1. All driveways and off-street parking must be located on the subject lot, on private property.
2. Driveway approaches from a public street to lots in residential zoning districts, must be at least 9 feet in width and may not exceed 15 feet in width, measured at the property line.
3. Driveway approaches from a public street to lots in residential zoning districts, must be located at least 3 feet from the interior side property line at the front property line.
4. Driveways must be set back at least 1-foot from the interior side property line.
5. Lots in residential zoning districts are allowed no more than one driveway approach per public street frontage, unless otherwise permitted by this subsection and the circular driveway regulations of [7.3.2](#). Additional driveway approaches are permitted if they are located at least 100 feet from another driveway approach, measured from centerline to the centerline of each driveway approach. Multiple driveways from an alley are permitted.
6. Surfaces used on any driveway must comply with the standards on file in the engineering department and be specified and approved prior to installation. See the Permeability Requirements of Chapter 3, Article 3.100 [Article 3.02, Divisions 2 and 3] of the Code of Ordinances.
7. Curb cuts for driveways are not permitted on corner lots within 35 feet of the intersection of the projected curb lines at the street corner, and no portion of the driveway surface may be constructed within the minimum sight line as prescribed in Chapter 10, Article 10.2500 [section 12.01.016], of the Code of Ordinances (see [Figure 7-16](#)).

7.3.2. Circular Driveways

Applicability

Circular driveways are permitted on all residentially

zoned lots, subject to the regulations of this section (7.3.2).

B. Circular Driveways with Two Approaches

The following applies to circular driveways with 2 approaches off the same street. See Figure 7-12.

1. Driveway requirements in 7.3.1.B apply.
2. The approaches must be at least 10 feet in width and may not exceed 12 feet in width, measured at the property line.
3. Circular driveway approaches on a single lot must be separated by a minimum distance of 20 feet, measured between radius points and approaches.
4. The inside curve of the circular driveway must be located a minimum of 7.5 feet from the back of sidewalk, creating a landscape area of at least 125 square feet in area.
5. Refer to 7.3.2.F for parking on circular driveways.

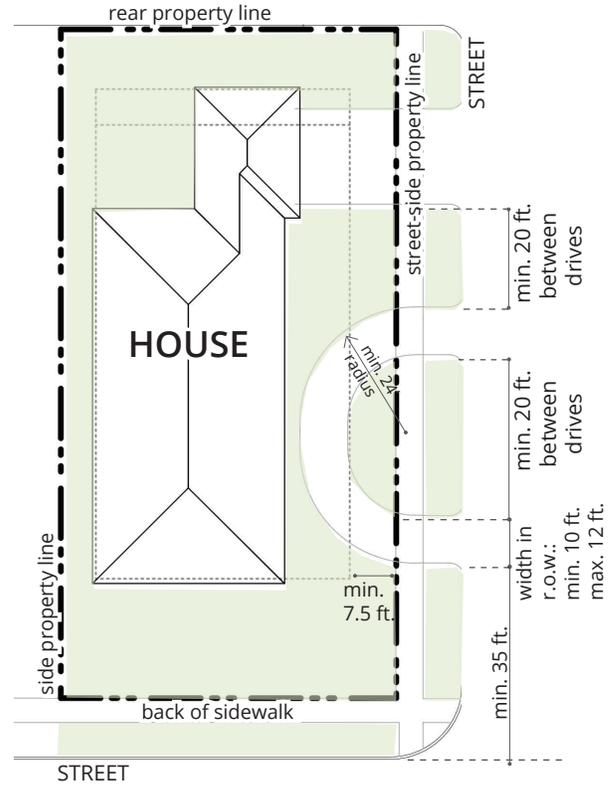


Figure 7-13: Circular Driveway with Two Approaches on Side Street with Driveway

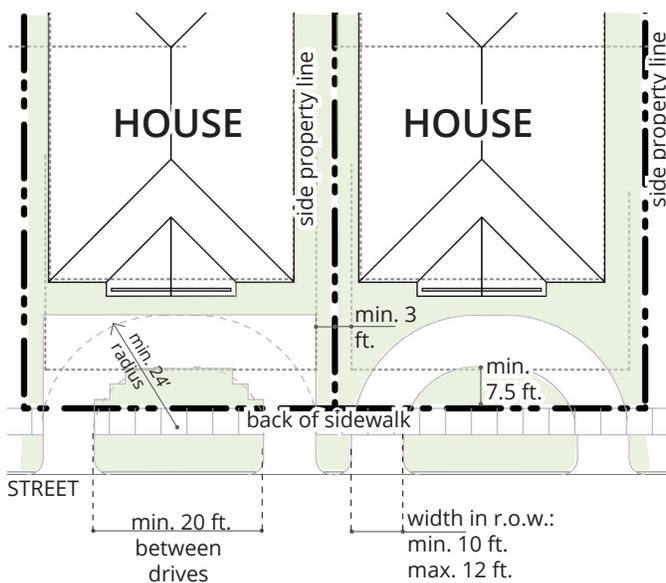


Figure 7-12: Circular Driveways with 2 Approaches

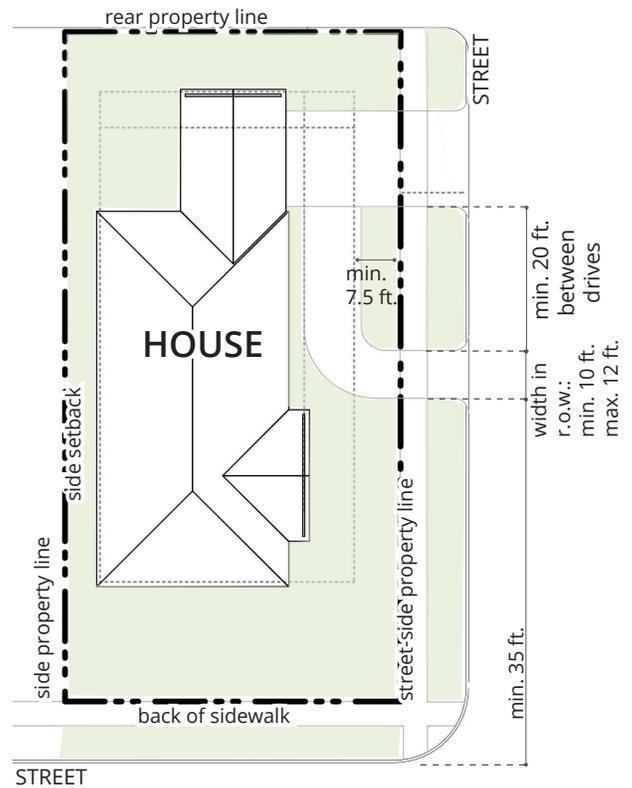


Figure 7-14: Circular Driveway with Two Approaches on Side Street with Driveway

Article 7 Garages and Driveways

Sec. 7.3 Driveways

C. Circular Driveways on Smaller Lots

The following applies to circular driveways on smaller lots. See [Figure 7-15](#).

1. Driveway requirements in [7.3.1.B](#) apply, unless otherwise stated herein.
2. Circular driveway requirements in [7.3.2.A](#) apply, unless otherwise stated herein.
3. On lots 50 feet or less less than 56 feet in width at the front property line, the circular driveway may be located at least 1 foot from abutting property lines.
4. Parking pads or extensions beyond a 24 foot radius drive shall be located at least 3 feet from abutting property lines
5. In the SF-A district, a circular driveway may be constructed and maintained across 2 adjoining lots to serve 2 dwellings that share a common wall if the driveway complies with all applicable regulations of this section and that the owners of each dwelling have executed and delivered to the community development director a recordable mutual access agreement for the circular driveway in a form approved by the city attorney.

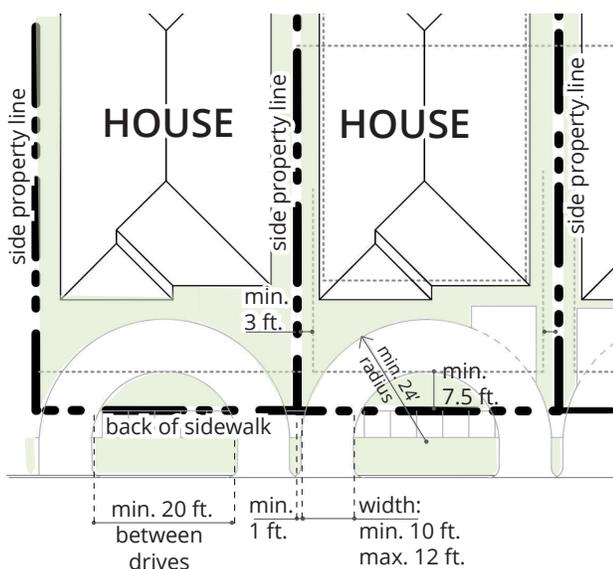


Figure 7-15: Circular Driveways on Lots less than 56-Foot Wide

D. Circular Driveways on Corner Lots

The following applies to circular driveways with corner lots. See [Figure 7-16](#).

1. Driveway requirements in [7.3.1.B](#) apply.
2. The approaches must be at least 10 feet in width and may not exceed 12 feet in width, measured at the property line.
3. Circular driveway approaches must be located a minimum of 35 feet from an intersection, measured from the back of curb of the perpendicular street..
4. The inside curve of the circular driveway must be located a minimum of 7.5 feet from the back of sidewalk, creating a landscape area of at least 125 square feet in area.
5. Refer to [7.3.2.F](#) for parking on circular driveways.

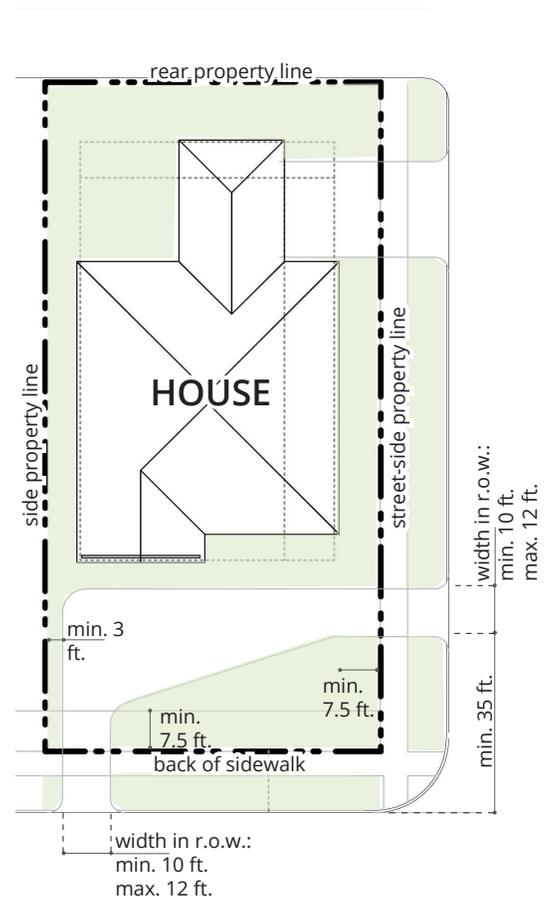


Figure 7-16: Circular Driveways on Corner Lots

E. Circular Driveways with One Approaches

The following applies to circular driveways with one approach. See [Figure 7-17](#).

1. Driveway requirements in [7.3.1.B](#) apply.
2. Approach Size. A single approach must be at least 10 feet in width and may not exceed 20 feet in width.
3. The outside radius of the circle must be a minimum of 25 feet and the inside radius must be a minimum of 12 feet.
4. Refer to [7.3.2.F](#) for parking on circular driveways.

F. Parking and Access

1. Parking areas on circular driveways must be at least 7.5 feet from back of sidewalk front-street property lines.
2. Parking on circular driveways is permitted in front and street side setbacks, but such parking may not be counted toward satisfying minimum parking requirements.
3. Circular driveways must provide free, unrestricted ingress and egress and contain no dead-end or head-in parking areas that require maneuvering of a vehicle to negotiate or to utilize. The area between the sidewalk or property line and the curb line of the abutting street may not be used for parking including inset parking, provided that any existing inset parking may be maintained in good repair by the owner of the adjacent property.
4. No unpaved surface may be used for parking or storage of vehicles.

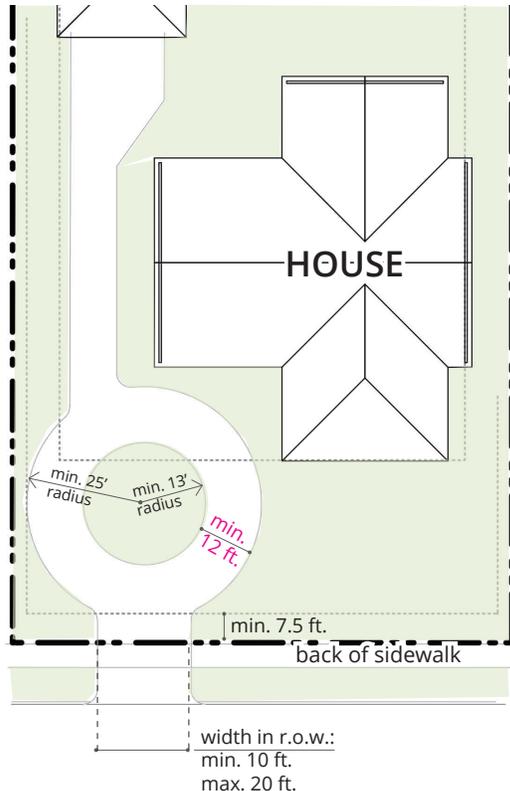


Figure 7-17: Single Approach Circular Drive

Article 7 Garages and Driveways

Sec. 7.3 Driveways

7.3.3. Driveways Located in Street Yards

A. SF, SF-A and D Districts

1. Circular driveways and front-entry driveways with parking spaces located in the street-yard setback (up to the building line) are not included in impermeable surface calculations for the entire lot. These driveways may be counted in the impervious surface calculations for street yards and street setback areas. Refer to Article 2 for street yard zone regulations.
2. Alternate paving materials expressly include single-size aggregates, permeable concrete, permeable asphalt, masonry or natural stone blocks/pavers, grass pavers, and other materials authorized by the specific paving standards promulgated by, and kept on file in, the community development department ("paving standards"). Alternate paving materials must be installed and used in a manner authorized by the paving standards.
3. Circular and front-entry driveways constructed with an alternate paving material, must be retained with masonry curbs on reinforced concrete footings.
4. One head-in parking space is permitted in the front yard setback. The parking space must be located on the subject lot, on private property and be at least 9 feet in width and 20 feet in length, measured from the back of sidewalk onto the lot. The approach to the space must comply with all requirements of 7.3.1.B. See [Figure 7-18](#).

B. SF and D Districts

1. Parking spaces that are located parallel to the front or (corner) side street in the required street setback must be located at least 15 feet 7.5 feet from the back of sidewalk. Parking spaces located in the front yard must be parallel to and set back from the back of sidewalk a minimum of 15 feet. No more than 2 spaces, with a maximum width of 9-feet each, may be provided (see [Figure 7-19](#)).
2. Flag driveways located in the street setback are allowed (See [Figure 7-19](#)).

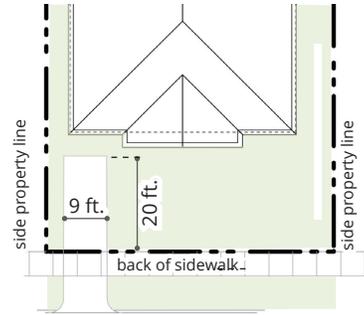


Figure 7-18: Front Yard Parking Space Perpendicular to Street

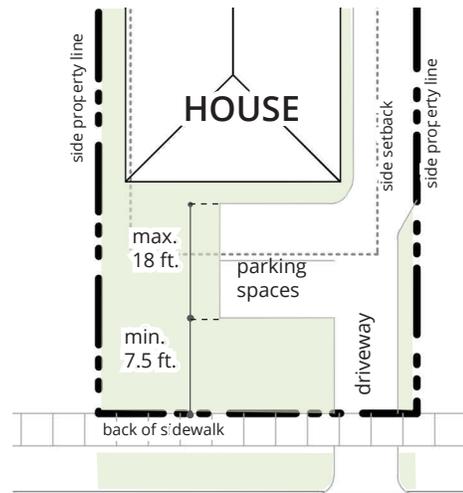


Figure 7-19: Flag Driveway

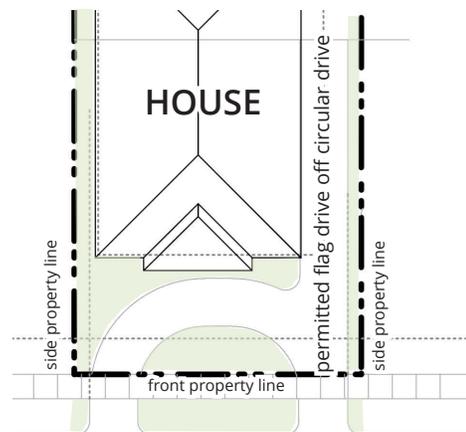


Figure 7-20: Circle Drive with Driveway Extension

Article 8. Fences, Walls and Screening

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Sec. 8.1. Applicability

The regulations of this article apply to all fences, walls and equipment screening installed after December 1, 1980.

Sec. 8.2. Prohibited Locations

- 8.2.1. A fence, wall, screen or retaining wall may not encroach upon any public property, right-of-way or easement except by prior written approval by the city council, with the consent of any public utility or other public or private agency or entity having an interest in or right to use any such public property, right-of-way, or easement. Written approval of all affected public and private entities must be submitted to the community development director with the revocable license application.
- 8.2.2. All fences must be maintained in a vertical plane so as to not overhang or encroach upon any public property, right-of-way, or easement.
- 8.2.3. No portion of a fence, wall, screen, or retaining wall may be constructed or be allowed to remain in a position that will cause an obstruction or interference with the minimum sight line standards of Section 12.01.012 of the Code of Ordinances, or constitute a visibility hazard for any street, alley, or sidewalk.

Sec. 8.3. Fences and Walls; General Regulations

- 8.3.1. All fence, wall, and screen heights, including any allowed ornamentation, must be measured vertically from natural grade along the nearest property line adjacent to the fence, wall, or screen. Fences, walls, and screens may need to step or slope along the property line in order not to exceed the maximum allowable height.
- 8.3.2. Columns, posts or supporting structures may extend a maximum of 6 inches above the adjoining screening surface of a fence or wall.
- 8.3.3. Lights, lamps, or any type of ornamentation mounted on any column, post, or supporting structure of a fence or wall may extend a maximum of 12 inches above the adjoining screening surface of such fence or wall. Such column, post or supporting structure and ornamentation shall not exceed a maximum of 9 feet in height.
- 8.3.4. Any combination or element of fence and retaining wall may not exceed a maximum of 8 feet in height in any location. To be considered a retaining wall, the wall must retain earth on one side. Any portion of the wall that does not retain earth will be considered part of a fence.
- 8.3.5. Fences or walls erected or located adjacent to or abutting on any structure or surface, constructed in such a manner so as to provide

Article 8 Fences, Walls and Screening

Sec. 8.4 Fences and Walls in Residential Districts

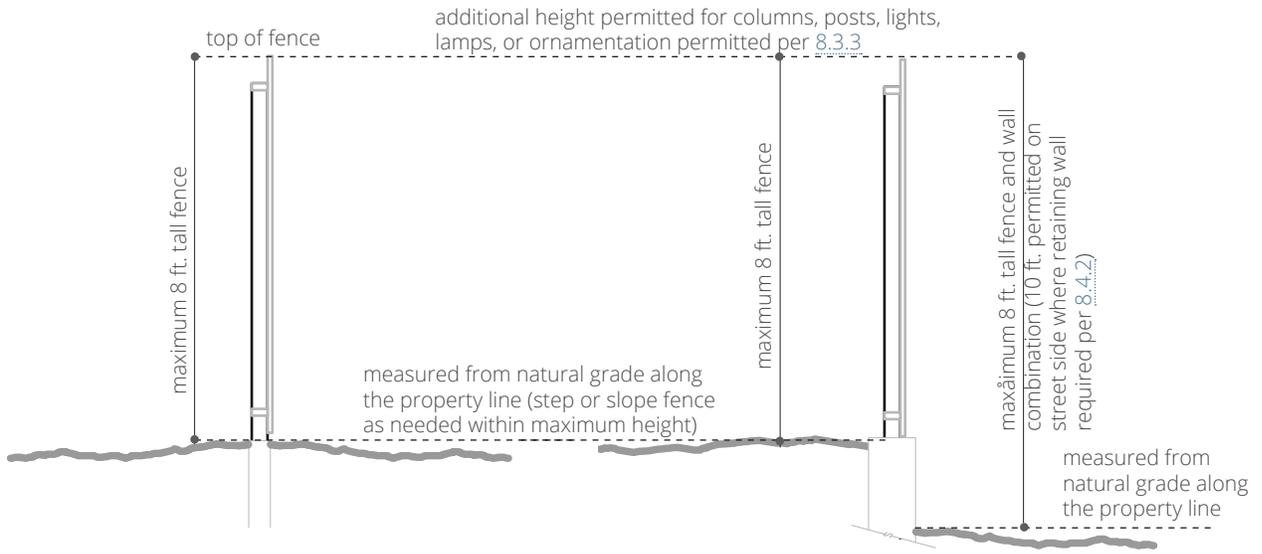


Figure 8-1: Fence/Wall Height Measurement

a raised or built-up surface higher than the grade or ground level of the fence line of the screening portion of a fence or wall, such as, but not limited to wood decks, patios, berms, pool decks, etc., may not exceed 8 feet in height and such height shall not be measured from any such built-up or raised surface.

8.3.6. Fences and walls located within the buildable area of the subject lot (i.e., outside required setbacks) are subject to applicable building height limits. They are not subject to fence/wall height limits.

Sec. 8.4. Fences and Walls in Residential Districts

8.4.1. Front Yard

Fences and walls may not be constructed in the front yard in residential zoning districts, forward of the front wall of the main structure, except in the following circumstances:

- A. Decorative metal fencing and masonry walls not exceeding 5 feet in height, architecturally attached to the main building and extending not more than 6 feet into the front yard;
- B. Edging for flower or landscaping beds that does not exceed 12 inches in height;

- C. Retaining walls and masonry walls not exceeding 2 feet in height above the average natural grade of the front yard;
- D. When a special exception is approved by the board of adjustment in accordance with [Sec. 9.6](#); or
- E. When otherwise expressly authorized in this zoning ordinance (see [8.4.4](#)).

8.4.2. Side Yard

- A. Fences or walls erected along an interior side lot line (between abutting) properties may not exceed 8 feet in height.
- B. Fences or walls erected along a street side lot line (corner lot) may not exceed 8 feet in height. However, if the existing grade of the lot slopes toward the street in such a way that a retaining wall is necessary, the maximum height of the retaining wall and fence in the street side yard behind the front building line may be up to 10 feet in height when measured from the adjacent grade on the street side, provided that the fence portion may not exceed 8 feet in height. Building up the ground surface or otherwise modifying the grade of a lot to justify the need for a retaining wall is prohibited. When fences or walls are built atop retaining walls, there must be a clear visual demarcation between the top of the retaining wall and the bottom of the

Article 8 Fences, Walls and Screening

Sec. 8.4 Fences and Walls in Residential Districts

fence or wall. Such demarcation may be provided in the form of different materials or a horizontal break between the retaining wall and the fence or wall or other technique approved by the community development director.

- C. Fences or walls erected on sloping ground may be stepped or constructed to adjust to grade, provided the maximum height does not exceed 8 feet.
- D. Fences or wing walls erected in a required side setback may not exceed 8 feet in height.

8.4.3. Rear Yard

- A. A fence or wall constructed along a rear property line may not exceed 8 feet in height.
- B. When the existing grade of a lot slopes toward an abutting alley in such a way that a retaining wall is necessary for construction of a new fence, the maximum height of the retaining wall and fence located in the rear yard shall not exceed 10 feet in

height when measured from the abutting grade on the alley side, provided the fence portion does not exceed 8 feet in height. Building up the ground surface or otherwise modifying the grade of a lot to justify the need for a retaining wall is prohibited.

8.4.4. Special Exception for Front Yard Fences

A. SF-1 District

1. The board of adjustment is authorized to approve front yard fences on SF-1-zoned lots, in accordance with the special exception procedures of [Sec. 9.6](#), if the board of adjustment determines that the proposed fence will not be contrary to the public interest and will comply with all applicable regulations of this subsection.
2. Front yard fences may be approved only on SF-1-zoned lots with a minimum area of one acre.

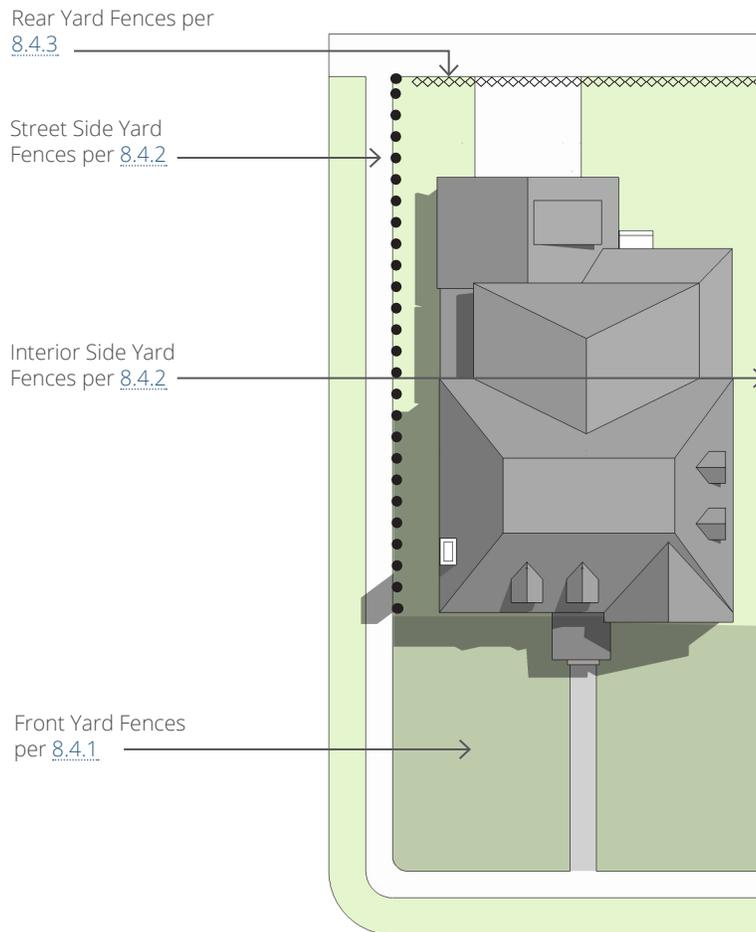


Figure 8-2: Fences and Walls in Residential Districts

Article 8 Fences, Walls and Screening

Sec. 8.4 Fences and Walls in Residential Districts

3. Front yard fences in SF-1 districts may not exceed 6 feet in height above grade at any point.
 4. Front yard fences must be constructed with openings of not less than 50% of the total area of the fence (maximum 50% opacity).
 5. Front yard fences must be dark in color, either black or dark green.
 6. Front yard fences in SF-1 districts must be constructed of a solid material, except wood or any wood product.
 7. The special exception application for a front yard fence must be accompanied by a site plan containing at least the following information:
 - a. A layout of the fence on the property, including all gates; and
 - b. A description of the fence, including material, colors, and all relevant design details.
 8. The special exception application for a front yard fence must also be accompanied by a landscape plan showing that the fence will be screened from view from any adjoining property by landscape material greater than 6 feet in height and planted on centers close enough to maintain a complete screening of the fence at all points, and including an irrigation system for such landscape materials, with:
 - a. A recordable, written covenant executed by the property owner that the landscape material will be irrigated and maintained at all times as a condition to continuance of the special exception; and
 - b. Written approval of the design of fence gates by the University Park Fire Department, which design must include a plan for access to the property through such gates in the event of fire or other emergency.
 9. As an alternative to a fence screened by landscape material, the board of adjustment may approve an open, wrought-iron or wrought-iron appearance fence under the following conditions:
 - a. The fence must be kept in an “open” state that is not screened by a landscape barrier or hedge;
 - b. The fence must be black or dark green metal picket fence, with brick column construction;
 - c. The brick columns must be no greater than 2 feet in width;
 - d. The fence must be constructed with openings of not less than 75% of the total area of the fence (maximum 25% opacity);
 - e. The fence may not exceed 6 feet in height above grade at any point;
 - f. The fence may be installed upon a brick “knee” or base wall, not exceeding 2 feet in height.
 10. Gates and columns abutting driveways in front yard areas may not exceed 8 feet in height above grade, including any light, lamp fixture, capstone, or other ornamentation mounted on the top thereof.
- B. SF-2 District**
1. The board of adjustment is authorized to approve front yard fences on SF-2-zoned lots, in accordance with the special exception procedures of [Sec. 9.6](#), if the board of adjustment determines that the proposed fence will not be contrary to the public interest and will comply with all applicable regulations of this subsection.
 2. Front yard fences may be approved only on SF-2-zoned lots adjacent to and facing the Dallas Country Club.
 3. Front yard fences may be approved only on SF-2-zoned lots with a minimum area of 14,500 square feet.
 4. Front yard fences may not exceed 8 feet in height above grade at any point.
 5. The fence must be constructed with openings of not less than 75% of the total area of the fence (maximum 25% opacity);
 6. Front yard fences must be dark in color, either black or dark green.

Article 8 Fences, Walls and Screening

Sec. 8.5 Fences and Walls in UC, O, GR, RC, SC, C and PD Districts

7. Front yard fences must be constructed of metal rails and pickets.
8. The special exception application for a front yard fence must be accompanied by a site plan containing at least the following information:
 - a. A layout of the fence on the property, including all gates; and
 - b. A description of the fence, including material, colors, and all relevant design details.
9. The special exception application for a front yard fence must be accompanied by written approval of the design of the fence gates by the University Park Fire Department, which design must include a plan for access to the property through such gates in the event of fire or other emergency.

8.4.5. Trash and Recyclables Storage

Storage areas for trash and recyclable material receptacles must be provided in residential districts, as follows:

- A. Storage areas must be located completely on private property
- B. Storage areas must be unobstructed and have width of at least 5 feet and a depth of at least 3 feet. The property owner is responsible for providing a larger unobstructed storage area adequate in size for the approved trash and recycling receptacles generated by the occupants of the property.
- C. Storage areas must be located parallel to and abutting an alley.
- D. Storage areas must be installed when a new permit is issued for the installation of a new fence, or for the repair of an existing fence.
- E. Insets or other areas provided for storage of receptacles on private property must be completely unobstructed and easily accessible for collection from an alley right-of-way.
- F. Receptacles must be placed on a level surface, no more than one foot above the grade of the alley pavement.

Sec. 8.5. Fences and Walls in UC, O, GR, RC, SC, C and PD Districts

Fences in UC, O, GR, RC, SC, C and PD districts may not exceed 8 feet in height in rear or side yards and may not be installed in front yard areas forward of the front wall of the main building (see also [Sec. 3.4](#)).

Sec. 8.6. P District Walls

See [4.4.3](#).

Sec. 8.7. Construction Fences

- 8.7.1. Construction fences are required around all residential sites upon which new construction, remodeling, alterations or building additions are occurring.
- 8.7.2. No signs with a commercial message are permitted on construction fences or barriers.
- 8.7.3. The community development director is authorized to waive the requirement for residential construction fences if the director determines that the proposed remodeling, alteration or addition will not adversely impact adjoining properties due to construction debris, traffic or other associated conditions.
- 8.7.4. Required construction fences must be at least 6 feet in height, with openings in the fence not exceeding 6 square inches. The community development director is authorized to require that construction fences be of a solid construction to ensure the safety of the public.
- 8.7.5. Gates in construction fences, when open, may not obstruct public sidewalks or alleys and must be locked when construction activities are not being conducted.
- 8.7.6. Temporary construction fences must be removed upon completion of the exterior of the facility and removal of construction debris, before final grading of the lot.

Sec. 8.8. Tennis Court Fences

Fences or walls that exceed 8 feet in height must be set back from any front, side or rear lot line by at least 2 feet for every one foot that the fence or wall exceeds 8 feet in height.

Article 8 Fences, Walls and Screening

Sec. 8.9 Swimming Pool Enclosures

Sec. 8.9. Swimming Pool Enclosures

A. General

All lot owners and tenants of lots on which a swimming pool, spa, or hot tub is located must maintain, at all times, a fence, wall, or other structure that completely surrounds the swimming pool, spa, or hot tub. Such fence or wall must comply with the regulations of this section (see also 5.3.10).

B. Building Permits

1. A building permit must be obtained before the construction of a swimming pool, spa, or hot tub and before the installation of a fence around such pool, spa, or hot tub.
2. As part of the permit procedure, the contractor of the swimming pool, spa, or hot tub and the contractor for the fence must sign an agreement acknowledging that they understand and agree to the conditions of this section.
3. The property owner must agree, as a condition of the permit, to:
 - a. Maintain in good working order the fence, gates, and doors granting access to the pool area from the outside, as prescribed in this section;
 - b. Authorize city inspectors to make periodic or special inspections of the pool area to determine if all provisions of this section are being maintained; and,
 - c. Agree to make whatever adjustment, repairs, or replacement to the fence, gates, or doors leading to the pool area as required by the inspector to conform to this section.

C. Regulations

1. A fence, wall or other structure at least 6 feet in height must completely enclose the swimming pool, spa, or hot tub, and must have horizontal supporting members located on the inside or pool side and be designed so as to not allow children to climb such fence, wall or structure. A fence, wall or structure enclosing a swimming pool, spa, or hot tub may not have any openings, other than doors or gates,

larger than 4 square inches. Fences comprised primarily of vertical members (i.e. picket type or wrought iron) may not have openings between members, measured horizontally, greater than 4 inches.

2. All gates in a fence or wall enclosing a swimming pool, spa, or hot tub, and leading into the pool, spa, or hot tub area, must be single type, personnel gates not exceeding 48 inches in width, and be:
 - a. Equipped with self-closing and self-latching devices capable of keeping such gates securely closed at all times; or
 - b. Equipped with self-closing and self-latching devices installed on the gate at least 54 inches above grade.
3. Double gates, sliding gates, or automated gates across driveways or parking areas do not satisfy the gate requirements of this section.

Sec. 8.10. Municipal Facility Fences

Fences and walls constructed on or around municipal facilities may be constructed in the required front yard and may exceed required heights when deemed necessary for the safety or protection of the facilities.

Sec. 8.11. Materials

A. Permitted

Except as otherwise expressly stated in this zoning ordinance, fences, walls, screens, and retaining walls may be constructed of wood, masonry, concrete, wrought-iron, or chain-link. The community development director may approve the use of alternative materials, provided that the material offered is at least the equivalent of the above-prescribed materials in suitability, strength and durability. The community development director must require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding use of an alternative material.

B. Prohibited

No fence, wall, screen, or retaining wall may be constructed of barbed wire, razor wire, ribbon wire, sheet metal, wire mesh, or any other similar

material. No fence, wall, screen, may be electrically charged.

Sec. 8.12. Inspection and Maintenance

A. Inspections

All fences, walls, screens, or retaining walls must be inspected upon completion by the building inspection department. It shall be the duty of the permit holder to make a request for inspection to the department within 3 days after the work has been completed.

B. Maintenance

All fences, walls, screens, or retaining walls constructed under the provisions of this article must be maintained so as to comply with the requirements of this article at all times. Such structures must be maintained by the owner or person in charge of the property in as near as possible the same condition as when such structure was erected, and must be maintained at a minimum. as follows:

1. The structure may not be out of vertical alignment by more than 20 degrees; and
2. All damaged or missing portions of such structure must be replaced with comparable materials of a color comparable to the remaining portions of such structure.

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Sec. 9.1. Common Provisions

9.1.1. Applicability

The common procedural provisions of this section apply to all of the procedures in this article unless otherwise expressly stated.

9.1.2. Review and Decision-making Authority

Table 9-1 provides a summary of the review and approval procedures of this article. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

Table 9-1: Review and Decision-making Authority

Procedure	CDD	BoA	P&Z	CC
Zoning Text/Map Amendment	R	-	R*	DM*
Specific Use Permit	R	-	R*	DM*
Planned Development	R	-	R*	DM*
Special Exception	R	DM*	-	-
Variance	R	DM*	-	-
Appeal of Administrative Decision	-	DM*	-	-

Table notes:

- R = review and recommending authority
- DM = decision-making authority
- CDD = community development director
- BOA = board of adjustment
- P&Z = planning and zoning commission
- CC= city council
- * = public hearing

9.1.3. Preapplication Meetings

A. Purpose

Preapplication meetings provide an early (preapplication) opportunity for staff and applicants to discuss the procedures, standards and regulations required for development approval under this zoning ordinance.

B. Applicability

Preapplication meetings are required whenever the provisions of this zoning ordinance expressly state that they are required. They are encouraged in all cases.

C. Scheduling

Preapplication meetings must be scheduled with community development department staff.

D. Guidelines

The community development director is authorized to establish guidelines for preapplication meetings, including information that should be provided and any available alternatives to face-to-face meetings, such as telephone conversations and email correspondence.

9.1.4. Applications and Fees

A. Owner-initiated Applications

Whenever the provisions of this zoning ordinance allow the filing of an application by the owner of the subject property, that application must be filed by all record title owners of the real properties that are the subject of the application or the property

Article 9 Review and Approval Procedures

Sec. 9.1 Common Provisions

owners' authorized agent.

B. Form of Application

Applications required under this zoning ordinance must be submitted in a form and in such numbers as required by the official responsible for accepting the application. Applications must include materials and information to assist authorized review and decision-making bodies in their consideration of the application, including at least the following:

1. A list of the names and addresses of all owners of record of the property that is the subject of the application; and
2. Maps, plats, surveys, dimensioned site plans, engineering documents, environmental reports, traffic studies, and other materials and information, as required by this zoning ordinance or application checklists established by the official responsible for accepting the application. Application forms and submittal requirements must be made available to the general public.

C. Application Filing Fees and Notification Costs

All applications filed by property owner must be accompanied by the application fee that has been established by the city council. Application filing fees are intended to cover the cost of providing public hearing notices and other administrative costs relating to reviewing and processing applications.

D. Application Completeness, Accuracy and Sufficiency

1. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required application filing and notification fees.
2. The official responsible for accepting the application must make a determination of application completeness within 10 business days of application filing.
3. If an application is determined to be incomplete, the official responsible for accepting the application must provide notice

to the applicant along with an explanation of the application's deficiencies. Notice of an incomplete application may be provided by personal service, electronic mail or first-class mail.

4. No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the first available processing cycle. If the deficiencies are not corrected by the applicant within 60 days, the application will be deemed to have been withdrawn.
5. Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning ordinance.
6. The official responsible for accepting the application may require that applications or plans be revised before being placed on an agenda for possible action if the community development director determines that:
 - a. The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations;
 - b. The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations; or
 - c. The decision-making body does not have legal authority to approve the application.

9.1.5. Application Processing Cycles

The community development director and other officials responsible for accepting applications, after consulting with review and decision-making bodies, is authorized to promulgate reasonable cycles and

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timelines for processing applications, including deadlines for receipt of complete applications.

9.1.6. Neighbor Communications

- A. Neighbor communications are encouraged by the board of adjustment, planning and zoning commission and city council to help:
1. Educate applicants and neighbors about one another's interests;
 2. Resolve issues in a manner that respects those interests; and
 3. Identify unresolved issues before initiation of formal public hearings.
- B. Applicants are encouraged to submit a summary of their neighbor communication activities at or before the first required public hearing. The recommended content of such summaries is as follows:
1. Efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified);
 2. How information about the proposal was shared with neighbors (mailings, work-shops, meetings, open houses, fliers, door-to-door handouts, etc.);
 3. Who was involved in the discussions;
 4. Concerns raised by neighbors; and
 5. What specific changes (if any) were considered and/or made as a result of the neighbor communications.

9.1.7. Public Hearing Notices

- A. **Newspaper Notice**
Whenever the procedures of this article require that newspaper notice be provided, the notice must be published in the city's official newspaper or a newspaper of general circulation within the city.
- B. **Mailed Notice**
Whenever the procedures of this article require that mailed notice be provided, a written notice must be sent by United States Postal Service first class mail to the owner of the subject property and owners of real property lying within 200 feet of the subject property. Addresses must be based on the most recently approved city tax roll.

C. Content of Required Notice

All required public hearing notices must:

1. Indicate the date, time and place of the public hearing that is the subject of the notice;
2. Describe any property involved in the application by map, street address or legal description;
3. Describe the action sought in the application or proposal;
4. Identify who will conduct the hearing; and
5. Indicate where additional information on the matter can be obtained.

D. Constructive Notice

1. When the records of the city document the publication or mailing of notice, as required by this article, required notice of the public hearing will be presumed to have been given.
2. Minor defects in required notices will not be deemed to impair the notice or invalidate proceedings pursuant to the notice. Minor defects in notice are limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. If questions arise at the hearing regarding the adequacy of notice, the hearing body must make a formal finding about whether there was substantial compliance with the notice requirements of this zoning ordinance.

9.1.8. Hearing Procedures

- A. At required public hearings, interested persons must be permitted to submit information and comments, verbally or in writing. The hearing body is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.
- B. Once commenced, a public hearing may be continued by the hearing body. No re-notification is required if the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
- C. If a public hearing is continued or postponed for an indefinite period of time from the date of the

Article 9 Review and Approval Procedures

Sec. 9.2 Zoning Ordinance Text Amendments

originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing. If the applicant requests and is granted a continuance or postponement requiring renotification, the applicant must pay any costs of renotification.

9.1.9. Action by Review and Decision-Making Bodies

- A. In taking action under the procedures of this article, review and decision-making bodies must act by simple majority vote of a quorum, unless otherwise expressly stated.
- B. Review and decision-making bodies may take any action that is consistent with:
 - 1. The regulations of this zoning ordinance and state law;
 - 2. Any rules or by-laws that apply to the review or decision-making body; and
 - 3. The notice that was given.
- C. Review and decision-making bodies are authorized to continue a public hearing or defer action in order to receive additional information or further deliberate.

9.1.10. Conditions of Approval

When the procedures of this article authorize approval with conditions, review bodies, including staff, are authorized to recommend conditions and decision-making bodies are authorized to approve the subject application with conditions. Any conditions recommended or approved must relate to a situation likely to be created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

9.1.11. Decision-Making Criteria; Burden of Proof or Persuasion

Applications must address relevant review and decision-making criteria. In all cases, the burden is on the applicant to show that an application or proposal complies with all applicable review or approval criteria.

9.1.12. Required Time-frames for Action

Any time limit specified in this zoning ordinance for any decision or action on behalf of a review or decision-making body may be extended if the applicant agrees

to an extension. Unless otherwise expressly stated, if a review or decision-making body does not render a decision or take action within any time period required under this zoning ordinance and the applicant has not agreed to an extension of that time limit, the application is deemed denied.

Sec. 9.2. Zoning Ordinance Text Amendments

9.2.1. Authority to Initiate

Amendments to the text of this zoning ordinance may be initiated only by the city council, the planning and zoning commission or community development director.

9.2.2. Community Development Director Review

The community development director must prepare a report and recommendation on proposed zoning ordinance text amendments. The report must be transmitted to the planning and zoning commission before its public hearing on the proposed amendment.

9.2.3. Planning and Zoning Commission Hearing and Recommendation

- A. The planning and zoning commission must hold a public hearing on the proposed zoning ordinance text amendment.
- B. Notice of the planning and zoning commission's public hearing on a zoning ordinance text amendment must be published at least 10 days before the public hearing, in accordance with [9.1.7](#).
- C. Following the close of the public hearing, the planning and zoning commission must act to recommend that the proposed text amendment be approved, approved with modifications, or denied and transmit its report and recommendations to the city council. Motions to approve, approve with modifications or deny zoning ordinance text amendments may be approved by a simple majority vote of a quorum.

9.2.4. City Council Hearing and Action

- A. Following receipt of the planning and zoning commission's report and recommendation, the city

Article 9 Review and Approval Procedures

Sec. 9.3 Zoning Map Amendments

council must hold a public hearing on the proposed zoning ordinance text amendment.

- B. Notice of the city council’s public hearing on a zoning ordinance text amendment must be published at least 15 days before the public hearing, in accordance with [9.1.7](#).
- C. Following the close of the public hearing, the city council must act to approve the proposed zoning ordinance text amendment, approve the proposed text amendment with modifications or deny the proposed text amendment. The city council is also authorized to remand the proposed text amendment back to the planning and zoning commission for further consideration. Zoning ordinance text amendments may be approved by a simple majority vote of a quorum.

9.2.5. Review and Approval Criteria

The decision to amend the zoning ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning ordinance text amendments, review and decision-making bodies must consider all relevant factors, including at least the following:

- A. Whether the proposed text amendment is in conformity with city policy and the public interest; and
- B. Whether the proposed zoning ordinance text amendment corrects an error or inconsistency or is necessary or desirable to meet the challenge of a changed or changing condition and is in the public interest.

Sec. 9.3. Zoning Map Amendments

9.3.1. Authority to Initiate

Amendments to the zoning map may be initiated only by the city council, the planning and zoning commission or the owner of the real property that is the subject of the proposed zoning map amendment or by the subject property owner’s authorized agent.

9.3.2. Owner-initiated Applications

Property owner-initiated applications for approval of a zoning map amendment must be filed with the community development director.

9.3.3. Community Development Director Review

Following receipt of a complete zoning map amendment application or other initiation of zoning map amendment, the community development director must prepare a report and recommendation on the proposed zoning map amendment. The report must be transmitted to the planning and zoning commission before its public hearing on the proposed amendment.

9.3.4. Planning and Zoning Commission Hearing and Recommendation

- A. The planning and zoning commission must hold a public hearing on the proposed zoning ordinance text amendment.
- B. Notice of the planning and zoning commission’s public hearing on a zoning map amendment must be published and mailed at least 10 days before the public hearing, in accordance with [9.1.7](#).
- C. Following the close of the public hearing, the planning and zoning commission must act to recommend that the proposed zoning map amendment



Figure 9-1: Zoning Map Amendment Process (Generally)

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Sec. 9.4 Specific Use Permits

be approved, approved with modifications, or denied and transmit its report and recommendations to the city council. Motions to approve, approve with modifications or deny zoning map amendments may be approved by a simple majority vote of a quorum.

9.3.5. City Council Hearing and Action

- A. Following receipt of the planning and zoning commission's report and recommendation, the city council must hold a public hearing on the proposed zoning map amendment.
- B. Notice of the city council's public hearing on a zoning map amendment must be published at least 15 days before the public hearing, in accordance with [9.1.7](#).
- C. Following the close of their public hearing, the city council must act to approve the proposed zoning map amendment, approve the proposed amendment with modifications, including approval of a less intensive zoning district, or deny the proposed amendment. The city council is also authorized to remand the proposed zoning map amendment back to the planning and zoning commission for further consideration.
- D. Zoning map amendments may be approved by a simple majority vote of a quorum, except as stated in [9.3.6](#).

9.3.6. Protest Petitions

- A. If a valid protest petition is filed against any proposed zoning map amendment, passage of the zoning map amendment by the city council requires a favorable vote of three-fourths of the members of the entire city council.
- B. A protest petition will be deemed valid if it is signed by any of the following:
 - 1. The owners of 20% or more of the area of the lots included in proposed zoning map amendment area; or
 - 2. The owners of 20% or more of the area of the lots within 200 feet of the exterior boundaries of the area included in the proposed zoning map amendment area.

- C. A written protest petition opposing a zoning map amendment must be submitted to the community development director at least 3 business days before the city council's vote.

9.3.7. Review and Approval Criteria

The decision to amend the zoning map is a matter of city council discretion that is not controlled by any single standard or criterion. In making recommendations and decisions on zoning map amendments, review and decision-making bodies must consider all relevant factors, including at least the following:

- A. Whether the proposed zoning map amendment is consistent with the policy and intent of comprehensive plan; and
- B. Whether the proposed zoning map amendment corrects an error or inconsistency or is necessary or desirable to meet the challenge of a changed or changing condition and is in the public interest.

9.3.8. Successive Applications

If a zoning map amendment application has been denied by the city council, no new zoning map amendment application that includes all or part of the same property may be considered by planning and zoning commission or the city council for at least one year from the date of final action by the city council, unless the city council finds that conditions have changed or that the application involves different considerations from the previous application and thereby justifies a waiver of the time period prior to a new application.

Sec. 9.4. Specific Use Permits

9.4.1. Authority to File

Applications for approval of a specific use permit (SUP) may be filed only by the subject property owner or the subject property owner's authorized agent.

9.4.2. Application Filing

Applications for approval of an SUP must be filed with the community development director.

9.4.3. Community Development Director Review

Following receipt of a complete SUP application, the community development director must prepare a report and recommendation on the proposed SUP. The

Article 9 Review and Approval Procedures

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report must be transmitted to the planning and zoning commission before its public hearing on the proposal.

9.4.4. Planning and Zoning Commission Hearing and Recommendation

- A. The planning and zoning commission must hold a public hearing on the proposed specific use permit.
- B. Notice of the planning and zoning commission's public hearing must be mailed at least 10 days before the public hearing, in accordance with [9.1.7](#).
- C. Following the close of the public hearing, the planning and zoning commission must act to recommend that the proposed SUP be approved, approved with conditions, or denied and transmit its report and recommendations to the city council. Motions to approve, approve with conditions or deny requested specific use permits may be approved by a simple majority vote of a quorum.

9.4.5. City Council Hearing and Action

- A. Following receipt of the planning and zoning commission's report and recommendation, the city council must hold a public hearing on the proposed specific use permit.
- B. Notice of the city council's public hearing must be published at least 15 days before the public hearing, in accordance with [9.1.7](#).
- C. Following the close of their public hearing, the city council must act to approve the proposed SUP, approve the proposed SUP with conditions, or deny the proposed SUP. The city council is also authorized to remand the SUP application back to the planning and zoning commission for further consideration.
- D. Specific use permit applications may be approved by a simple majority vote of a quorum.

9.4.6. Review and Approval Criteria

A specific use permit may be approved by the city council upon a determination that the following criteria are met:

- A. The proposed use in the proposed location is in keeping with purposes of this zoning ordinance; and

- B. The proposed use will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

9.4.7. Successive Applications

If a specific use permit application has been denied by the city council, no new SUP application that includes all or part of the same property may be considered by planning and zoning commission or the city council for at least one year from the date of final action by the city council, unless the city council finds that conditions have changed or that the application involves different considerations from the previous application and thereby justifies a waiver of the time period prior to a new application.

9.4.8. Mapping of Specific Use Permits

All specific use permits approved in accordance with the provisions of this zoning ordinance must be referenced on the zoning map and a list of such permits must be maintained and be available for public inspection in the office of the community development director.

Sec. 9.5. Planned Developments

9.5.1. Overview

- A. Planned developments are approved through the concurrent approval of:
 - 1. A PD (planned development) district zoning map amendment, in accordance with the zoning map amendment procedures of [Sec. 9.3](#); and
 - 2. A conceptual site plan in accordance with the procedures of this section.
- B. Approval of a detailed site plan is required after approval of the PD zoning map amendment and conceptual site plan.

9.5.2. Conceptual Site Plans

A. General

Conceptual site plans serve to establish the overall development plan for the planned development and provide the regulatory framework (e.g., allowed uses, densities, floor area, building heights, and overall site design) for future development of the property.

Article 9 Review and Approval Procedures

Sec. 9.5 Planned Developments

B. Preapplication Meeting

Before submitting an application for a PD rezoning, the applicant must schedule a meeting with the community development director to discuss the proposed project and the required process (see [9.1.3](#))

C. Application Filing

Complete applications for conceptual site plan approval must be filed with the community development director at the same time that the PD zoning map amendment application is filed. The zoning map amendment procedures of [Sec. 9.3](#) apply to PD zoning map amendments and PD conceptual site plans except as expressly modified by the PD approval procedures of this section.

D. Application Contents

An application for a PD district rezoning and conceptual site plan must contain all items of information specified in the preapplication meeting and include at least the following information:

1. Use categories and/or specific uses;
2. Streets and alleys, proposed and existing;
3. Lot arrangements, if applicable;
4. Building footprints;
5. Building heights;
6. Layout and description of vehicular access and parking, including a breakdown of required parking by use category;
7. Topographical or spot elevations of the site;
8. Pertinent physical features of the site, if any;
9. Any proposed building or buildings including distances from property lines;
10. General landscape development plans;
11. General elevations of proposed buildings;
12. General description of the site, including area, dimensions and surroundings;
13. Signage as appropriate; and
14. Traffic impact studies if deemed necessary by the community development director.

E. Planning and Zoning Commission Hearing and Recommendation

See [9.3.4](#).

F. City Council Hearing and Action

See [9.3.5](#).

G. Review and Approval Criteria

See [9.3.7](#).

H. Lapse of Approval

1. Unless a longer time period or a phasing plan is approved at the time of approval of a conceptual site plan, a complete application for detailed site plan approval must be filed within 1 year of the date of conceptual site plan approval. If an application for detailed site plan approval is not filed within the required time period, no further detailed site plans may be approved for the project until the subject property owner has filed the original or amended conceptual site plan for re-review and reconsideration by the planning and zoning commission and city council. Such re-review and reconsideration must follow the conceptual site plan review procedures of this zoning ordinance. Following re-review and reconsideration, the planning and zoning commission is authorized to recommend and the city council is authorized to approve any of the following actions based on surrounding land use patterns and other relevant information presented at the time of reconsideration by the planning and zoning commission and city council:
 - a. An extension of time for filing a detailed site plan; or
 - b. An amendment to the approved PD conceptual site plan or rezoning to another zoning district in accordance with the zoning map amendment procedures of [Sec. 9.3](#).
2. For projects to be developed in phases, phase limits must be shown on the conceptual site plan and approved by the city council. The city council may impose conditions upon the phasing plan as deemed necessary to ensure orderly development, including requirements for financial guarantees ensuring construction of all required improvements.

Article 9 Review and Approval Procedures

Sec. 9.6 Special Exceptions

9.5.3. Detailed Site Plans

- A. Before the issuance of any building permits for development within an approved PD district, a detailed site plan must be submitted for approval, except that in cases where the conceptual site plan is deemed adequate, the planning and zoning commission may recommend a waiver of the requirement for a detailed site plan. At the time the amending ordinance is approved by the city council, any conditions of such waiver must be expressly identified.
- B. The detailed site plan must include final plans for development within planned development district and conform to the approved conceptual site plan. Approval of the detailed site plan must occur before issuance of any building permits within the districts.
- C. The detailed site plan may be submitted for the total area of the PD district or for any section or phase approved on the conceptual site plan. Unless the requirement for a detailed site plan is waived, the detailed site plan must be reviewed by the planning and zoning commission and approved by the city council, but no public hearings are required.
- D. The detailed site plan must include all of the information required for conceptual site plans, with additional detail as required by the community development director to allow for a competent and thorough review. The detailed site plan must be a scaled drawing with adequate dimensions to assure compliance with the amending ordinance. It must also include expanded information regarding utility locations, utility easements, size of utility lines, dimensioned locations of ingress and egress, and an accurate topographical survey of the tract with contour intervals of not more than 5 feet.
- E. The detailed site plan must locate the proposed buildings, showing the location of the buildings on the site and the distances between buildings and other buildings, if any, property lines, street lines and alleys. In addition, the detailed site plan must include scaled drawings of the provisions for off-street parking.

- F. The detailed site plan must expand the landscape development plan to include special site construction, special paving, street furniture, lighting, site signage, screening walls, ornamental planting, and types and location of trees to be planted.
- G. As a supplemental document to the detailed site plan, architectural plans showing the elevations of the buildings must be submitted and approved with the detailed site plan.
- H. After approval of the detailed site plan, changes of detail that do not materially alter the basic relationship of the proposed development to adjacent property and that do not alter the uses permitted may be authorized by the community development director.

9.5.4. Phased Development

If deemed appropriate by the city council, PD districts may be developed in phases or sections. When phasing is desired, the applicant must submit the proposed phasing plan with the PD rezoning application and conceptual site plan. A detailed site plan for each phase must be submitted and reviewed by the planning and zoning commission and approved by the city council. The initial phase must include provisions for all utilities, thoroughfares, alleys and streets for the entire PD district unless otherwise expressly the city council.

9.5.5. Mapping of PD Districts

All PD districts approved in accordance with the provisions of this zoning ordinance must be referenced on the zoning map and a list of such districts must be maintained and be available for public inspection in the office of the community development director.

Sec. 9.6. Special Exceptions

9.6.1. Authorized Special Exceptions

Only those special exceptions expressly authorized in this zoning ordinance may be approved as special exceptions.

9.6.2. Authority to File

Applications for special exception approval may be filed only by the owner of the subject property or by the property owner's authorized agent.

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9.6.3. Application Filing

Complete applications for special exceptions must be filed with the community development director.

9.6.4. Community Development Director Review

Following receipt of a complete application, the community development director must prepare a report on the requested special exception. The report must be transmitted to the board of adjustment before their required public hearing.

9.6.5. Board of Adjustment Hearing and Decision

- A. The board of adjustment must hold a public hearing on the special exception request.
- B. Notice of the board of adjustment's public hearing must be given to all parties in interest and published and mailed at least 10 days before the public hearing, in accordance with [9.1.7](#).
- C. Following the close of the public hearing, the board of adjustment must act to approve the requested special exception, approve the special exception with conditions, or deny the special exception request based on the applicable standards and review criteria of [9.6.6](#).
- D. Approval of a special exception requires an affirmative vote of at least 4 members of the board of adjustment.
- E. In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board determines to be necessary to ensure compliance with the standards and criteria of [9.6.6](#), to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of this zoning ordinance.

9.6.6. Standards and Review Criteria

A special exception may be approved by the board of adjustment only if the board determines that all of the following criteria are met:

- A. The special exception is expressly authorized under this zoning ordinance and satisfies applicable standards for approval;

- B. The development or activity allowed by the special exception will be in keeping with purposes of this zoning ordinance; and
- C. The proposed special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

9.6.7. Filing and Effect of Decisions

- A. Written decisions of the board of adjustment must be filed promptly following the board's action and be open to public inspection. Written decisions must describe the action taken, the vote of each board member participating and the reasons for such action, specifying the manner in which the applicant satisfied or failed to satisfy each of the applicable standards and review criteria of [9.6.6](#).
- B. The board of adjustment's decision on a special exception becomes final and effective after the board's written decision is filed in the board office.

9.6.8. Transferability

Approved special exceptions run with the land and are not affected by changes of tenancy, ownership, or management.

9.6.9. Amendments

A request for changes in the specific nature of the approved special exception or changes to any conditions attached to an approved special exception must be processed as a new application, including all requirements for fees, notices and public hearings.

9.6.10. Appeals

Appeals of board of adjustment decisions are taken to court in accordance with [10.1.4-H](#).

Sec. 9.7. Variances

9.7.1. Intent

A variance is a grant of relief to a property owner from strict compliance with the regulations of this zoning ordinance when such relief would not be contrary to the public interest, and when, due to the special conditions of the subject property, literal enforcement of the zoning ordinance would result in an unnecessary hardship. The intent of a variance is not to simply remove an inconvenience or financial burden, but rather to alleviate an unnecessary hardship that would

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result if strict compliance with one or more zoning regulations was required.

9.7.2. Authorized Variances

The board of adjustment is authorized to grant a variance to any regulation in this zoning ordinance in accordance with the variance procedures of this section, except that the variance procedures may not be used to do any of the following:

- A. Allow a principal or an accessory use in a zoning district that is not otherwise allowed in that zoning district (i.e., “use variances” are prohibited);
- B. Allow an accessory use on a lot that is not occupied by the principal use that such accessory use serves;
- C. Waive, modify or amend any definition or use classification;
- D. Waive, modify or otherwise vary any of the review and approval procedures of this zoning ordinance;
- E. Waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government; or
- F. Waive, vary or modify applicable residential density regulations, provided that this provision is not intended to prohibit variances to minimum lot area or width requirements that apply to lots occupied by a single dwelling unit.

9.7.3. Authority to File

Variance applications may be filed only by the owner of the subject property or by the property owner’s authorized agent.

9.7.4. Application Filing

Complete applications for variances must be filed with the community development director.

9.7.5. Community Development Director Review

Following receipt of a complete application, the community development director must prepare a report on the requested variance. The report must be transmitted to the board of adjustment before the required public hearing.

9.7.6. Board of Adjustment Hearing and Decision

- A. The board of adjustment must hold a public hearing on the variance request.
- B. Notice of the board of adjustment’s public hearing must be given to all parties in interest and published and mailed at least 10 days before the public hearing, in accordance with [9.1.7.](#)
- C. Following the close of the public hearing, the board of adjustment must make its findings and act to approve the requested variance, approve the variance with conditions, or deny the variance request based on the applicable standards and review criteria of [9.7.7.](#)
- D. Approval of a variance requires an affirmative vote of at least 4 members of the board of adjustment.
- E. In approving a variance, the board of adjustment is authorized to impose such conditions and restrictions as the board determines to be necessary to ensure compliance with the standards and criteria of [9.7.7.](#) to reduce or minimize the effect of the variance upon other properties in the area, and to better carry out the general purpose and intent of this zoning ordinance.
- F. Decisions of the board of adjustment must be supported by a written testimony or evidence.

9.7.7. Standards and Review Criteria

No variance may be approved unless the board of adjustment determines that all of the following facts have been established by the owner of the subject property:

- A. Literal enforcement of the ordinance will result in an unnecessary hardship;
- B. The hardship is not self-imposed or of the subject property owner’s own making;
- C. The condition is unique to the subject property and not common to other properties within the area;
- D. The variance, if granted, will not alter the essential character of the neighborhood or otherwise have a significant negative impact on adjacent properties;
- E. The requested variance, if granted, will not be contrary to the public interest or to orderly development in the area.

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Sec. 9.8 Appeals of Administrative Decisions

9.7.8. Filing and Effect of Decisions

- A. Written decisions of the board of adjustment must be filed promptly following the board's action and be open to public inspection. Written decisions must describe the action taken, the vote of each board member participating and the reasons for such action, specifying the manner in which the applicant satisfied or failed to satisfy each of the applicable standards and review criteria of [9.7.7.](#)
- B. The board of adjustment's decision on a variance becomes final and effective after the board's written decision is filed in the board office.

9.7.9. Transferability

Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.

9.7.10. Amendments

A request for changes in the specific nature of the approved variance or changes to any conditions attached to an approved variance must be processed as a new variance application, including all requirements for fees, notices and public hearings.

9.7.11. Appeals

Appeals of board of adjustment decisions are taken to court in accordance with [10.1.4.H.](#)

Sec. 9.8. Appeals of Administrative Decisions

9.8.1. Authority

Except as otherwise expressly stated in this zoning ordinance, the board of adjustment is authorized to hear and decide all appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the community development director or any other administrative official in the administration, interpretation or enforcement of this zoning ordinance.

9.8.2. Right to Appeal

Appeals of administrative decisions may be filed by any person aggrieved by the administrative official's decision or action. The board of adjustment is authorized to make determinations about whether

individuals filing appeals are "aggrieved" by the decision or action.

9.8.3. Application Filing

Appeals of administrative decisions must be filed with the community development director within 15 days of the date of the decision being appealed.

9.8.4. Effect of Filing

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the community development director or the administrative official who made the decision being appealed certifies to the board of adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the board of adjustment or by a court of record based on due cause shown.

9.8.5. Record of Decision

Upon receipt of a complete application of appeal, the community development director or other administrative official whose decision is being appealed must transmit to the board of adjustment all papers constituting the record related to decision being appealed

9.8.6. Hearing and Final Decision

- A. The board of adjustment must hold a public hearing on the appeal.
- B. Notice of the board of adjustment's public hearing must be given to all parties in interest and published and mailed at least 10 days before the public hearing, in accordance with [9.1.7.](#)
- C. Following the close of the public hearing, the board of adjustment must make its findings and take action on the appeal.
- D. In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least 4 members, reverse, wholly or in part, or modify the decision being appealed.
- E. In acting on the appeal, the board of adjustment must grant to the official's decision a presumption

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of correctness, placing the burden of persuasion of error on the appellant.

9.8.7. Review Criteria

The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the community development director or other administrative official erred.

9.8.8. Appeals

Appeals of board of adjustment decisions are taken to court in accordance with [10.1.4.H.](#)

Sec. 9.9. Certificates of Occupancy and Compliance

9.9.1. Applicability

A certificate of occupancy and compliance must be obtained before any nonresidential building or site is used, occupied, or changed to another use.

9.9.2. Issuance

Applications for certificates of occupancy and compliance must be submitted to the community development director. The community development director is authorized to issue the requested certificate of occupancy and compliance after determining that the use, occupancy, or change in use has been completed in full compliance with all applicable regulations. The certificate must be posted in a public location in the place of business.

9.9.3. Record

A record of all certificates of occupancy and compliance must be maintained in the office of the community development director and be available for public inspection during normal office hours.

Sec. 9.10. Fence and Wall Permits

- A. A fence or wall permit must be obtained for all new fences and walls and for any repair or replacement of a fence or wall that affects more than 25% of the total existing fence or wall length on any one side. Retaining walls less than 48 inches in height are exempt from this permit requirement.
- B. Plans and specifications for all installation, repair or replacement of fences, walls and retaining walls must be submitted to the community development

director. Applications for retaining walls more than 3 feet in height must be accompanied by a detailed drawing of the construction of the wall, signed and sealed by a professional engineer registered in Texas.

- C. If the application and the accompanying plans and specifications comply with all applicable regulations, the community development director must issue the permit. Fence or wall permits must be reviewed and approved, or disapproved with a statement of the reasons for disapproval, by the community development director within 10 days of receipt of a complete fence or wall permit application.

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Sec. 10.1. Review and Decision-Making Bodies

10.1.1. City Council

A. Powers and Duties

The city council has the powers and duties expressly set forth in this zoning ordinance, including hearing and taking final action on the following:

1. Specific use permits;
2. Planned development districts;
3. Zoning ordinance text amendments; and
4. Zoning map amendments.

B. Appointments

The city council is responsible for appointing and removing members of the planning and zoning commission and board of adjustment.

10.1.2. Planning and Zoning Commission

A. Powers and Duties

1. The planning and zoning commission has the powers and duties expressly set forth in this zoning ordinance as well as:
 - a. All the powers and duties of the zoning commission, as set forth in Section 211.007 of the Texas Local Government Code; and
 - b. All the powers and duties of the planning commission as set forth in Chapter 212 of the Texas Local Government Code.
2. The planning and zoning commission acts as an advisory board to the city council relating to public improvements; civic improvements; city planning; opening, widening and changing of streets; routing of public utilities; controlling and regulating traffic on public streets and ways; and such other matters relating to city

improvements as the planning and zoning commission and the city council may deem beneficial.

3. The planning and zoning commission is empowered to make its own rules and regulations governing the platting of new subdivisions, or the replatting of old undeveloped subdivisions, and also has the power to vary those regulations when, in its judgment, it is necessary in order to ensure appropriate development of the subject area.

B. Required Public Hearings

Before entering any orders affecting the property rights of any person, the planning and zoning commission must conduct a public hearing. At such public hearing, any and all persons have a right to appear and object to the proposed order or action of the planning and zoning commission.

10.1.3. Community Development Director

A. Powers and Duties

The community development director has the powers and duties expressly set forth in this zoning ordinance, including the following:

1. To administer and enforce the provisions of this zoning ordinance;
2. To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this zoning ordinance;
3. To issue certificates of occupancy and compliance;
4. To make written interpretations of this zoning ordinance;
5. To act on fence and retaining wall permits;
6. To process all applications for development approval under the procedures of [Article 9](#);

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7. To review and make recommendations on:
 - a. Special exceptions;
 - b. Specific use permits;
 - c. Planned development districts;
 - d. Zoning ordinance text amendments; and
 - e. Zoning map amendments.

8. To approve amending and minor plats.

B. Appeals

Decisions of the community development director related to administration and enforcement of this ordinance are subject to the procedures of [Sec. 9.8](#).

10.1.4. Board of Adjustment

A. Organization, Appointment and Terms

The board of adjustment consists of 5 members, each to be appointed by the city council for a term of 2 years. Board of adjustment members may be removed by the city council for cause upon written charges and after public hearing.

B. Vacancies

Vacancies on the board of adjustment must be filled for the unexpired term of any member whose place becomes vacant.

C. Alternates

The city council may appoint 4 alternate members of the board of adjustment to serve in the absence of one or more of the regular members when requested to do so by the community development director, so that all cases to be heard can be heard by a minimum of at least 4 members. The regulations governing appointment, terms, removal and vacancies for alternate members are the same as apply to regular board of adjustment members.

D. Rules

The board of adjustment must adopt rules to govern its proceedings. The board's rules must be consistent with this zoning ordinance and state law.

E. Meetings and Procedures

1. Meetings of the board of adjustment are held at the call of the chair and at such other times as the board may determine. The chair, or in the chair's absence, the acting chair, may administer oaths and compel the attendance of witnesses.

2. All meetings of the board of adjustment must be open to the public.

3. The board of adjustment must keep records of its proceedings and official actions. Records must indicate the vote of each member on each question (including absences and abstentions), all of which must be open public records on file in the office of the board of adjustment.

F. Powers and Duties

The board of adjustment has the powers and duties that are expressly identified in this zoning ordinance, including hearing and acting on applications for special exceptions, variances and appeals of administrative decisions.

G. Actions

The affirmative vote of 4 members of the board of adjustment is required to revise any order, requirement, decision or determination of the community development director, or to decide in favor of the applicant on a special exception, variance of other matter upon which it is required to act under this zoning ordinance.

H. Appeals of Board Decisions

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer or any officer, department or board of the city may present to a court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the court within 10 days after the filing of the decision in the office of the board of adjustment.

I. Lapse of Approval

When the board of adjustment authorizes a building permit to be granted as a result of its action on a special exception, variance or other matter, such authorization lapses and has no further effect if a complete application for such building permit is not filed within 90 days from the effective date of the board's decision to authorize the permit, unless the board of adjustment expressly authorizes a longer period of time at the time of its hearing.

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Sec. 10.2 Violations, Penalties and Enforcement

Sec. 10.2. Violations, Penalties and Enforcement

10.2.1. Responsibility for Enforcement

The community development director and any other officials or agencies designated by the city manager have responsibility for enforcing this zoning ordinance. All departments, officials, agencies and employees vested with the authority to review, recommend or issue development approvals, permits or licenses must act in accordance with the provisions of this zoning ordinance.

10.2.2. Violations

Unless otherwise expressly allowed by this zoning ordinance or state law, any violation of a provision of this zoning ordinance—including any of the following—is subject to the remedies and penalties provided for in this zoning ordinance:

- A. To use land, buildings or other structures in any way not consistent with the requirements of this zoning ordinance;
- B. To erect a building or other structure in any way inconsistent with this zoning ordinance
- C. To engage in the use of a building, structure or land, or any other activity that require permits or approvals under this zoning ordinance without obtaining such permits or approvals;
- D. To engage in the use of a building, structure or land, or any other activity for which a permit or approval has been granted under this zoning ordinance or under previous zoning ordinances of the city in any way inconsistent with such permit or approval or any conditions imposed on the permit or approval;
- E. To violate the terms of any permit or approval granted under this zoning ordinance or under previous zoning ordinances of the city or any condition imposed on the permit or approval;
- F. To obscure, obstruct or destroy any notice required to be posted under this zoning ordinance;
- G. To violate any lawful order issued by any authorized public official; or
- H. To continue any violation after receipt of notice of a violation.

10.2.3. Continuing Violations

Each day that a violation continues constitutes a separate violation of this zoning ordinance.

10.2.4. Remedies and Enforcement Powers

The city has all remedies and enforcement powers allowed by law, including, without limitation, all of those identified in this section.

A. Fines

Any person violating any provisions of this zoning ordinance or failing to comply with any of its requirements may be fined, upon conviction, an amount not to exceed \$2,000 per day.

B. Withhold Permit

1. The community development director may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements upon which there is an uncorrected violation of a provision of this zoning ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for the violation in question.
2. Instead of withholding or denying a permit or other authorization, the community development director may grant such authorization subject to the condition that the violation be corrected.

C. Revoke Permits

1. A permit, certificate or other form of authorization required under this zoning ordinance may be revoked by the community development director when the community development director determines:
 - a. That there are unapproved significant, material departures from approved plans or permits;
 - b. That the development permit was procured by false representation or was issued by mistake; or
 - c. That any of the provisions of this zoning

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ordinance or approval previously granted by the city are being violated.

2. Written notice of revocation must be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued. If no person can reasonably be served with notice, the notice must be posted in a prominent location on the building or structure.

D. Stop Work

With or without revoking permits, the community development director may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this zoning ordinance or of a permit or other form of authorization issued under this or previous zoning ordinances.

E. Injunctive Relief

The city may seek an injunction or other equitable relief in court to stop any violation of this zoning ordinance or of a permit, certificate or other form of authorization granted under this or previous zoning ordinances.

F. Abatement

The city may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

G. Other Remedies and Powers

1. The city may seek such other penalties and remedies as are provided by law.
2. In addition to penalties and remedies provided in this article, any owner of property in any district where such property may be affected by a violation of the terms of this zoning ordinance may bring suit in such courts having jurisdiction and seek to obtain such remedies as may be available at law or in equity for the protection of the owner's rights.

10.2.5. Previous Enforcement Actions

Nothing in this zoning ordinance prohibits the continuation of previous enforcement actions, undertaken by the city pursuant to previous valid ordinances and laws.

10.2.6. Remedies Cumulative

The remedies and enforcement powers established in this zoning ordinance are cumulative, and the city may exercise them in any combination or order.

10.2.7. Persons Subject to Penalties

Any owner of any building or premises who participates in or knowingly and willingly permits a violation of this ordinance, and any architect, builder, contractor, agent, person, or corporation who assists in the commission of any such violation is guilty of a separate offense, and, upon conviction will be subject to all available penalties and remedies provided in this ordinance.

10.2.8. Enforcement Procedures

A. Non-Emergency Matters

In the case of violations of this zoning ordinance that do not constitute an emergency or require immediate attention, the subject property owner must be given notice of the nature of the violation by personal service, U.S. first class mail or by posting notice on the premises. Notices of violation must state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters

In the case of violations of this zoning ordinance that constitute an emergency situation as a result of immediate public health or safety hazards if not remedied immediately, the city may use the enforcement powers available under this zoning ordinance without prior notice to the subject property owner.

10.2.9. Appeals

A determination made by the community development director or other administrative officials that a zoning ordinance violation has occurred may be appealed by the affected party in accordance with [Sec. 9.8](#).

Sec. 10.3. Nonconformities

10.3.1. General

A. Intent

Nonconformities are created when the zoning regulations that apply to a particular property are changed to no longer allow uses, structures or other development features that have already been lawfully established. The nonconformity regulations of this article are intended to explain the effect of this nonconforming status and help differentiate nonconformities, which have legal status under this zoning ordinance, from zoning violations, which are illegal and subject to penalties and enforcement action. The regulations of this article are also intended to:

1. Recognize the interests of landowners in continuing to use their property for uses and structures that were lawfully established;
2. Promote maintenance, reuse and rehabilitation of existing buildings; and
3. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

B. Authority to Continue

Any nonconformity that existed on the effective date specified in [Sec. 1.3](#) or any lot, structure use or situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance or any amendment of the zoning map after the effective date specified in [Sec. 1.3](#) may be continued, subject to the regulations of this article.

C. Determination of Nonconforming Status

The burden of proving that a nonconformity exists (as opposed to a zoning ordinance violation) rests entirely with the subject property owner.

1. The community development director is authorized to determine whether reliable evidence of nonconforming status has been provided by the subject property owner.
2. Common examples of evidence that the community development director may accept as reliable evidence include but are not limited to the following:

- a. Building permits;
- b. Lawfully recorded plats;
- c. Lawfully recorded instruments of conveyance;
- d. Professional registrations or business licenses;
- e. Utility billing records;
- f. Rent records;
- g. Advertisements in dated publications;
- h. Listings in telephone or business directories; and
- i. Affidavits affirming the date of lawful establishment of the use, structure or development features.

3. The community development director's determination of nonconforming status may be appealed to the board of adjustment in accordance with [Sec. 9.8](#).

D. Repairs and Maintenance

1. Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this zoning ordinance.
2. If a nonconforming structure or a structure occupied by a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and a final order of vacation or demolition is entered by any duly authorized official by reason of physical condition, it may not thereafter be used, restored, or repaired, or rebuilt except in conformity with the provisions of the zoning district in which it is located.
3. Nothing in this article is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized public official.

E. Change of Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership or

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management.

10.3.2. Nonconforming Lots

A. Description

A nonconforming lot is a lawfully created lot, shown on a plat recorded with the Dallas County Deed Records, that does not comply with applicable lot area or lot width requirements of the subject zoning district.

B. Lots in Residential Zoning Districts

In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the applicable lot area or lot width requirements of the subject zoning district. All other lot and building regulations apply.

C. Lots in Nonresidential Zoning Districts

In nonresidential zoning districts, a nonconforming lot may be used as a building site and developed with a use allowed in the subject zoning district. If the zoning allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area, lot width, or street frontage requirements, while others would not, then only the uses or intensities that comply with applicable regulations are permitted. All other lot and building regulations apply.

10.3.3. Nonconforming Uses

A. Description

A nonconforming use is a use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is located.

B. Change of Use

1. A nonconforming use may be changed to a use that is allowed in the subject zoning district.
2. Once changed to a conforming use, the previous nonconforming use is deemed to have been abandoned and may not be re-established.

C. Expansion

Unless otherwise expressly stated, nonconforming uses may not be expanded or extended to occupy

a greater area than was occupied at the time the use became nonconforming unless the expansion reduces or eliminates the nonconformity. A nonconforming use of a portion of a building may be expanded or extended into the remaining portions of the building if the community development director determines that the area of the building in which the expansion is proposed was manifestly arranged and designed for the use.

D. Movement

A nonconforming use may be moved in whole or in part to another location on the same lot only if the movement or relocation does not create additional or new nonconformities. A nonconforming use may be moved to another lot only if the use would comply with the zoning regulations that apply to that (relocation) lot. Once moved to another location, the nonconforming use in its previous location is deemed to have been abandoned and may not be re-established in that previous location.

E. Loss of Nonconforming Rights

1. If a nonconforming use is discontinued for a continuous period of 6 months more or more for any reason whatsoever, the nonconforming use is deemed to have been abandoned and may not be re-established.
2. Whenever a nonconforming use is abandoned, all nonconforming rights are surrendered and any new or re-established use must comply with all applicable regulations of this zoning ordinance.

10.3.4. Nonconforming Structures

A. Description

A nonconforming structure is a structure, other than a sign, that was lawfully established but that no longer complies with applicable zoning regulations because of the adoption or amendment of zoning regulations after the structure was established.

B. Use

A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located, including a lawfully established nonconforming use.

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Sec. 10.3 Nonconformities

C. Movement

A nonconforming structure may be moved in whole or in part to another location only if the structure would comply with the zoning regulations that apply to the new location. Once moved to another location, the nonconforming structure in its previous location is deemed to have been abandoned and may not be re-established in that previous location.

D. Alteration, Enlargement or Expansion

1. Nonconforming principal buildings and structures may be enlarged or expanded if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity.
2. Nonconforming accessory buildings and structures may not be enlarged or expanded

E. Damage or Destruction

If a nonconforming structure is damaged, dismantled, demolished or destroyed by fire, the elements, natural disaster or intentional action to the extent of 50% or more of its replacement cost at time of damage, the nonconforming structure may not be re-established. If the structure is damaged or destroyed by fire, the elements, or natural disaster to the extent of less than 50% of its replacement cost at time of damage, the nonconforming structure may be re-established to the extent it existed before the damage, provided that a permit application to allow the re-establishment is filed within 12 months of the damage.

10.3.5. Nonconforming Development Features

A. Description

A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming structure or nonconforming use—that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more applicable zoning regulations. Common examples are off-street parking areas that contain fewer spaces than required by current regulations and sites that do

not comply with current landscaping, screening or outdoor lighting regulations.

B. General

Nonconforming development features may remain except as otherwise expressly stated in this zoning ordinance, but the nature and extent of nonconforming development features may not be increased.

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Article 1 Measurements and Definitions

Sec. 11.1 General

Sec. 11.1. General

Words and terms expressly defined in this zoning ordinance have the specific meanings assigned unless the context clearly indicates another meaning. Words and terms that are not expressly defined in this zoning ordinance have their ordinary dictionary meaning.

Sec. 11.2. Use Definitions

See [Sec. 5.2](#) for an explanation of the use categorization system used in this zoning ordinance and for use type definitions.

Sec. 11.3. Measurement-Related Terms

11.3.1. Fractions and Rounding

When calculations required under this zoning ordinance result in fractions, the results must be rounded as follows:

A. Minimum Requirements

When a regulation is expressed in terms of a minimum requirement, any fractional result must be rounded up to the next consecutive whole number. For example, if a minimum requirement of 3.33 parking spaces per 1,000 square feet of floor area is applied to a use that occupies 2,500 square feet of floor area, the resulting fractional requirement of 8.32 spaces is rounded up to 9 required spaces.

B. Maximum Limits

When a regulation is expressed in terms of maximum limits, any fractional result must be rounded down to the preceding whole number.

11.3.2. Lot Area

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

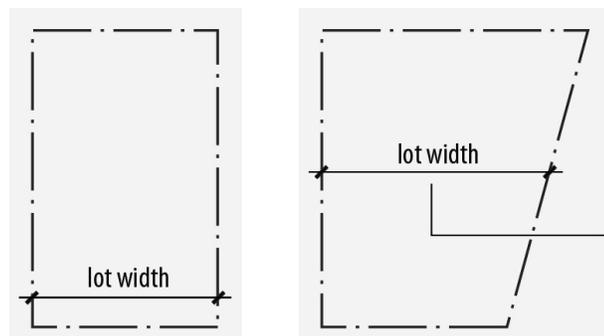


Figure 1-1: Lot Width Measurement

11.3.3. Lot Width

Lot width is measured as the average (mean) horizontal distance between the side property lines of a lot (see [Figure 1-1](#)).

11.3.4. Lot Depth

Lot depth is measured as the average (mean) horizontal distance between the front and rear lot lines of a lot.

11.3.5. Floor Area

The floor area of a building is measured as the sum of the gross horizontal areas of all floors within the building, including basements, as measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings. Off-street parking areas are not included in the measurement of floor area.

11.3.6. Floor Area Ratio

The ratio of the gross floor area of all buildings on a lot to the subject lot area.

11.3.7. Frontage or Street Frontage

Street frontage is measured between side property lines of a lot along the property line that abuts the street (see [Figure 1-2](#)).

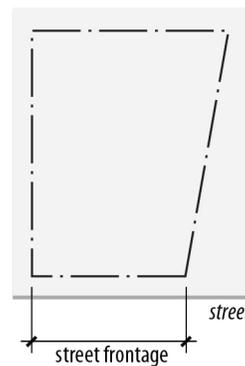


Figure 1-2: Street Frontage Measurement

Article 1 Measurements and Definitions

Sec. 11.3 Measurement-Related Terms

11.3.8. Setbacks

A. Measurement

Required setbacks are measured from the applicable lot line, right-of-way, or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way.

1. Front setbacks are measured from the back of curb. See [Figure 1-6](#).
2. Side setbacks are measured from the a side lot line (see [Figure 1-3](#)).
3. Rear setbacks are measured from the rear lot line, except on double-frontage lots (see [Figure 1-4](#)).
4. On double-frontage lots, the required front setback must be provided on both streets unless the building line for accessory buildings has been established along one street by

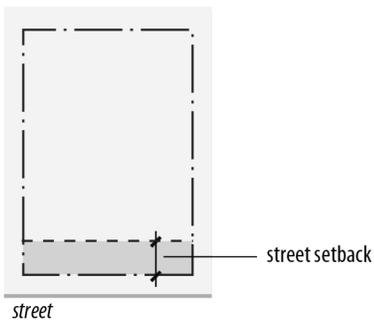


Figure 1-6: Front Setback Measurement

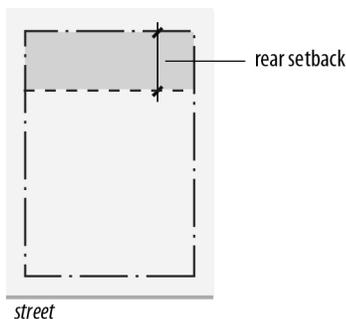


Figure 1-4: Rear Setback Measurement

ordinance, approved plat, or by usage, in which event, only one required front yard shall be observed (see [Figure 1-5](#)).

5. On lots with 3 or more street frontages, the front of the lot is the lot frontage across the street from the blockface with the most front yards.

B. Setbacks on Irregular Lots

Setbacks are measured from the lot line towards the center of the lot, except as follows:

1. When lot lines are curvilinear, setbacks must be measured parallel to the curvilinear lot line (see [Figure 1-7](#)).
2. When there are multiple rear lot lines, the rear setback must be measured from each of rear lot lines (see [Figure 1-8](#)).
3. When there is no rear lot line, the rear setback must be measured as a radial distance from the intersection of side lot lines at the rear of the lot (see [Figure 1-9](#)).

C. Average Front Setback by Block

The average front setback on a block is established by the average depth of existing front yards of all

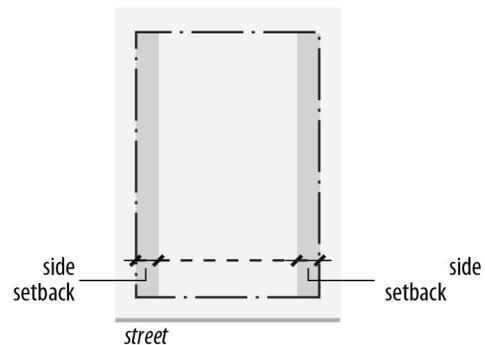


Figure 1-3: Side Setback Measurement

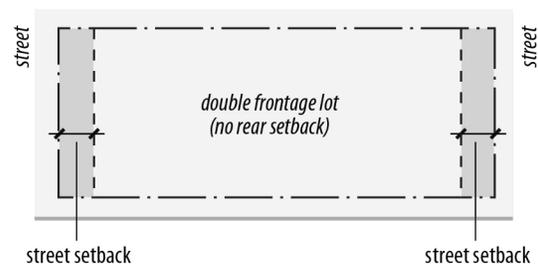


Figure 1-5: Double Frontage Lot Measurement

Article 1 Measurements and Definitions

Sec. 11.3 Measurement-Related Terms

the lots on the subject blockface.

1. The average depth is measured from the back of the sidewalk to the front facade of the building closest to the street.
2. In calculation of the average of the block, all buildings will be used to establish an initial average, then any structure with a setback greater than 10 feet from the initial average will not be used in computing the final block average.
3. Any vacant lot or lot on which a structure is to be demolished or removed will be considered to have a front yard depth equal to the average front yard depth on that block for purposes of computing the average front setback.
4. When a blockface includes 2 or more zoning districts, the required front setback may not be less than the minimum setback of the most restrictive district.
5. A listing of computed average front setbacks must be maintained by the community development department.

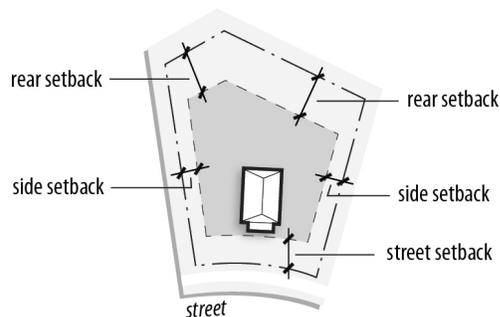
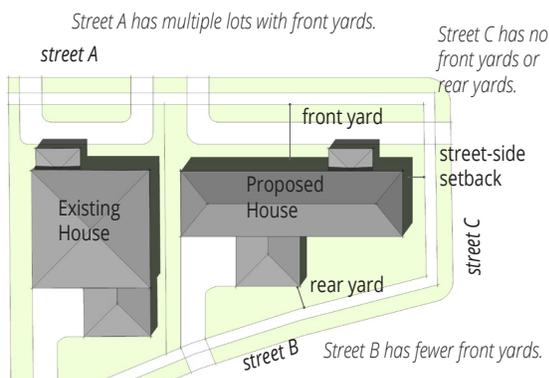


Figure 1-8: Setbacks from Multiple Rear Lot Lines

11.3.9. Rear Half of the Lot

The rear half of the lot is defined as the portion of the lot that falls between a line joining the midpoint of one side lot line with the midpoint of the opposite side lot line and the rear lot line. A building element required to be located in the rear half of the lot shall still comply with all other lot setbacks.

11.3.10. Building Coverage

Building coverage is the total area of a lot covered by principal and accessory buildings and all structures that are 30 inches or more above grade.

11.3.11. Impermeable Coverage

Impermeable lot coverage is the total area of the lot or zone on the lot covered by impermeable surfaces, such as buildings, driveways and sidewalks. Semi-permeable materials are not included in this calculation. See the Permeability Requirements of Chapter 3, Article 3.100 [Article 3.02, Divisions 2 and 3] of the Code of Ordinances.

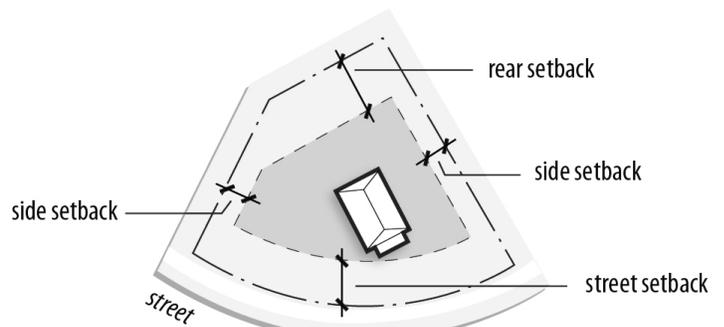


Figure 1-7: Setbacks from Curvilinear Lot Lines

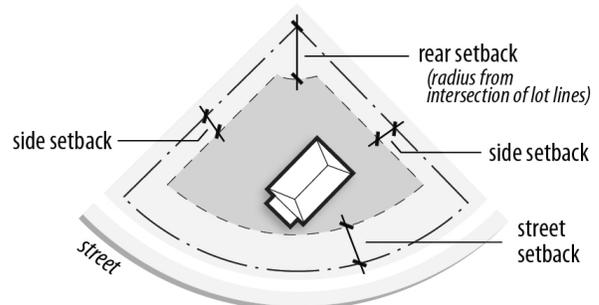


Figure 1-9: Rear Setback Measurement When There is No Rear Lot Line

Article 1 Measurements and Definitions

Sec. 11.3 Measurement-Related Terms

11.3.12. Building Height

A. Measurement

1. Building height is measured as the vertical distance from the average ground elevation along the exterior building wall to the highest point of the subject building (see [Figure 1-10](#)). For purposes of measuring height:
 - a. The average ground elevation is the mid-point between the highest and lowest ground elevations along the exterior building wall; and
 - b. The highest point of the building is the coping of a flat roof, the top of a mansard roof or shed roof, or the peak of the highest gable of a gable, gambrel, or hip roof.

B. Exceptions

1. Chimneys, elevators, equipment penthouses, monitors, cooling towers and ventilators may exceed maximum building height limits, provided they are not intended for human occupancy and they do not extend more than 12 feet above the top of the principal structure to which they are attached.
2. Belfries, clock towers, cupolas, domes and spires may exceed maximum building height limits, provided they are not intended for human occupancy and they are not more than 25% taller than the applicable height limit.
3. Fire separation walls may extend up to 36 inches above maximum district height limits.

11.3.13. Other Height Measurements

A. Top Plate Height

Top plate height is measured from the elevation of

the first floor front door threshold to the top of the highest top plate (see [Figure 1-11](#)).

B. First Floor Elevation

The elevation of the front door threshold shall establish the finished floor elevation and be no more than 18 inches above the average elevation of the minimum front setback line. The height of the finished floor elevation, whether on a slab or a pier and beam foundation, shall be no higher than the average of the finished floor elevations of the houses located on either side of the subject lot.

C. Fences and Walls

See [Sec. 8.3](#).

D. Other Structures

The height of structures other than buildings, fences or walls is measured as vertical distance from the average finished grade at the base of the structure to the highest point of the structure. Unless otherwise expressly stated, the height of a structure may not exceed the maximum building height allowed in the subject zoning district.

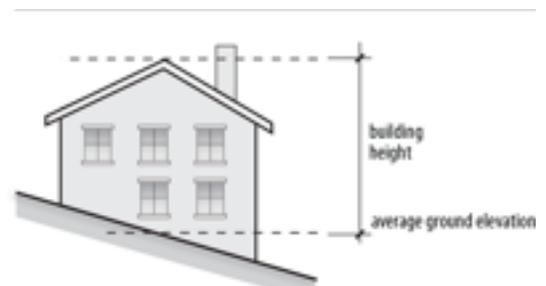


Figure 1-10: Building Height Measurement

Article 1 Measurements and Definitions

Sec. 11.3 Measurement-Related Terms

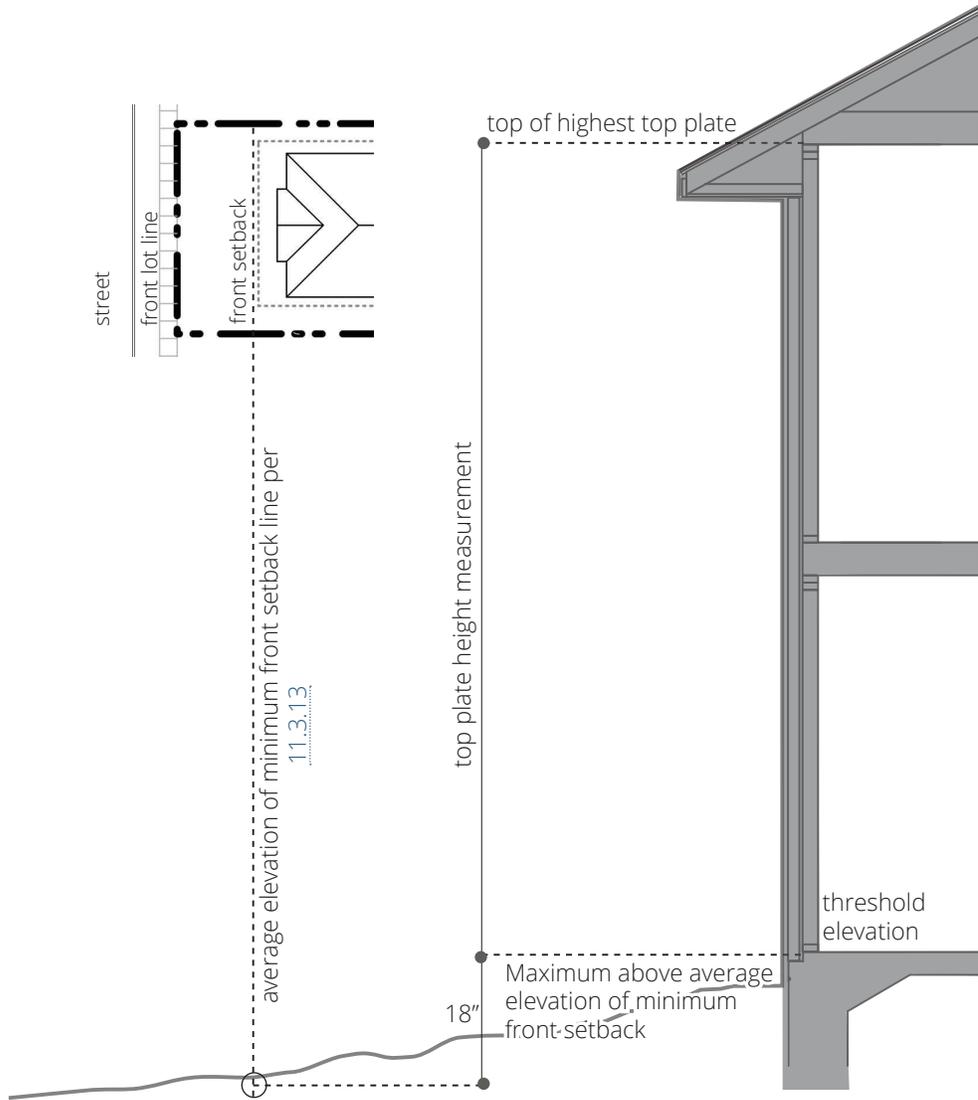


Figure 1-11: Top Plate Height Measurement

Article 1 Measurements and Definitions

Sec. 11.4 Terms Beginning with "A"

Sec. 11.4. Terms Beginning with "A"

Abut or Abutting: to touch or share a contiguous boundary or border.

Accessory Use or Structure: a use or structure that meets the criteria of 5.3.1.

Alcoholic Beverage Uses: Sale and possession of mixed beverages by a holder of a mixed beverage permit issued by the state alcoholic beverage commission in accordance with the provisions of Chapter 28 of the Alcoholic Beverage Code, provided the holder also holds a food and beverage certificate under Section 28.18 ("mixed beverages with food and beverage certificate"); Sale at retail for off-premises consumption only of ale, wine and vinous liquors by the holder of a wine only package store permit issued by the state alcoholic beverage commission in accordance with the provisions of Chapter 24 of the Alcoholic Beverage Code ("wine only package store"); Sale for off-premises consumption only of wine, beer and malt liquors containing not more than 17% alcohol by volume by the holder of a wine and beer retailer's off-premises permit issued by the state alcoholic beverage commission in accordance with the provisions of Chapter 26 of the Alcoholic Beverage Code, and sale of beer in lawful containers to consumers by the holder of a retail dealer's off-premises license issued by the state alcoholic beverage commission in accordance with the provisions of Chapter 71 of the Alcoholic Beverage Code ("off-premises beer and wine sales")."

Alley: a public space or thoroughfare that affords only secondary means of access to abutting property.

Applicant: the owner of the subject property or an agent authorized by the subject property owner to submit an application on the owner's behalf.

Sec. 11.5. Terms Beginning with "B"

Basement: a level of a building having at least 50% of its height below the average natural grade of the lot on which it is located.

Belt Course: a horizontal band usually marking the floor levels on the exterior facade of a building.

Berm: A mound of earth with sloping sides that is located between areas of approximately the same elevation.

Block: an area enclosed by dedicated rights-of-way and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest 2 dedicated rights-of-way which intersect said street on said side.

Blockface: all lots abutting one side of a street between the 2 nearest intersecting streets.

Breezeway or Covered Walkway: an unenclosed or partially enclosed (maximum 50%) passage or walkway covered by a roof connecting a principal residential building with a detached structure or accessory building and that is open on the sides to permit unobstructed passage between portions of the rear yard located on either side of the breezeway.

Building: any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building Envelope: the area formed by the front, side, and rear building restriction or setback lines of a lot within which the principal building must be located.

Building Line: a line parallel or approximately parallel to the street line marking the minimum distance from the street line that a building may be erected.

Sec. 11.6. Terms Beginning with "C"

Carport: a parking space having a roof but not enclosed by walls. Parking garages and parking structures are not carports.

Certificate of Occupancy and Compliance: an official certificate issued by the city through the community development director that indicates conformance with the zoning regulations and authorizes legal use of the premises for which it is issued.

Commercial Message: any sign, wording, logo, or other representation that directly or indirectly, names,

Article 1 Measurements and Definitions

Terms Beginning with “D”

advertises, or calls attention to a business, product, service or other commercial activity.

Sec. 11.7. Terms Beginning with “D”

Development: any man made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Dormer: a roofed vertical projection, containing a window and projecting through a sloped roof.

Dwelling Unit: a building or portion of a building that is arranged, occupied, or intended to be occupied as living quarters for an individual household independent of any other household and that contains kitchen, bath and sleeping facilities.

Sec. 11.8. Terms Beginning with “E”

RESERVED

Sec. 11.9. Terms Beginning with “F”

Family: See “household.”

Floor Area: See [11.3.5](#).

Floor Area Ratio: [11.3.6](#).

Frontage: that portion of the lot or tract abutting a street.

Sec. 11.10. Terms Beginning with “G”

Gable: the triangular part of a wall beneath the inverted “V” of the roof line.

Garage: an accessory building or part of a principal building that is enclosed on at least 3 sides and that is used or designed for the private storage of motor vehicles.

Grade, Average Natural: the reference point on a lot determined by measuring 6 inches below the finished first floor elevation.

Grade, Finished: the vertical location of the ground or pavement surface after site grading work is completed in accordance with an approved plan.

Sec. 11.11. Terms Beginning with “H”

Habitable Area: floor area used for any purpose other than storage or utilities.

Height: See [11.3.12](#) and [11.3.13](#).

Hipped Gable: a gable with a sloping roof line perpendicular to the plane of the gable wall, beginning at the uppermost ridge of the gable.

Home Occupation: An accessory use of a dwelling unit for business or commercial purposes. Home occupations are subject to the regulations of [5.3.14](#).

Hot Tub: a hydrotherapy unit designed and assembled in the traditional manner of tubs or casks, with side and bottoms formed of separate boards and the whole shaped to join together by pressure of the surrounding hoops, bands or rods as distinct from spa units formed of plastic, concrete, metal or other materials.

Household: any number of individuals living together as a single housekeeping unit, in which not more than 2 individuals are unrelated by blood, marriage or adoption. An individual may be considered a family.

Sec. 11.12. Terms Beginning with “I”

RESERVED

Sec. 11.13. Terms Beginning with “J”

RESERVED

Sec. 11.14. Terms Beginning with “K”

RESERVED

Sec. 11.15. Terms Beginning with “L”

Lawfully Established: a use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning ordinance regulations in effect at the time of its establishment.

Lot: land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this zoning ordinance and having its principal frontage upon a public street or officially approved place. A lot to be used for building purposes must qualify as a building site in accordance with Sec. 1.9.

Lot Area: See [11.3.2](#).

Lot, Corner: a lot abutting 2 or more streets at their intersection or upon 2 segments of the same street, when such segments form an interior angle of less than 135 degrees. The point of intersection of street rights-of-way lines is the corner.

Article 1 Measurements and Definitions

Sec. 11.16 Terms Beginning with “M”

Lot Depth: See [11.3.4](#).

Lot, Double-frontage: an interior lot with frontage on more than one street or a corner lot with frontage on more than 2 streets. Sometimes referred to as a “through lot.”

Lot, Interior: a lot other than a corner lot.

Lot Lines: the lines bounding a lot.

Lot Line, Front: the boundary of a lot that abuts the street.

Lot Line, Street: the boundary of a lot that abuts a street. A lot may have more than one street lot line, and a street lot line may also be a front lot line.

Lot Line, Rear: the boundary of a lot that is most distant from and most nearly parallel to the front lot line.

Lot Line, Side: any boundary of a lot that is not a street lot line or a rear lot line.

Lot of Record: a lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Dallas County, Texas; or a parcel of land, the deed for which was recorded in the office of the County Clerk of Dallas County prior to November 7th, 1977, provided however, that such parcel, if not constituting a single platted lot, shall be finally platted by approval by the City of University Park of a final plat, an amending plat or replat of such parcel in the manner provided by law.

Lot Width: see [11.3.3](#).

Sec. 11.16. Terms Beginning with “M”

Main Building: same as “principal building.”

Sec. 11.17. Terms Beginning with “N”

Nonconforming Development Feature: See [10.3.5](#).

Nonconforming Lot: [10.3.2](#).

Nonconforming Structure: [10.3.4](#).

Nonconforming Use: 10.3.3.

Nonconformity: A nonconforming lot, nonconforming use, nonconforming structure or nonconforming development feature (see Sec. 10.3).

Nonresidential Zoning District: Any zoning district other than a residential zoning district or a planned

development (PD) district that is primarily residential in nature.

Sec. 11.18. Terms Beginning with “O”

Occupancy: the use or intended use of land or buildings by owners or tenants.

Open Space: unoccupied area on the lot that is open and unobstructed to the sky from a point 30 inches above grade, except for those exceptions provided for in this zoning ordinance.

Outdoor Customer Seating/Dining Area: the area of all unenclosed areas used or intended to be used for seating and dining by customers and guests, including standing table areas.

Sec. 11.19. Terms Beginning with “P”

Parapet or Parapet Wall: a wall-like barrier at the edge of a roof that acts as a vertical extension of an exterior building wall extending above the roof height of the building. Parapets may serve as a safety, visual screening or architectural feature.

Parking Area: the area that includes off-street parking spaces, the maneuvering areas necessary to enter and exit the parking spaces and the drives providing access to the parking spaces and maneuvering areas from a street or other parking areas.

Parking Space, Off Street: a space on a lot intended and reserved for the parking of a motor vehicle.

Parking Space, Required Off-Street: a space on a lot reserved for parking required by this zoning ordinance.

Parkway: the landscaped area in the city right-of-way between the edge of the pedestrian sidewalk or property line and the back of the curb of the adjacent street.

Plate, Top (or Plate Line): the top of the top structural support on which the rafters and/or joists rest.

Porte Cochere: an unencumbered opening in a principal residential structure which will allow a vehicle to pass from the street to a required off-street parking area, or from the street back to the street, or from the front street to the side street on a corner lot.

Article 1 Measurements and Definitions

Sec. 11.20 Terms Beginning with “Q”

A porte cochere must be designed and constructed in general conformance with the architecture of the principal structure. “Unencumbered” shall mean not closed or blocked at any time by a fence, wall, gate or other structure limiting the free flow of vehicles through the porte cochere.

Principal Building: a building or combination of buildings of primary importance or function on a lot. In general, the principal use is carried out in the principal building.

Principal Use: a use or activity or combination of which that are of primary importance on the lot; one of the main purposes for which the land, buildings or structures are intended, designed or ordinarily used.

Sec. 11.20. Terms Beginning with “Q”

RESERVED

Sec. 11.21. Terms Beginning with “R”

Residential Zoning District: Any of the zoning districts included in [Article 2](#).

Sec. 11.22. Terms Beginning with “S”

Setback: A required open area or distance between set point and a building. See [11.3.8](#)

Spa: a unit primarily designed for therapeutic use which is not drained, cleaned or refilled for each individual. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof. Industry terminology for spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, etc.

Spa Pool: a pool, not under medical supervision, that incorporates water jets and/or an aeration system used for hydro-massage.

Story: the height between the successive floors of a building or from the top floor to the roof. Parking that is located below the average grade or which is at grade and below the structure and enclosed is not counted in determining the allowed number of stories. A basement is also not considered a story.

Story, Half: Space under at least 2 sloping roofs having an average height not exceeding 8 feet and

a floor area not greater than 50% of the area of the floor immediately below.

Street: any thoroughfare, road, highway or public driveway, other than an alley, where at least 30 feet of right-of-way has been dedicated or deeded to the public use expressly or by implication.

Street Frontage: See [11.3.7](#).

Street Line: a dividing line between a lot, tract or parcel of land and an abutting street right-of-way.

Structural Alterations: any change in any supporting member of a building, a bearing wall, column, beams or girders.

Structure: anything constructed or erected, the use of which requires location on the ground or that is attached to something located on the ground, including but not limited to buildings of all types, advertising signs, fences, walls, paved surfaces, decks and swimming pools.

Swimming Pool: any constructed or prefabricated pool used for swimming or bathing, 24 inches or more in depth.

Sec. 11.23. Terms Beginning with “T”

Temporary Construction Structure: a temporary building, trailer office or temporary building material storage area used for construction purposes and authorized by permit for a specific period of time and subject to periodic renewal by the community development director and used in connection with a development or building project for temporary storage, on-site administration and supervisory functions. Temporary construction structures are subject to the regulations of 5.4.2.

Tennis Court, Private: a surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play except as may be otherwise allowed or limited by an approved specific use permit

Terrace: an external, typically raised, open, flat area in a yard or adjacent to a building.

Sec. 11.24. Terms Beginning with “U”

RESERVED

Sec. 11.25. Terms Beginning with "V"

RESERVED

Sec. 11.26. Terms Beginning with "W"

Wall, Parapet: that part of any exterior wall of a building that is entirely above the roof line of the subject building.

Sec. 11.27. Terms Beginning with "X"

RESERVED

Sec. 11.28. Terms Beginning with "Y"

Yard: an actual (as opposed to "required") open, unoccupied space that exists on a lot between a building and a lot line.

Yard, Front: A yard extending along the full length of the front lot lines between the side lot lines, including the required setback.

Yard, Side: a yard extending along a side lot line between the front yard and the rear lot line , including the required setback.

Yard, Rear: a yard extending along the full length of the rear lot line between the side lot lines , including the required setback.

Sec. 11.29. Terms Beginning with "Z"

RESERVED